

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. XCIII.

An Act to regulate the Trade of *British* Possessions abroad. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions abroad*, whereby the Laws of Customs in relation to the Trade of the *British* Possessions abroad were consolidated: And whereas since the passing of the said Act divers Acts and Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen'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 from and after the passing of this Act the same shall come into and be and continue in full Force for all the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 59. Commencement of Act.

II. And be it enacted, That no Goods shall be imported into, nor shall any Goods, except the Produce of the Fisheries in *British* Ships, be exported from any of the *British* Possessions in *America* by Sea from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from the several Ports in such Importation and Exportation of Goods confined to Free Ports.

such Possessions, called "Free Ports," enumerated or described in the Table following; (that is to say,)

TABLE of FREE PORTS.

Kingston	Jamaica.	
——— Old Harbour	Jamaica.	
Savanna la Mer	Jamaica.	
——— Black River	Jamaica.	
Montego Bay	Jamaica.	
——— St. Lucia	Jamaica.	
Falmouth	Jamaica.	
——— Rio Bueno	Jamaica.	
——— St. Ann's	Jamaica.	
Port Maria	Jamaica.	
——— Annotto Bay	Jamaica.	
Port Antonio	Jamaica.	
Morant Bay	Jamaica.	
——— Port Morant	Jamaica.	
Bridgetown	Barbadoes.	
St. John's	Antigua.	
Plymouth	Montserrat.	
Basseterre	St. Kitt's.	
——— Anguilla	Anguilla.	
Charlestown	Nevis.	
Road Harbour	Tortola.	
Castries	St. Lucia.	
Roseau	Dominica.	
Kingstown	St. Vincent.	
St. George's	Grenada.	
Port of Spain	Trinidad.	
——— San Fernando	Trinidad.	
Scarborough	Tobago.	
George Town	Demerara	British Guiana.
New Amsterdam	Berbice	British Guiana.
Nassau	New Providence	Bahamas.
——— Grand Key	Turk's Island	Bahamas.
——— Pitt's Town	Crooked Island	Bahamas.
Any Port where there is a Custom House		Bahamas.
Ports St. George's and Hamilton		Bermudas.
Quebec	Canada.	
Halifax	Nova Scotia.	
——— Pictou	Nova Scotia.	
——— Liverpool	Nova Scotia.	
——— Yarmouth	Nova Scotia.	
——— Lunenberg	Nova Scotia.	
——— Shelburne	Nova Scotia.	
——— Digby	Nova Scotia.	
——— Windsor	Nova Scotia.	
——— Parrsboro'	Nova Scotia.	
——— Cumberland	Nova Scotia.	
——— New Edinburgh	Nova Scotia.	
——— Arichat	Nova Scotia.	
——— Sydney, Cape Breton	Nova Scotia.	

Charlotte

Charlotte Town - -	Prince Edward's Island.
George Town - -	
St. John's - - -	New Brunswick.
——— Miramichi -	
——— Dalhousie -	
St. Andrew's - -	
——— Magaguadavic	
——— Campo Bello -	
St. John's - - -	Newfoundland.
——— Harbour Grâce -	

And if any Goods shall be imported into any Port or Place in any of the said Possessions contrary hereto, such Goods shall be forfeited: Provided always, that if Her Majesty shall deem it expedient to extend the Provisions of this Act to any Port or Ports not enumerated in the said Table, it shall be lawful for Her Majesty, by Order in Council, to extend the Provisions of this Act to such Port or Ports; and from and after the Day mentioned in such Order in Council all the Privileges and Advantages of this Act, and all the Provisions, Penalties, and Forfeitures therein contained (subject nevertheless to the Limitations and Restrictions herein-after provided) shall extend, and be deemed and construed to extend, to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the Time of passing this Act: Provided also, that nothing herein-before contained shall extend to prohibit the Importation or Exportation of Goods into or from any Ports or Places in *Newfoundland* or *Labrador* in *British* Ships: Provided also, that it shall be lawful to import from the Islands of *Guernsey* and *Jersey* in *British* Ships into any Port or Place in the *British* Possessions in *North America*, at or from whence the *British* Fisheries in *North America* are carried on, any Sort of Craft, Food, Victuals (except Spirits), and any Sort of Clothing and Implements and Materials fit and necessary for the said Fisheries, although such Port or Place be not a Free Port.

Her Majesty may appoint other Ports to be Free Ports.

Proviso for Articles from Guernsey, &c. for the Fisheries.

