ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XLII.

An Act for granting to Foreign Ships, put under His Majesty's Protection, the Privileges of Prize Ships, under certain Regulations and Restrictions; for allowing Aliens in Foreign Colonies, surrendered to His Majesty, to exercise the Occupations of Merchants or Factors; and for repealing an Act, passed in the Twelfth Year of the Reign of His late Majesty, intituled, *An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture, of any of His Majesty's Sugar Colonies in* America, *from the said Colonies directly to Foreign Parts, in Ships built in* Great Britain, *and navigated according to Law*; and also so much of an Act, passed in the Fifteenth Year of the Reign of His late Majesty, as amends the said Act.

[9th *May* 1794.]

Preamble.



WHEREAS, in consequence of Articles of Capitulation, whereby certain Foreign Colonies, or Parts of Foreign Colonies, have been, or may hereafter be, surrendered to His Majesty, during the present War, certain Foreign Ships and Vessels may have been put, or may be put, under His Majesty's Protection: And whereas the said Ships and Vessels, not being taken and condemned as lawful Prize in any Court of Admiralty, cannot, by the Laws now in Force be registered as Prize Ships, and be entitled to the Privileges and Advantages of such Ships: And whereas it is just and expedient that Ships or Vessels, which shall have been or may be so put under His Majesty's Protection, should be admitted, in like Manner as Prize Ships, to the Privileges and Advantages of *British* Ships or Vessels, under certain Regulations and Restrictions: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Foreign Ships and Vessels heretofore owned by the Subjects of his late Most Christian Majesty, which, in consequence of any such Capitulation, shall have been or may be so put under His Majesty's Protection, at the Time of, or in consequence of, the Surrender of any Foreign Colony, or Part of any Foreign Colony, to His Majesty, shall and may be registered in like Manner as Ships taken and condemned as lawful Prize may, by the Laws now in Force, be registered, and shall, by virtue thereof, become entitled to the Privileges and Advantages of *British* Ships or Vessels, under the Regulations and Restrictions herein-after mentioned: Provided always, That no such Ship or Vessel shall be so registered but upon producing a Certificate, under the Hand and Seal of the Person who commanded in Chief, by Sea or by Land, at the Time when such Foreign Colony, or Part of Foreign Colony, was surrendered to His Majesty, or in case of the Death or Departure of any such Officer before such Certificate shall have been so given, then upon a like Certificate under the Hand and Seal of the Person who shall command in Chief, by Sea or by Land, at such Colony, or Part of Foreign Colony, testifying that such Ship or Vessel was put under the Protection of His Majesty at the Time of, or in consequence of such Surrender; and upon Oath being taken and subscribed, before the Person or Persons authorized to make such Registry, and grant such Certificate of Registry, respectively, (which they are hereby respectively impowered to administer), by the Owner of such Ship or Vessel, if such Ship or Vessel is owned by or belongs to One Person only, or, in case there shall be Two joint Owners, then by both of such joint Owners, if both shall be resident within Twenty Miles of the Port or Place where such Register is required, or by One of such Owners, if One or both of them shall be resident at a greater Distance from such Port or Place, or if the Number of such Owners or Proprietors shall exceed Two, then by the greater Part of the Number of such Owners or Proprietors, if the greater Number of them shall be resident within Twenty Miles of such Port or Place as aforesaid, not in any Case exceeding Three of such Owners or Proprietors, or by One of such Owners, if all shall be resident at a greater Distance, declaring, in the Form and Manner herein-after directed, that such Ship or Vessel is wholly owned by natural-born *British* Subjects,

Vessels owned by Subjects of the late *French* King, put under His Majesty's Protection, to be entitled to the Privileges of *British* Vessels, under certain Restrictions.

Subjects, or by Aliens that have been naturalized or made Denizens, or by Persons who have become *British* Subjects by virtue of some Capitulation as aforesaid, and have taken the Oath of Fidelity and Allegiance to His Majesty in consequence of such Capitulation, or by any or either of the before-mentioned Descriptions of Persons, and none other: Provided also, that such Registry shall not be made, nor Certificate of such Registry be granted, for any Ship or Vessel that has been or may be so put under His Majesty's Protection in the Island of *Saint Domingo*, but at the Port of *Kingston*, in the Island of *Jamaica*; nor for any Ship or Vessel that has been or may be so put under His Majesty's Protection, in any of the *French* Leeward Islands, but in the Port of *Roseau*, in the Island of *Dominica*; and that the said Port of *Kingston*, in the Island of *Jamaica*, and the Port of *Roseau*, in the Island of *Dominica*, shall respectively, for the Purpose of such Registry, be deemed and taken to be the Port to which such Ship or Vessel belongs.

