

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. XXXII.

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 during the present War, and until Six Months after the Ratification of a Definitive Treaty of Peace. [10th *April* 1805.]

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 in the Settlements of *Demerary*

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

Vessels put under His Majesty's Protection in *De-*

and *Berbice* on the Continent of *South America*, but in the Port of *Scarborough* in the Island of *Tobago*; and that the said Port of *Scarborough* shall, for the Purpose of such Registry, be deemed and taken to be the Port to which such Ship or Vessel belongs.

Berbice shall be registered at *Scarborough* in *Tobago*.

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 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 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 Protection, 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 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 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 *bonâ 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 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 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 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 Capitulation or Conquest (describing the Particulars thereof as to Place, State, 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

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'the Times when, the Place where, and before whom taken) in 'conſeqence 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, but not to or from any Port in *Europe*, not in Poſſeſſion of His Majeſty.

III. And be it further enacted, That it ſhall be lawful for any 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 Merchandize 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 on their Arrival in *Great Britain* to be regiſtered Duty free.

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.* 2. c. 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

Aliens reſiding in any Place ſurrendered to His Majeſty, may act as Merchants or Factors, taking an Oath of Allegiance.

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 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, *etc.* of *Demerary* and *Berbice*, or of any other Settlement, which may ſurrender to His Majeſty's Arms, may adminiſter Oaths, grant Certificates, *etc.* agreeably to 26 G. 3. c. 60.

VII. And be it further enacted, That it ſhall and may be lawful for the reſpective Governors or Lieutenant Governors or Officers commanding in chief of the Settlements of *Demerary* and *Berbice* on the Continent of *South America*, or of any other Settlement or Place which may ſurrender to His Majeſty's Arms during the preſent War, 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.

Continuance of Act.

VIII. And be it enacted, That this Act shall continue in force during the present War, and until Six Months after the Ratification of a Definitive Treaty of Peace.

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