III. And whereas there are in the said Possessions many Places situated in Rivers and in Bays at which it may be necessary to establish Ports for particular and limited Purposes only; be it therefore enacted, That it shall be lawful for Her Majesty, in any Order in Council made for the Appointment of any Free Port, to limit and confine such Appointments respectively to any and such Purposes only as shall be expressed in such Order.

Her Majesty may appoint Ports for limited Purposes.

IV. And whereas by the Law of Navigation Foreign Ships are permitted to import into any of the *British* Possessions in *Asia*, *Africa*, or *America*, from the Countries to which they belong, Goods the Produce of those Countries, and to export Goods from such Possessions to be carried to any Foreign Country whatever: And whereas it is expedient that such Permission should be subject to certain Conditions; be it therefore enacted, That the Privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like Privileges of trading with those Possessions to *British* Ships, or which, not having Colonial Possessions, shall place the Commerce and Navigation of this

Limitation of the Privileges of Foreign Ships.

this Country, and of its Possessions abroad, upon the Footing of the most favoured Nation, unless Her Majesty, by Her Order in Council, shall in any Case deem it expedient to grant the whole or any of such Privileges to the Ships of any Foreign Country, although the Conditions aforesaid shall not in all respects be fulfilled by such Foreign Country: Provided always, that no Foreign Country shall be deemed to have fulfilled the before-mentioned Conditions, or to be entitled to the Privileges aforesaid, unless and until Her Majesty shall, by some Order or Orders by Her made or to be made by the Advice of Her Privy Council, have declared that such Foreign Country hath so fulfilled the said Conditions, and is entitled to the said Privileges.

This Act not to affect 4 G. 4. c. 77. and 5 G. 4. c. 50. for regulating the Trade of Foreign Ships.

V. And be it enacted, That nothing contained in this Act, or any other Act passed in the present Session of Parliament, shall extend to repeal or in any way alter or affect an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, nor to repeal or in any way alter or affect an Act passed in the Fifth Year of the Reign of His said late Majesty, among other things, to amend the last-mentioned Act; and that all Trade and Intercourse between the *British* Possessions and all Foreign Countries shall be subject to the Powers granted to His said late Majesty by those Acts.

Establishing Prohibitions as per Table.

VI. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by Sea or by Inland Carriage or Navigation, into the *British* Possessions in *America* or the *Mauritius*, or shall be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

Gunpowder,

Ammunition, Arms, or Utensils of War,

[Prohibited to be imported, except from the United Kingdom, or from some other *British* Possession.]

Coffee - -
Sugar (not being refined in Bond in the United Kingdom) - -
Molasses - -
Rum - - -

} Being the Produce or Manufacture of any *British* Possession within the Limits of the *East India* Company's Charter (except and subject as herein-after is provided), or, being of Foreign Produce or Manufacture,

[Prohibited to be imported into any of the *British* Possessions on the Continent of *South America* or in the *West Indies* (the *Bahama* and *Bermuda* Islands not included), or into the *Mauritius*, except to be warehoused for Exportation only, and may also be prohibited to be imported into the *Bahama* or *Bermuda* Islands by Her Majesty's Order in Council.]

Base or Counterfeit Coin,

[Prohibited to be imported.]

And

And if any Goods shall be imported or brought into any of the *British* Possessions in *America* or the *Mauritius* contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited; and if the Ship or Vessel in which such Goods shall be imported be of less Burden than Sixty Tons, such Ship or Vessel shall also be forfeited.

Goods imported contrary hereto forfeited.

VII. Provided always, and be it enacted, That it shall be lawful to import into any *British* Possessions in the *West Indies* and *South America*, and into the *Mauritius*, any Coffee the Produce of any *British* Possessions within the Limits of the *East India* Company's Charter, and also any Sugar the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Sugar the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar may be legally imported, has been prohibited, and also any Rum the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Rum the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar or Rum may be legally imported, has been prohibited: Provided nevertheless, that no such Coffee, Sugar, or Rum shall be entered in any *British* Possession in the *West Indies* or *South America*, or in the Island of *Mauritius*, as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, from which the same may be so legally imported, unless the Master of the Ship importing the same shall have delivered to the Collector or principal Officer of the Customs at the Port of Importation such Certificate of Origin as herein-after is mentioned, under the Hand and Seal of the proper Officer at the Place where the same shall have been taken on board; and such Master shall also make and subscribe a Declaration before the proper Officer of the Customs that such Certificate was received by him at the Place where such Coffee, Sugar, or Rum was taken on board, and that the Coffee, Sugar, or Rum so imported is the same as is mentioned therein; and such Certificate of Origin shall, as regards Coffee, certify that a Declaration in Writing had been made and signed before the Officer giving such Certificate, the Contents of which he believed to be true, by the Shipper of such Coffee, that the same was really and *bonâ fide* the Produce of some *British* Possession; and such Certificate of Origin shall, as respects Sugar, state the Name of the District in which such Sugar was produced, the Quantity and Quality thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden, and of the Master thereof, and the Officer giving the same; the Shipper of such Sugar shall likewise certify that there had been produced a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Sugar was produced, that such Sugar was of the Produce of such District, and that the Importation into such District of Foreign Sugar, or Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, is prohibited; and such Certificate of Origin shall, as respects Rum,