Where Registry of such Ships is to be granted.

II. And be it further enacted, That the Oath before directed to be taken shall be in the Form and Manner following:

Form of Oath to be taken previous to such Registry.

'I *A. B.* of [*Place of Residence and Occupation*], do make Oath, That the Ship or Vessel [*Name*], of [*Port or Place*], whereof [*Master's Name*] 'is at present Master, being [*Kind of Built, Burthen*, &c. *as described in* 'the *Certificate of the surveying Officer*], was [*when and where built, or if* 'Prize, *Capture and Condemnation, or if put under His Majesty's Protec-* 'tion, *when and where*]; and that I the said *A. B.* [*and the other* 'Owners *Names and Occupations, if any, and where they respectively reside,* 'videlicet, *Town, Place, or Parish and County, or if Member of and resident* 'in any *Factory in Foreign Parts, or in any Foreign Town or City, being an* 'Agent for or Partner in any *House or Copartnership actually carrying on* 'Trade in Great Britain *or* Ireland, *the Name of such Factory, Foreign* 'Town, *or City, and the Names of such House or Copartnership,*] am [*or* 'are] sole Owner [*or* Owners] of the said Vessel, and that no other 'Person or Persons whatever hath or have any Right, Title, Interest, 'Share, or Property, therein or thereto; and that I the said *A. B.* [*and* 'the *said other Owners, if any*] am [*or* are] truly and *bona fide* a Subject '[*or* Subjects] of *Great Britain*, and that I the said *A. B.* have not [*nor* 'have *any of the other Owners to the best of my Knowledge and Belief*] taken 'the Oath of Allegiance to any Foreign State whatever [*except under the* 'Terms *of some Capitulation, describing the Particulars thereof*], or that 'since my taking [*or his or their taking*] the Oath of Allegiance to '[*naming the Foreign States respectively to which he or any of the said Owners* 'shall *have taken the same*], and prior to the passing of an Act in the 'Twenty-sixth Year of the Reign of King *George* the Third, intituled, 'An *Act for the further Increase and Encouragement of Shipping and Na-* 'vigation, I have [*or, he or they hath or have*] become a Subject [*or,* 'Subjects] of *Great Britain*, [*either by His Majesty's Letters Patent as a* 'Denizen *or Denizens, or, naturalized by Act of Parliament, as the Case* 'may *be, naming the Dates of the Letters of Denization, or the Act or Acts* 'of *Parliament for Naturalization, respectively,*] or [*as the Case may be*] I 'have [*or, he or they hath or have*] become a Denizen [*or,* Denizens *or* 'naturalized Subject *or* Subjects, *as the Case may be,*] of *Great Britain* by 'His Majesty's Letters Patent, or by an Act of Parliament, passed since 'the First Day of *January* One thousand seven hundred and eighty-six,

 '[*naming*

'[*naming the Times when such Letters of Denization have been granted respectively, or the Year or Years in which such Act or Acts of Naturalization have passed respectively*], or, that I *A. B.* and the other Owners, if 'any, having become *British* Subject or Subjects by virtue of a Capi-'tulation [*describing the Particulars thereof as to Place, Date, and 'Parties*] have, or he or they hath or have taken the Oath of Fidelity 'and Allegiance to His Majesty the King of *Great Britain*, [*describing the 'Times when, the Place where, and before whom taken,*] in consequence of 'such Capitulation; and that no Foreigner directly or indirectly hath 'any Share, or Part, or Interest, in the said Ship or Vessel.'

Such Vessels may export and import, as herein specified.

