

ARTICLE 3D. But foreign vessels, or of foreign construction, are considered as National unto all effects.

Firstly. When bought by Portuguese subjects, provided the tonnage duly laid down in the decree of the 11th August 1852 shall have been paid, and the registration thereof shall have been made according to the terms, and in the cases laid down in article the 4th of the same decree.

Secondly. When lawfully captured and adjudged to be good prizes.

Thirdly. When adjudged as confiscated on account of any infringement of the laws.

Fourthly. When they belong either to navigation or towing companies established in Portugal and legally authorized.

CHAPTER THE SECOND.—Of the Ownership of Vessels.

ARTICLE 4TH. No vessel shall be considered Portuguese, even when of Portuguese construction, the ownership of which does not wholly belong to Portuguese, or to naturalized foreigners.

1st Paragraph. A Portuguese vessel transferred to a foreigner by a national owner ceases to be Portuguese.

2d Paragraph. A foreigner not naturalized, acquiring, either by inheritance or under any other gratuitous title, any Portuguese vessel, must transfer it over to another person, within 30 days, under pain of its being assigned to the denouncer.

ARTICLE 5TH. A foreign vessel acquired by a Portuguese, should the contract contain any fraudulent reserve in favour of a non-naturalized foreigner shall be sold at public auction, as soon as the fraud is discovered, and the proceeds of the same shall be applied to the Naval Hospital.

ARTICLE 6TH. Vessels belonging either to navigation or to towing companies established in Portugal, and legally authorized, are to be considered as Portuguese, and as owned by Portuguese for the effects of Article 4th.

ARTICLE 7TH. The mere possession of a vessel without any title respecting the acquisition of the same, does not confer upon the possessor the right of ownership.

CHAPTER THE THIRD.—Of the Captain, Officers, and Crew.

ARTICLE 8TH. The Captain or Master and the Supercargo must be either Portuguese or naturalized foreigners.

ARTICLE 9TH. Two-thirds at least of the individuals forming the crew must likewise be either Portuguese or naturalized foreigners; Treaty stipulations excepted.

TITLE SECOND.—Of the means of proving the Nationality.

ARTICLE 10TH. The means of proving the Portuguese nationality of vessels, not only in foreign countries, in order to enjoy the privileges and immunities to which they are entitled by Treaty, but also at sea, in order that they may be duly respected, are the flag and the ships' papers.

Single Paragraph. The nationality of the vessel does not imply that of the cargo, should the latter not be duly proved.

CHAPTER THE FOURTH.—Of the Flag.

ARTICLE 11TH. The Portuguese flag is vertically divided into two parts, white and blue, with the Royal Arms placed in the centre.

Single Paragraph. In addition to the ensign or flag, vessels shall have on board Marryat's Code of Signals.

CHAPTER FIFTH.—Ships' Papers.

ARTICLE 12TH. The documents or ships' papers to be used as means of proving not only the nationality of the ship and cargo but also the place to which it is bound, and the regularity of the voyage, are as follows :—

1stly. The registered title-deed of the ownership of the vessel.

2dly. The Royal Passport.

3dly. The Muster Roll of the crew.

4thly. The Bills of Lading and Charter Parties.

5thly. The Manifesto of the Cargo and the Customs'-house despatch. (Clearance.)

6thly. The receipts for the payments of port expences, pilotage, and any others.

7thly. The Cargo Book.

8thly. The Ledger.

9thly. The Navigation Journal (Log Book).

10thly. The Bill of Health.

11thly. The List of Passengers.

12thly. A copy of the Commercial Code.

Single Paragraph. Of all these documents, those that are essential and indispensable, in order to prove the nationality of a vessel, are the title-deed of the ownership or registration of the vessel, the Royal Passport, and the Muster Roll, or the matriculation of the crew.

Through the want of these the vessel may be considered a good prize, according to the terms of the Law of Nations.

SECTION FIRST.—Of the Title-deed of Ownership of a Vessel.

ARTICLE 13TH. The title-deed of the ownership of a vessel must be registered at the captaincy of the port to which the vessel belongs; but in those ports where there are no captains of ports or their delegates, the registration is made by the chief officers of the proper custom-houses, according to the terms of the legislation in force.

Single Paragraph. The case of a ship being bought abroad or captured is excepted, because, if so, the registration can only be effected at the port of Lisbon.

ARTICLE 14TH. The Register must state—

Firstly. The name of the vessel.

Secondly. The tonnage of the same, proved by the certificate of the measurement, showing the date of the same.

Thirdly. The name, surname, and place of residence of the owner or owners.

Fourthly. The time of the acquisition of the vessel, and also the nature and date of the title-deed of that acquisition; and should it belong to more than one person, a specific mention of the share belonging to each partner.

Whenever there is a transfer of the title-deeds, or of part of the ship, the register shall be altered so as to show those changes, and the same thing shall be done if any remarkable change were to take place in the construction.

Single Paragraph. An authentic certificate will be issued by the Marine Department to any vessel that may apply for it, in parchment, to be signed by the minister, by the clerk who may have written it out, and sealed with a pendent Royal Seal, and any alterations that may in future appear in the register are to be mentioned therein in due time.