

FRENCH PRIZE REGULATIONS

1744

His Majesty forbids the French privateers to stop at sea, and bring into the ports of this kingdom the ships belonging to the subjects of neutral Princes, come from ports of their dominions, and freighted for the account of the subjects of the said neutral Princes with goods of the growth or manufacture of their country, to be carried to any country whatsoever, even to those His Majesty is at war [with], provided always there is no contraband on board the said ships.

Forbids them also to stop vessels belonging to the subjects of neutral Princes come from any country whatsoever, even from those with whom His Majesty is at war, and freighted for the account of the said subjects of neutral Princes with goods taken up in the country or state from whence they sailed, in order to return directly to one of the ports of the dominions of their sovereign.

Forbids them likewise to stop the ships belonging to the subjects of neutral Princes sailing from the ports of a neutral state, or one in alliance with His Majesty, provided they be not freighted with goods of the growth and manufacture of his enemies, in which case the goods shall be deemed a good prize, and the ships shall be released.

His Majesty in like manner forbids the said privateers to stop the ships belonging to the subjects of the said neutral Princes bound from the ports of a state in alliance with His Majesty, or a neutral one, to the port of a state in enmity with His Majesty provided that there be no contraband goods, nor any of the growth and manufacture of His Majesty's enemies, on board such ship or ships; in which cases the said goods will be deemed a lawful prize, and the ships shall be released.

If, in the cases explained by the 1st, 2nd, 3rd, and 4th Articles of this regulation, there shall be found in the said neutral ships, of whatsoever nation they may be, merchandize or effects belonging to His Majesty's enemies, the said merchandize or effects shall be a good prize, even though they be not of the manufacture of the enemies' country; but the ships shall be released.

His Majesty wills that all vessels taken, of whatsoever nation they be, whether enemies', neuter, or allies', out of which it shall be proved that there were papers thrown into the sea, shall be declared legal prizes, with their cargoes, upon the bare proof of the papers thrown overboard, and without any need to enquire into what those papers were, by whom they were thrown into the sea, nor whether there are enough left on board to evince the ship and cargo belong to friends and allies.

No regard will be paid to the passport of neutral Princes, when those who obtained them shall be found acting contrary thereto; and the ships sailing with such passports shall be declared good prizes.

A passport or congé shall serve but for one voyage only, and be considered as null if it be proved that the ship for which it was granted was not, when it was taken out, in any of the ports of the Prince that granted it.

All bills of lading found on board unsigned shall be null, and looked upon as documents void of form.

Every ship built in an enemy's country, or that has been the property of an enemy, cannot be deemed neutral nor allied, unless there can be found on board some authentic pieces passed before the public officers, who may vouch for the date thereof, showing that the sale or cession of such ship was made to some one of the subjects of the neutral or allied Powers before the declaration of war, and unless the said transferring act of property from the enemy to the neutral or allied subject has been duly registered before the principal officer of the place of departure, and backed by an authentic power, given by the owner, in case the said last sale was not made by himself in person as for the ships built in an enemy's country that may have been taken by our ships, those of our allies, and of our subjects during the present war, and afterwards sold to the subjects of the allied or neutral state, they shall not be deemed legal prize, if there be found on board Acts in due form, drawn up by public officers appointed for this purpose, proving as well the taking as the sale or adjudication afterwards made thereof to the subjects of the said allied or neutral states, whether in France or in the ports of our allies; for want of which proofs, both of the taking and the sale of such ships they shall be deemed good prizes, and in no case the pieces which may be produced

afterwards shall be credited, nor be of any service either to the owners of the said ship, or to the proprietors of the goods that may have been put on board them.

No regard will be paid to the passports granted by neutral or allied Princes, whether to the owners or masters of ships, subjects of states at war with His Majesty, unless they have been naturalized, and have removed their domicile into the dominions of the said Princes before the declaration of the present war, neither shall the said owners or masters of ships, or subjects of enemies' countries, who may have obtained such letters of naturalization, enjoy the benefit thereof, if, since they obtained them, they went back into the States, enemies to His Majesty, in order to continue their commerce there.

All foreign ships on board of which there shall be a supercargo, merchant, clerk, or sea officer of a country at war with His Majesty, or whose crew shall consist of above one third sailors, subjects of the States, enemies to His Majesty, or who shall not have on board the muster roll of the crew, signed by the public officers of the neutral places from which the ships sailed, shall be lawful prizes.

Not that we mean to include in the disposition of the foregoing Article the ships whose captains or masters prove by acts found on board that they have been obliged to take on board sea officers or sailors in the ports where they put into, in order to replace those of the neutral country that died in the voyage.

The ships belonging to the king of Denmark's subjects, and those belonging to the subjects of the States General of the United Provinces may sail freely during the present war, either from their ports to the ports of other states, whether neutral or enemies, or from a neutral port to an enemies' port, provided that it be not a place blocked up; and in these two last cases they be not freighted either in whole or in part with goods reputed contraband by treaties, and this notwithstanding what is expressed in the four first Articles of the present regulation, of which nevertheless the 6th, 7th, 8th, 9th, 10th, 11th, and 12th articles shall be executed with respect to them; and in case they be found freighted in whole or in part with the said contraband goods going to an enemies' port, whether they sailed from another port belonging to an enemy, or from a neutral port, the said goods shall be legal prize; but neither the ships nor the remainder of the cargo, nor their effects, shall be detained on that account, though they should even belong to the enemy.

The same conduct shall be observed in regard to the ships belonging to the subjects of the king of Sweden, and those belonging to the inhabitants of the Hanse towns, in which nevertheless all the merchandize without distinction belonging to the enemy, though it should not be contraband, shall be a good prize, neither the ships nor the rest of the cargo, nor other effects shall be detained.