ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXIII.

An Act for granting to Foreign Ships put under His Majeſty's Protection, the Privileges of Prize Ships, under certain Regulations and Reſtrictions; and for allowing Aliens in Foreign Colonies ſurrendered to His Majeſty, to exerciſe the Occupations of Merchants or Factors. [25th *May* 1797.]

Preamble.

WHEREAS, in conſequence of Articles of Capitulation, whereby certain Foreign Colonies or Settlements, or Parts thereof, 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 therefore 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 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 Settlement, or Part of any Foreign Colony or Settlement, 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 Settlement, or Part of Foreign Colony or Settlement, 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 Settlement, or Part of ſuch Colony or Settlement, 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 made and ſubſcribed before the Perſon or Perſons authorized to make ſuch Regiſtry, and grant ſuch Certificate of Regiſtry reſpectively (which they are hereby reſpectively empowered 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, or by Aliens that have been naturalized or made Denizens, or by Perſons who have become *Britiſh* Subjects by virtue of ſome Capitulation or Conqueſt, as aforeſaid, and have taken the Oath of Fidelity and Allegiance to His Majeſty, in conſequence of ſuch Capitulation or Conqueſt, 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 at the *Cape of Good Hope*, or Places adjoining thereto, but at the Port of the *Cape Town*; nor for any Ship or Veſſel that has been or may be ſo put under His Majeſty's Protection in any Part of the Iſland of *Ceylon*, or of the Parts to the Eaſtward of the Iſland of *Ceylon*, but in the Port of *Columbo* in the Iſland of *Ceylon*; nor for any Ship or Veſſel that has been or may be ſo put under His Majeſty's Protection in any Part of the Coaſt of *Malabar*, but in the Port of *Cochin*; nor for any Ship or Veſſel that has been or may be ſo put under His Majeſty's Protection in the Iſland of *Trinidad* in the *Weſt Indies*, but

Foreign Ships put under His Majeſty's Protection, to be regiſtered as Prize Ships, and entitled to the Privileges of *Britiſh* Veſſels, under certain Regulations.

Where Regiſtry of ſuch Veſſels is to made.

in the Port of *Scarborough* in the Iſland of *Tobago*; nor for any Ship or Veſſel that has been or may be ſo put under His Majeſty's Protection in the Settlement of *Demerary* on the Continent of *South America*, but in the Port of *Scarborough* in the Iſland of *Tobago*; and that the ſaid Ports of *Cape Town*, *Columbo*, and *Cochin*, and the ſaid Port of *Scarborough*, ſhall reſpectively, for the Purpoſe of ſuch Regiſtry, be deemed and taken to be the Ports to which ſuch Ship or Veſſel belongs.

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

'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, et cetera, as de-*'*ſcribed in the Certificate of the Surveying Officer*] was [*when and where* '*built, or if Prize, Capture, and Condemnation, or if put under His Ma-*'*jeſty's Protection, when and where*]; and that I the ſaid *A. B.* [*and* '*the other Owners Names and Occupations* (*if any*), *and where they re-*'*ſpectively 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 of Trade, 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 have or hath '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 re-*'*ſpectively 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* '*Encreaſe and Encouragement of Shipping and Navigation*, 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 Natura-*'*lization 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 *Ja-*'*nuary* One thouſand ſeven hundred and eighty-ſix, [*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 be-'come *Britiſh* Subject or Subjects by virtue of a Capitulation or Con-'queſt [*deſcribing the Particulars thereof, as to Place, State, and Parties,*] 'have [*or he or they hath or have*] taken the Oath of Fidelity and Alle-'giance to His Majeſty the King of *Great Britain*, [*deſcribing the Times*

'*when*,

'*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 import and export as Prize Vessels.

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 import and export to and from any Place or Places whatsoever, such Goods and Merchandizes respectively, and none other, as may be imported and exported by any Ship or Vessel taken and condemned as lawful Prize; such Importations and Exportations to 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 the same were made by any Ship or Vessel taken and condemned as lawful Prize: Provided always, that such Ships and Vessels so put under His Majesty's Protection, shall not be allowed to import or export any Goods whatsoever to or from any Port in *Europe* not in the Possession of His Majesty.

His Majesty may authorize such Vessels to be registered as Prize Ships in *Great Britain*.

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.

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

V. 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 neither 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, 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, during so long Time as the same shall remain and be in the Possession or under the Protection of

Aliens residing in any Place surrendered to His Majesty, may act as Merchants or Factors.

His Majeſty, His Heirs or Succeſſors; any Thing in the ſaid Act contained to the contrary notwithſtanding; ſubject, nevertheleſs, to ſuch Laws and Regulations as His Majeſty's Subjects ſhall and may be liable to in the ſame Iſlands or Places.

Act not to abridge the Rights of the *Eaſt India* Company.

VI. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to take away, abridge, vary, or alter, any of the Rights or Privileges belonging to, and veſted in, the United Company of Merchants of *England* trading to the *Eaſt Indies*, by any Charter, Act of Parliament, or otherwiſe whatſoever, reſpecting Perſons reſident in, or carrying on, or being concerned in any Trade to, from, or in any Place or Places within the Limits of the excluſive Trade of the ſaid United Company; but all Perſons reſident, and all Trade to be carried on within the ſaid Limits, under the Authority of the ſaid Capitulations, or of this Act, ſhall be ſubject unto all and every the Prohibitions, Reſtrictions, Regulations, Licences, Duties, and Conditions, in all Reſpects as the Reſidence and Trade of any *Britiſh* Subject is now liable to by Law, and ſhall be ſubject to the like Penalties and Forfeitures, and all other Matters and Things which any *Britiſh* Subject, and the Goods, Merchandize, and Trade of any *Britiſh* Subject, would be ſubject and liable to by Law for doing any Thing in Violation of the Rights and Privileges of the ſaid United Company; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Governors of *Cape of Good Hope*, &c. may adminiſter Oaths, grant Certificates of Regiſtry, &c. agreeably to 26 *Geo.* III. Cap. 60.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the reſpective Governors or Lieutenant Governors, or Officers commanding in chief of the *Cape of Good Hope*, of the Iſland of *Ceylon*, and of *Cochin* on the Coaſt of *Malabar*, or of the Iſland of *Trinidad* in the *Weſt Indies*, or of the Settlement of *Demerary* on the Continent of *South America*, to adminiſter the Oaths, grant the Certificates, and do all and every other Matters and Things in and about the Regiſtering of the ſaid Ships, which, under the Authority of an Act, made in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the further Encreaſe and Encouragement of Shipping and Navigation*, may be done by the Governor, Lieutenant Governor, or Commander in Chief, and principal Officer or Officers of His Majeſty's Revenue of Cuſtoms, in any of His Majeſty's Colonies, Plantations, Iſlands, or Territories in *America*, reſpecting the regiſtering of Ships there; and the ſaid Governors or Lieutenant Governors, or Officers commanding in chief at ſuch Places reſpectively, ſhall appoint ſuch Officers under them as they ſhall think proper, for ſurveying the Ships to be regiſtered, and for doing all other Things relating thereto, which, in and by the ſaid Act, is to be done by certain Officers of the Cuſtoms therein mentioned.

FINIS.