III. And be it further enacted, That it shall be lawful for any such Ship or Vessel, being registered and having a Certificate of Registry as aforesaid, and being navigated as *British* Ships are now or may hereafter be required by Law to be navigated, to export from any such Colony, or Part of Foreign Colony, so surrendered to His Majesty, to any of the *British* Dominions in *Europe*, to any of the *British* Colonies, Plantations, or Islands, in *America* or the *West Indies*, to any Foreign Islands in the *West Indies*, not belonging to any Sovereign or State at War with His Majesty, to the Territories of the United States of *America*, to all other Parts of the Continent of *America*, and the Islands adjacent to the Western Islands commonly called *Azores*, and *Madeira* and *Canary Islands*, to the Coast of *Africa* and the Islands adjacent, and to none other Place whatever; and also to import into any such Foreign Colony, or Part of Foreign Colony, so surrendered to His Majesty, from any of the aforesaid Dominions, Colonies, Plantations, Territories, Coast, or Islands, and from none other Place whatever, such Goods and Commodities respectively, and none other, as any *British*-built Ship or Vessel may by Law import or export to and from the aforesaid Dominions, Colonies, Plantations, Territories, Coast, and Islands respectively; and such Exportation and Importation respectively shall be made in like Manner, and under and subject to the like Duties, Conditions, Regulations, and Restrictions, and subject to the like Penalties and Forfeitures for the Breach thereof, as if such Exportation or Importation was made in any *British*-built Ship or Vessel.

His Majesty, on the Arrival of any such Vessel in any Port of *Great Britain*, may authorize it to be registered as a Prize Ship.

IV. And be it further enacted, That it shall and may be lawful for His Majesty, by and with the Advice of His Privy Council, at any Time, on the Arrival of any such Ship or Vessel in any Port of *Great Britain*, upon Application to him made, and upon Consideration of such Circumstances as shall satisfy His Majesty of the Expediency thereof, to authorize any such Ship or Vessel, (without Payment of any Duty whatever for the said Ship or Vessel, or the Sails and other necessary Tackle, Apparel, and Furniture thereof), to be registered, and to have a Certificate thereof, as in the Case of a Prize Ship, in any Port in the Kingdom of *Great Britain*, and such Ship or Vessel so registered shall in such Case be entitled to all the Privileges and Advantages which belong by Law to Ships taken and condemned as lawful Prize.

V. And, in order to prevent disaffected or suspected Persons, who have resided in any such Foreign Colony, or Part of Foreign Colony, which has been or may be so surrendered to His Majesty from obtaining

Admiſſion into any Part of His Majeſty's Dominions in any Ship or Veſſel whatever, among the Mariners who may be employed to navigate the ſame, or as Paſſengers on board thereof, be it further enacted, That, from and after the Twentieth Day of *July* One thouſand ſeven hundred and ninety-four, no Perſon heretofore a Subject of his late Moſt Chriſtian Majeſty, being a White Perſon or Mulatto, or Free Negro, ſhall be employed to navigate any Ship or Veſſel, bound from any ſuch Foreign Colony, or Part of Foreign Colony, to any Part of His Majeſty's Dominions, or be conveyed as a Paſſenger on board thereof, from any ſuch Foreign Colony, or Part of Foreign Colony, unleſs ſuch Perſon ſhall produce a Certificate, under the Hand and Seal of the Perſon who commands in Chief as aforeſaid in ſuch Foreign Colony, or Part of Foreign Colony, or at the Port or Place therein, from whence ſuch Ship or Veſſel ſhall ſail, teſtifying that ſuch Perſon has taken the Oath of Fidelity and Allegiance to His Majeſty; and that no Negro Slave belonging to any Perſon whatſoever, heretofore a Subject of his late Moſt Chriſtian Majeſty, ſhall be ſo employed or conveyed, but upon a Certificate under the Hand and Seal of his Maſter, (which Maſter ſhall have taken the Oath of Fidelity and Allegiance as aforeſaid), certifying the good Character of ſuch Negro Slave, and teſtifying that his Conduct has been ſuch that he may be ſafely admitted into the Ports of His Majeſty's Dominions; which Certificate ſhall be indorſed by the Perſon who commands in Chief His Majeſty's Troops or Veſſels at the Port or Place from whence ſuch Ship or Veſſel ſhall ſail, ſignifying that he has no Reaſon to doubt of the Truth thereof, upon Pain that the Maſter or other Perſon having the Charge or Command of any ſuch Ship or Veſſel, ſhall forfeit and pay the Sum of Fifty Pounds for every Perſon employed or conveyed in his Ship or Veſſel, who has not ſuch Certificates reſpectively.

From *July* 20, 1794, no Subject of the late *French* King to be on board any ſuch Veſſel bound to any of His Majeſty's Dominions, unleſs he produce a Certificate of his having taken the Oath of Fidelity, &c. on Penalty on the Maſter.