Coffee, Sugar, and Rum may be imported into the British Possessions in the West Indies and South America and the Mauritius in certain Cases.

state the Name of the District in which such Rum was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden, and of the Master thereof, and shall also testify that there had been produced to the Party giving such Certificate, by the Shipper of such Rum, a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum was produced, that the same was the Production of such District.

Coffee, &c., though British, deemed Foreign in certain Cases.

VIII. And be it enacted, That all Coffee, Sugar, Molasses, and Rum (although the same may be of *British* Plantations) exported from any of the *British* Possessions in *America*, into which the like Goods of Foreign Production can be legally imported, shall, upon subsequent Importation from thence into any of the *British* Possessions in *America* or the *Mauritius*, into which such Goods, being of Foreign Production, cannot be legally imported, or into the United Kingdom, be deemed to be of Foreign Production, and shall be liable, on such Importation respectively, to the same Duties or the same Forfeitures as Articles of the like Description, being of Foreign Production, would be liable to, unless the same shall have been warehoused under the Provisions of this Act, and exported from the Warehouse direct to such other *British* Possession, or to the United Kingdom, as the Case may be.

Foreign Reprints of Books under Copyright prohibited.

IX. And be it enacted, That any Books wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other Country, shall be and are hereby absolutely prohibited to be imported into the *British* Possessions abroad: Provided always, that no such Books shall be prohibited to be imported as aforesaid unless the Proprietor of such Copyright, or his Agent, shall have given Notice in Writing to the Commissioners of Customs that such Copyright subsists, and in such Notice shall have stated when the Copyright will expire; and the said Commissioners shall cause to be made, and to be publicly exposed at the several Ports in the *British* Possessions abroad, from Time to Time, printed Lists of Books respecting which such Notice shall have been duly given, and all Books imported contrary thereto shall be forfeited.

Foreign Manufactures with British Marks.

X. And be it enacted, That if any Articles of Foreign Manufacture, and any Packages of such Articles bearing any Names, Brands, or Marks of Manufacturers resident in the United Kingdom, shall be imported into any of the *British* Possessions abroad, the same shall be forfeited.

Import Duties imposed.

XI. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty the several Duties of Customs, as the same are respectively set forth in Figures in the Table of Duties hereinafter contained, upon Goods, Wares, and Merchandize not being the Growth, Production, or Manufacture of the United Kingdom, or of

any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of any of the *British* Fisheries imported or brought into any of the *British* Possessions in *America* or the *Mauritius*, by Sea or Inland Carriage or Navigation.

TABLE OF DUTIES.

			s.	d.
Wheat Flour		the Barrel of 196 lbs.	2	0
Fish of Foreign taking or curing	dried or salted	the Cwt.	2	0
	pickled	the Barrel	4	0
Meat, salted or cured		the Cwt.	3	0
Butter		—	8	0
Cheese		—	5	0
Coffee		—	5	0
Cocoa		—	1	0
Molasses		—	3	0
Sugar, unrefined		—	5	0
Refined Sugar, the Produce of and refined in Foreign Countries		20 per Centum ad valorem.		
Tea, unless imported direct from China, or unless imported from the United Kingdom, or from any of the British Possessions		per lb.	0	1
SPIRITS:				
Rum		per Gallon	0	6
Other Spirits and Cordials		—	1	0
Glass Manufactures Silk Manufactures Spermaceti		15 per Centum ad valorem.		
Wine, whether bottled or not Cotton Manufactures Linen Ditto Woollen Ditto Leather Ditto Paper Ditto Hardware Clocks and Watches Manufactured Tobacco Soap Candles other than Spermaceti Corks, Cordage, and Oakum		7 per Centum ad valorem.		
Oil, Blubber, Fins, and Skins, the Produce of Fish and Creatures living in the Sea, of Foreign Fishing		15 per Centum ad valorem.		
Articles not enumerated, except such as are comprised or referred to in the subjoined Table of Exemptions		4 per Centum ad valorem.		
And if any of the Goods herein-before charged with Duty, except Sugar, shall be imported through the United Kingdom, (having been warehoused therein, and being exported from the Warehouse, or the Duties thereon, if there paid, having been drawn back,)		Such Goods shall only be charged with Three Fourths of the Duties herein-before imposed.		

