

No. 6.

Order in Council of September 3, 1844.

At the Court at Windsor, the 3rd September, 1844.

Present:

The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act passed by the Lieutenant-Governor, Council, and Assembly of Prince Edward Island, on the 15th of April, 1843, intituled "An Act relating to the Fisheries, and for the Prevention of Illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof," it is amongst other things enacted that the said Act shall not go into force or be of any effect until Her Majesty's assent shall be signified thereto, and an Order be made by Her Majesty in Council that the clauses and provisions of the said Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the Island of Prince Edward: And whereas Her Majesty hath, by an Order in Council, bearing even date therewith, signified her Royal assent to the aforesaid Act, by specially confirming the same: And whereas it is expedient that, in pursuance of the said recited Act, the rules, regulations, and restrictions respecting the fisheries in the said Act mentioned, should be confirmed, and Her Majesty was this day pleased, by and with the advice of Her Privy Council, and in pursuance of the said Act, to declare, and it is hereby accordingly declared, That the clauses and provisions of the aforesaid Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the Island of Prince Edward. Whereof the Governor, Lieutenant-Governor, or Commander-in-chief of Her Majesty's said Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. C. GREVILLE.

No. 7.

17 & 18 VICT., CAP. 104, SEC. 103.

Penalties:

For unduly assuming a British character.

For concealment of British assumption of foreign character.

For acquiring ownership if unqualified.

For false declaration of ownership.

103. That the offences hereinafter mentioned shall be punishable as follows (that is to say):—

- (1.) If any person uses the British flag and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, for the purpose of making such ship appear to be a British ship, such ship shall be forfeited to Her Majesty, unless such assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in exercise of some belligerent right; and in any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same:
- (2.) If the master or owner of any British ship does or permits to be done any matter or thing, or carries or permits to be carried any papers or documents, with intent to conceal the British character of such ship from any person entitled by British law to inquire into the same, or to assume a foreign character, or with intent to deceive any such person as lastly hereinbefore mentioned, such ship shall be forfeited to Her Majesty; and the master, if he commits or is privy to the commission of the offence, shall be guilty of a misdemeanour:
- (3.) If any unqualified person, except in the case of such transmitted interests as are hereinbefore mentioned, acquires as owner any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, such interest shall be forfeited to Her Majesty:
- (4.) If any person, on behalf of himself or any other person or body of persons, wilfully makes a false declaration touching the qualification of himself or such other person or body of persons, to own British ships or any shares therein, the declarant shall be guilty of a misdemeanour; and the ship or share in respect of which such declaration is made, if the same has not been forfeited under the foregoing provision, shall, to the extent of the interest therein of the person making the declaration, and, unless it is shown that he had no authority to make the same, of the parties on behalf of whom such declaration is made, be forfeited to Her Majesty:

And in order that the above provisions as to forfeitures may be carried into effect it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any Court having Admiralty jurisdiction in Her Majesty's dominions; and such Court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.