VI. And whereas, by an Act paſſed in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for the encouraging and increaſing of Shipping and Navigation*, it is enacted that no Alien, or Perſon not born within the Allegiance of our Sovereign Lord the King, his Heirs and Succeſſors, or naturalized or made a free Denizen, ſhall exerciſe the Trade or Occupation of a Merchant or Factor in any Lands, Iſlands, Plantations, or Territories, to His Majeſty belonging, or in His Poſſeſſion, or which might thereafter belong unto or be in the Poſſeſſion of His Majeſty, His Heirs and Succeſſors, in *Aſia*, *Africa*, or *America*, upon Pain of the Forfeiture and Loſs of all his Goods and Chattels, or which are in his Poſſeſſion: Be it enacted that every Perſon although an Alien born, and not naturalized nor made a free Denizen, who ſhall reſide in any Iſland or Place which has ſurrendered, or which ſhall hereafter ſurrender to His Majeſty, and be in His Majeſty's Poſſeſſion in the *Weſt Indies*, and who ſhall have taken the Oath of Fidelity and Allegiance to His Majeſty, according to the Terms of the Capitulation under which ſuch Iſland or Place ſhall have ſurrendered, ſhall be, and ſhall from the Time of ſuch Surrender be deemed to have been entitled to exerciſe the Trade or Occupation of a Merchant or Factor, in any ſuch Iſland or Place; any Thing in the ſaid Act contained to the contrary notwithſtanding.

12 *Car.* II, Cap. 18, recited.

Aliens reſiding in any Place ſurrendered to His Majeſty in the *Weſt Indies* may act as Merchants or Factors.

VII. And whereas an Act was paſſed in the Twelfth Year of the Reign of His late Majeſty, intituled, *An Act for granting a Liberty to carry Sugars*,

12 *Geo.* II, Cap. 30, and

Sugars, of the Growth, Produce, or Manufacture of any of His Majeſty's Sugar Colonies in America, *from the ſaid Colonies directly to Foreign Parts, in Ships built in* Great Britain, *and navigated according to Law*, which Act was to continue and be in Force for Five Years, to be reckoned from the Twenty-fifth Day of *September* One thouſand ſeven hundred and thirty-nine, and from thence to the End of the then next Seſſion of Parliament; and which has been ſince further continued by ſeveral Acts of Parliament, and is now in Force: And whereas, by an Act paſſed in the Fifteenth Year of His late Majeſty's Reign, intituled, *An Act to revive ſeveral Acts for the Puniſhment of Perſons deſtroying Turnpikes or Locks, or other Works erected by Authority of Parliament, and for other Purpoſes therein mentioned; and to continue ſeveral Acts relating to Rice, to Frauds in the Cuſtoms, to the clandeſtine Running of Goods, and to Copper Ore of the* Britiſh *Plantations; and for extending the Liberty given by the Act of the Twelfth Year of the Reign of His preſent Majeſty, for carrying Sugar of the Growth of the* Britiſh *Sugar Colonies in* America, *to Ships belonging to any of His Majeſty's Subjects reſiding in* Great Britain, *and navigated according to Law; and for the more effectual preventing the cutting of Star or Bent*; Sugar of the Growth of the *Britiſh* Sugar Colonies in *America*, was permitted to be carried from the ſaid Colonies directly to Foreign Parts, in Ships belonging to any of His Majeſty's Subjects reſiding in *Great Britain*, and navigated according to Law: And whereas, in order to ſecure the bringing into the Ports of His Majeſty's Dominions in *Europe*, Sugar, the Produce of ſuch Parts of the *Weſt Indies* as have lately or may hereafter come into His Majeſty's Poſſeſſion, it is expedient that the ſame ſhould be repealed: Be it enacted, That the ſaid Act paſſed in the Twelfth Year of His late Majeſty's Reign, and ſo much of the ſaid Act paſſed in the Fifteenth Year of His late Majeſty's Reign as relates to carrying Sugar, of the Growth of the *Britiſh* Sugar Colonies in the *Weſt Indies*, from the ſaid Colonies directly to Foreign Parts, in Ships belonging to any of His Majeſty's Subjects reſiding in *Great Britain*, and navigated according to Law, be, and the ſame are hereby repealed.

15 *Geo.* III, Cap. 33. recited,

and the former and Part of the latter repealed.

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FINIS.