TABLE

TABLE OF EXEMPTIONS.

Coin, Bullion, and Diamonds.
Horses, Mules, Asses, neat Cattle, and all other Live Stock.
Hay and Straw.
Tallow and raw Hides.
Salt.
Rice.
Corn and Grain unground.
Biscuit or Bread.
Meal or Flour, except Wheat Flour.
Fresh Meat.
Fresh Fish.
Fruit and Vegetables, fresh.
Carriages of Travellers.
Wood and Lumber.
Cotton Wool.
Hemp, Flax, and Tow.
Drugs.
Gums and Resins.
Tortoiseshell.
Manures of all Kinds.
Specimens illustrative of Natural History.
Herrings taken and cured by the Inhabitants of the Isle of Man, and imported from thence.
Tea imported direct from China or from the United Kingdom, or from any British Possession.
Provisions and Stores of every Description imported or supplied for the Use of Her Majesty's Land and Sea Forces.
All Goods imported from the United Kingdom after having there paid the Duties of Consumption, and imported from thence without Drawback.

And also such of the following Articles, (namely,)

Salted or cured Meat,
Flour,
Butter,
Cheese,
Molasses,
Corkwood,
Cordage,
Oakum,
Pitch,
Tar,
Turpentine,
Leather and Leather-ware,
Fisherman's Clothing and Hosiery,
Fishing Craft, Utensils, Instruments, and Bait,

as shall be imported for the Use of the *British* Fisheries in *America* into any Place at or from whence any such Fishery is carried on.

Commissioners of Customs may make necessary Regulations.

XII. And be it enacted, That the Commissioners of Customs, or the principal Officer of Customs at the Place of Importation, shall make and establish such Regulations as may be necessary for the Purpose of ascertaining that such Articles as last aforesaid are *bonâ fide* intended to be applied to the Use of such Fisheries, or that such Provisions and Stores as aforesaid are *bonâ fide* imported or supplied for the Use of Her Majesty's Land and Sea Forces.

Import Duty on Sugar refined in Bond.

XIII. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty a Duty of Ten Pounds for every One hundred Pounds of the Value upon Sugar refined in Bond in the United Kingdom, not being of the Growth of any of the *British* Possessions in *America* or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, imported into any of the *British* Possessions in *America* or into the *Mauritius*.

Crown Goods sold after Importation to be charged with Duty.

XIV. And be it enacted, That all Goods, Wares, and Merchandize, the Property of the Crown, shall, in case of the Sale thereof after Importation into any of the *British* Possessions abroad, be liable to and be charged with such and the same Duties of Customs as may by Law be payable or charged on the like Goods, Wares, and Merchandize, not being the Property of the Crown.

XV. And

Duties imposed by this Act to be increased in certain Cases.

XV. And be it enacted, That if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon any Articles being the Growth, Produce, or Manufacture of the United Kingdom, or of the *British* Possessions in *America*, or the *Mauritius*, or of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of the *British* Fisheries, beyond the Duty (if any) chargeable by such Colonial Law upon similar Foreign Articles, a Duty equal to such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon such *British* Articles shall be charged under this Act upon such Foreign Articles, in addition to the Imperial Duties (if any) hereby imposed thereon; and that if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom, or any of the *British* Possessions, beyond the Duty (if any) chargeable by such Colonial Law upon Tea not so imported, the Imperial Duty hereby imposed upon Tea not so imported shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom, or from any of the *British* Possessions.

Power to Her Majesty, by Order in Council, to exempt certain Articles from Duty.

XVI. And be it enacted, That it shall and may be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to direct that any Article described in such Order, being an Article chargeable under this Act as an unenumerated Article, with a Duty of Four *per Centum ad valorem*, shall be added to the List of Exemptions hereinbefore set forth, and shall be free from such Duty; and from and after the Time mentioned in such Order for the Commencement of such Exemption, not being less than Six Months from the Date thereof, such Exemption shall take effect, and such Article shall thenceforth, whilst such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any Time be suspended or revoked by Her Majesty, with the Advice of Her Privy Council, by any other Order in Council.

Money levied under this Act to be Sterling Money of Great Britain.

