

to the bearer on demand, for any sum whatever under twenty shillings sterling, in the same manner as the banks and banking companies mentioned in the said recited act are authorised to issue any notes, bills, or tickets. bearer on demand, under 20s. sterling.

IV. And be it further enacted, That this act may be enlarged, altered, varied, or repealed, by any act or acts to be made in this present session of parliament. Act may be altered or repealed this session.

C A P. 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.—
[May 25, 1797.]

WHEREAS, in consequence of articles of capitulation, whereby **Preamble.**
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 prizes 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 prizes 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,

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 be made.

Oath to be
taken in the
following

form.

and upon oath being made and subscribed before the person or persons authorised 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 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:

“ 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

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 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 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 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 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."

III. And be it further enacted, That it shall be lawful for any Such vessels 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 prizes; such importations and exportations to be made in like manner, and under and subject to the like duties, conditions,

tions, 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 authorise 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 authorise 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 and 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*

Aliens residing in any place surrendered to his Majesty, may act as merchants or factors.

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 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 and 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

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.

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 increase 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.

Governors of
Cape of Good
Hope, &c. may
administer
oaths, grant
certificates of
registry, &c.
agreeably to
26 Geo. 3.
c. 60.

C A P. LXIV.

An act for indemnifying governors, lieutenant governors, and persons acting as such, in the West India islands, who have permitted the importation and exportation of goods and commodities in foreign bottoms.—[May 25, 1797.]

C A P. LXV.

An act for empowering the justices of the peace for the county of Middlesex, at their general or quarter sessions of the peace, to make a fair and equal county rate for the said county.—[May 25, 1797.]

WHEREAS it is expedient that power and authority should be given to the justices of the peace for the county of Middlesex, in their general or quarter sessions assembled, to make a fair and equal county rate for the said county.

Preamble.