XVII. And be it enacted, That all Sums of Money granted or payable under this Act as Duties, Penalties, or Forfeitures in the *British* Possessions in *America* or the *Mauritius* shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*, and such Money may be received and taken in Sterling Money of *Great Britain*, or in Foreign Coins at such Rates as shall be equivalent to Sterling Money of *Great Britain*, and which shall have been fixed by any Proclamation issued by Her Majesty; and all Duties under this Act shall be paid and received in every Part of the *British* Possessions in *America* and in the *Mauritius* according to the Imperial Weights and Measures now by Law established; and in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and all such Duties shall be

Duties to be levied according to Imperial Weights and Measures.

To be under Management

of Commissioners of Customs.

under the Management of the Commissioners of Her Majesty's Customs.

Net Produce of Duties how to be applied.

XVIII. And be it enacted, That the net Produce of the Duties so received by the Means and Powers of this Act shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature shall and may be applied in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury.

Goods from the Channel Islands.

XIX. And be it enacted, That Goods the Produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, when imported from such Islands into the *British* Possessions in *America* or the *Mauritius*, shall be admitted to Entry upon Payment of the same Duties as are payable upon the like Goods the Produce or Manufacture of the United Kingdom, or of any of the said Possessions, upon Production to the principal Officer of Customs at the Port of Importation of the Proofs now required by Law that such Goods are the Production or Manufacture of the Islands aforesaid.

All British Vessels shall be subject to equal Duties in the Colonies, except Coasting Vessels.

XX. And whereas in some of Her Majesty's Possessions abroad certain Duties of Tonnage are, by Acts of the local Legislatures of such Possessions, made payable in respect of or are levied upon *British* Vessels, to which Duties the like Vessels built within such Possessions, or owned by Persons resident there, are not subject; be it enacted, That there shall be levied and paid at the several *British* Possessions abroad upon all Vessels built in any such Possessions, or owned by any Person or Persons there resident, other than Coasting or Drogueing Vessels employed in coasting or drogueing, all such and the like Duties of Tonnage and Shipping as are or shall be payable in any such Possessions upon the like *British* Vessels built in other Parts of Her Majesty's Dominions, or owned by Persons not resident in such Possessions.

Ship and Cargo to be reported on Arrival.

Particulars of Report.

XXI. And be it enacted, That the Master of every Ship arriving in any of the *British* Possessions in *America* or the *Mauritius*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether laden or in Ballast, shall come directly, and before Bulk be broken, to the Custom House for the Port or District where he arrives, and there make a Report in Writing to the Collector or Comptroller, or other proper Officer, of the Arrival and Voyage, of such Ship, stating her Name, Country, and Tonnage, and, if *British*, the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship, and whether she be laden or in Ballast, and, if laden, the Marks, Numbers, and Contents of every Package and Parcel of Goods on board, and where the same was laden, and where and to whom consigned, and where any and what Goods, if any, had been unladen during the Voyage, as far as any such Particulars can be known to him;

him; and the Master shall further answer all such Questions concerning the Ship and Cargo, and the Crew and the Voyage, as shall be demanded of him by such Officer; and if any Goods be unladen from any Ship before such Report be made, or if the Master fail to make such Report, or make an untrue Report, or do not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds, and if any Goods be not reported such Goods shall be forfeited. Penalty for false Report.

XXII. And be it enacted, That the Master of every Ship bound from any *British* Possession abroad, except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay*, shall, before any Goods be laden therein, deliver to the Collector or Comptroller, or other proper Officer, an Entry Outwards under his Hand of the Destination of such Ship, stating her Name, Country, and Tonnage, and, if *British*, the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship; and if any Goods be laden on board any Ship before such Entry be made the Master of such Ship shall forfeit the Sum of Fifty Pounds; and before such Ship depart, the Master shall bring and deliver to the Collector or Comptroller, or other proper Officer, a Content in Writing under his Hand of the Goods laden, and the Names of the respective Shippers and Consignees of the Goods, with the Marks and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the Truth of such Content as far as any of such Particulars can be known to him; and the Master of every Ship bound from any such Possession, whether in Ballast or laden, shall, before Departure, come before the Collector or Comptroller, or other proper Officer, and answer all such Questions concerning the Ship and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him by such Officer; and thereupon the Collector and Comptroller, or other proper Officer, if such Ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in Ballast, as the Case may be; and if the Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds. Entry outwards of Ship for Cargo. Particulars of Entry. Penalty 50*l.* Content of the Cargo to be delivered before Departure. Clearance of Ship for the Voyage. Penalty for not clearing, 100*l.*

XXIII. And be it enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British* Possession to be the Produce of such Possession unless such Goods shall have been expressly stated so to be in the Entry outwards of the same, and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of such Possession shall, at the Place of Importation in any other such Possession or in the United Kingdom, be deemed to be of Foreign Production. Goods not stated to be Produce of British Possession to be deemed of Foreign Production.

XXIV. And be it enacted, That before any Clearing Officer permits any Vessel wholly or in part laden with Timber or Wood Goods Clearing Officers to ascertain and certify

that the Cargo of certain Ships is below Deck.

Goods to clear out from any *British* Port in *North America*, or in the Settlement of *Honduras*, for any Port in the United Kingdom, at any Time after the First Day of *September* or before the First Day of *May* in any Year, he shall ascertain that the whole of the Cargo of such Vessel is below Deck, and shall give the Captain or other Person having Command of such Vessel a Certificate to that Effect; and no Captain or other Person having Command of any Vessel so laden as aforesaid shall sail from any of the Ports aforesaid for any Port of the United Kingdom, at any such Time as aforesaid, until he has obtained such a Certificate as aforesaid from the Clearing Officer.

Captains of such Ships not to sail without Certificate.

No Part of the Cargo of such Ship to be placed on Deck.

XXV. And be it enacted, That no Captain, Owner, Supercargo, or other Person having Command of any Vessel in respect of which such Certificate as aforesaid has been obtained shall place, or permit or cause to be placed or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, until such Vessel has arrived at the Port of her Destination: Provided always, that if the Captain, or other Person having Command of any such Vessel, consider that it is necessary, in consequence of the springing a Leak, or of other Damage received or apprehended during the Voyage, to remove any Portion of the Cargo upon Deck, he may remove or cause to be removed upon the Deck of such Vessel so much of the Cargo, and may permit the same to remain there for such Time as he considers expedient: Provided also, that the Store Spars or other Articles necessary for the Vessel's Use shall not be taken to be Cargo for the Purposes of this Act.

Proviso for Removal of Cargo in Cases of Leakage or Damage.

Stores not taken to be Cargo.

Penalty for Default.

XXVI. And be it enacted, That if any Captain or other Person having the Command of any Vessel for which such Certificate as aforesaid is hereby required sails or attempts to sail without having obtained such Certificate, or places or permits, or causes to be placed or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, except in the Cases in which the same is not hereby forbidden, he shall for every Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Certain Produce of the State of Maine to be treated as the Produce of New Brunswick.

XXVII. And whereas a Treaty has been concluded between Her Majesty and the United States of *America*, dated the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, whereby it is stipulated that all the Produce of the Forest in Logs, Lumber, Timber, Timber Boards, Staves, or Shingles, or of Agriculture not being manufactured, grown on any of those Parts of the State of *Maine* watered by the River *Saint John* or by its Tributaries, of which Fact reasonable Evidence shall, if required, be produced, shall have free Access into and through the said River and its said Tributaries, having their Source within the State of *Maine*, to and from the Seaport at the Mouth of the River *Saint John*, and to and round the Falls of the said River, either by Boats, Rafts, or other Conveyance; and that when within the Province of *New Brunswick* the said Produce shall be dealt with as if it were the Produce of the said Province: And whereas it is the Intention of the High Contracting Parties to the said Treaty that the aforesaid Produce should

be dealt with as if it were the Produce of the Province of *New Brunswick*; be it therefore enacted, That the Produce in the said recited Treaty and herein-before described shall, so far as regards all Laws relating to Duties, Navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick*: Provided nevertheless, that in all Cases in which Declarations and Certificates of Production or Origin and Certificates of Clearance would be required in respect of such Produce, if it were the Produce of *New Brunswick*, similar Declarations and Certificates shall be required in respect of such Produce, and shall state the same to be the Produce of those Parts of the State of *Maine* which are watered by the River *Saint John* or by its Tributaries.

Newfoundland Fishing Certificates in lieu of Clearance during the Fishing Season.

XXVIII. Provided always, and be it enacted, That whenever a Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of Her Majesty's Dominions, for the Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic, (except only such Provisions, Nets, Tackle, and other Things as are usually employed in and about the said Fishery, and for the Conduct and carrying on of the same,) the Master of any such Ship shall be entitled to demand from the Collector or other principal Officer of the Customs at such Port a Certificate under his Hand that such Ship hath been specially cleared out for the *Newfoundland* Fishery, and such Certificate shall be in force for the Fishing Season for the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship to the principal Officer of Customs at such Port, and all Ships having such Certificate which has been so reported, and being actually engaged in the said Fishery, or in carrying Coastwise, to be landed or put on board any other Ships engaged in the said Fishery, any Fish, Oil, Salt, Provisions, or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make an Entry at or obtain any Clearance from any Custom House at *Newfoundland*, upon Arrival or Departure from any of the Ports or Harbours of the said Colony or its Dependencies, during the Continuance of the Fishing Season for which such Certificate may have been granted; and previously to obtaining a Clearance at the End of such Season for any Voyage at any of such Ports the Master of such Ship shall deliver up the before-mentioned Certificate to the principal Officer of the Customs of such Port: Provided always, that in case any such Ship shall have on board during the Time the same may be engaged in the said Fishery any Goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions, and other Things, being the Produce of or usually employed in the said Fishery, such Ship shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions, and Regulations as Ships in general are subject or liable to,

At the End of the Season the Certificate to be delivered up.

Ships trading to forfeit their Certificate.

Entry of Goods to be laden or unladen.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

XXIX. And be it enacted, That no Goods shall be laden or waterborne to be laden on board any Ship, or unladen from any Ship, in any of the *British* Possessions in *America* or the *Mauritius*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, until due Entry shall have been made of such Goods, and Warrant granted for the lading or unlading of the same; and that no Goods shall be so laden or waterborne, or so unladen, except at some Place at which an Officer of the Customs is appointed to attend the lading and unlading of Goods, or at some Place for which a Sufferance shall be granted by the Collector and Comptroller or other principal Officer for the lading and unlading of such Goods; and that no Goods shall be so laden or unladen except in the Presence or with the Permission in Writing of the proper Officer: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs to make and appoint such other Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them shall appear expedient; and that all Goods laden, waterborne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Commissioners of Customs may declare Trade between neighbouring Colonies a Coasting Trade.

XXX. And be it enacted, That whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a Coasting Trade for the Removal of Goods generally, or for the Removal of any particular Goods between neighbouring Ports of different Colonies similarly circumstanced in respect of Duties in any of the *British* Possessions abroad, it shall be lawful for the said Commissioners to issue Directions for that Purpose, and from and after the Publication thereof in the Gazette, or other public Paper printed in the said Colonies to which such Coasting Trade has been extended, the same shall come into and be in full Force and Effect; and such Coasting Trade shall be subject to the like Rules, Regulations, Penalties, and Forfeitures as the said Commissioners are authorized to make for the carrying Coastwise of any Goods under the Provisions of this Act.

Particulars of Entry of Goods Inwards and Outwards.

XXXI. And be it enacted, That the Person entering any Goods shall deliver to the Collector or Comptroller or other proper Officer a Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or Importer, and of the Ship and of the Master, and of the Place to or from which bound, and of the Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quality and Quantity of the Goods, and the Packages containing the same, and the Marks and Numbers on the Packages, and setting forth whether such Goods be the Produce of the *British* Possessions in *America* or not, and shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill of Entry shall be written and arranged in such Form and Manner, and the Number of such Duplicates shall be such, as the Collector or other principal Officer shall require, and such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Comptroller or other proper

Officer shall thereupon grant their Warrant for the lading or unlading of such Goods.

If no Officer of Customs resident at the Port of Shipment, Certificate by whom to be granted.

XXXII. Provided always, and be it enacted, That where there is no Collector or Comptroller or Officer of Customs at the Port or Place of Shipment of such Goods, then the principal Civil Officer in the Service of Her Majesty at such Place, or his sufficient Representative, shall be deemed and taken to be the proper Officer for the Performance of all such Duties with respect to such Goods as are hereby required to be performed by the Collector or other Officer or Officers of Customs.

Entry Inwards by Bill of Sight.

XXXIII. And be it enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Comptroller or other proper Officer that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Comptroller or other proper Officer to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description which can be given, and to grant a Warrant thereupon, in order that the same may be landed and secured to the Satisfaction of the Officer of the Customs, and at the Expence of the Importer, and may be seen and examined by such Importer in the Presence of the proper Officers; and within Three Days after the Goods shall have been so landed the Importer shall make a perfect Entry thereof, and pay down all Duties due thereon, and in default of such Entry such Goods shall be taken to the Queen's Warehouse; and if the Importer shall not, within One Month after such landing, make perfect Entry of such Goods, and pay the Duties due thereon, together with Charges of Removal and Warehouse Rent, such Goods shall be sold for the Payment thereof, and the Overplus (if any) shall be paid to the Proprietor of the Goods.

Within Three Days after landing of Goods perfect Entry to be made and Duties paid.

Goods subject to ad valorem Duty.

Value to be declared on Entry.

XXXIV. And be it enacted, That in all Cases where the Duties imposed by this Act upon the Importation of Articles into Her Majesty's Possessions in *America* or the *Mauritius* are charged not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer of such Articles, or his known Agent, in manner and form following; (that is to say,)

'I *A. B.* do hereby declare, That the Articles mentioned in the 'Entry, and contained in the Packages [*here specifying the several 'Packages, and describing the several Marks and Numbers, as the 'Case may be*], are of the Value of

'Witness my Hand the Day of

'*A. B.*

'The above Declaration signed the Day of in 'the Presence of *C.D.*, Collector [*or other principal Officer*]."

Which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the Hand of the Importer thereof, or his known Agent, in the Presence of the Collector or other principal Officer of the Customs at the Port of Importation; provided that if upon View and Examination of such Articles by the proper Officer

Mode of Proceeding if the Goods

be undervalued.

Officer of the Customs it shall appear to him that the said Articles are not valued according to the true Price or Value thereof, and according to the true Intent and Meaning of this Act, then and in such Case the Importer or his known Agent shall be required to declare on Oath before the Collector or Comptroller what is the Invoice Price of such Articles, and that he verily believes such Invoice Price is the current Value of the Articles at the Place from whence the said Articles were imported; and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed to be the Value of the Articles, in lieu of the Value so declared by the Importer or his known Agent, and upon which the Duties imposed by this Act shall be charged and paid: Provided also, that if it shall appear to the Collector and Comptroller or other proper Officer that such Articles have been invoiced below the real and true Value thereof at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such Case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander-in-Chief of the Colony, Plantation, or Island into which the said Articles are imported; and such Persons shall declare on Oath before the Collector or Comptroller or other proper Officer what is the true and real Value of such Articles in such Colony, Plantation, or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties imposed by this Act shall be charged and paid.

Proof of Invoice Price.

If necessary, Two Persons may be nominated to fix the Price.

If Importer refuse to pay such Duty, the Goods may be sold.

XXXV. And be it enacted, That if the Importer of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs where such Articles shall be imported, and he is hereby required, to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days public Notice, appoint for that Purpose, which Articles shall be sold to the best Bidder; and the Money arising from the Sale thereof shall be applied in the first place in Payment of the said Duties, together with the Charges that shall have been occasioned by the said Sale, and the Overplus, if any, shall be paid to such Importer or Proprietor, or any other Person authorized to receive the same.

If Goods be not entered in Twenty Days, the Officer may land and secure them.

If Duties be not paid within Three Months, Goods to be sold.

XXXVI. And be it enacted, That every Importer of any Goods shall, within Twenty Days after the Arrival of the importing Ship, make due Entry Inwards of such Goods, and land the same; and in default of such Entry and Landing it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse; and if the Duties due upon such Goods be not paid within Three Months after such Twenty Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietor of the Goods, or any other Person authorized to receive the same.

XXXVII. And

In Places where there is no Comptroller of Customs Acts done by Collector or principal Officer alone to be valid.

XXXVII. And be it enacted, That every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with the Collector and Comptroller of Customs in any of Her Majesty's Possessions abroad shall and may be done or performed at such Ports or Places where there is no Comptroller of Customs by, to, or with the Collector or other principal Officer of Customs; and every such Act, Matter, or Thing so done or performed by, to, or with such Collector or other principal Officer of Customs shall be as valid and effectual in Law as if the same had been done and performed by, to, or with any Collector and Comptroller of Customs under any Law now in force or hereafter to be made.

Goods imported from United Kingdom or from British Possessions must appear in Cocket, &c.

XXXVIII. And be it enacted, That no Goods shall be imported into any *British* Possession as being imported from the United Kingdom, or from any other *British* Possession (if any Advantage attach to such Distinction), unless such Goods appear upon the Cockets or other proper Documents for the same to have been duly cleared Outwards at the Port of Exportation in the United Kingdom, or in such other *British* Possession, nor unless the Ground upon which such Advantage be claimed be stated in such Cocket or Document.

Goods when to be deemed of the Growth of United Kingdom, &c.

XXXIX. And be it enacted, That no Goods shall, upon Importation into any of the *British* Possessions in *America* or the *Mauritius*, be deemed to be of the Growth, Production, or Manufacture of the United Kingdom, or of any *British* Possession in *America* or the *Mauritius* respectively, unless imported from the United Kingdom, or from some *British* Possession in *America* or the *Mauritius* respectively.

Entry not to be valid if Goods be not properly described in it.

XL. And be it enacted, That no Entry nor any Warrant for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship, or in the Certificate or other Document, where any is required, by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported; and any Goods taken or delivered out of any Ship or out of any Warehouse by virtue of any Entry or Warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be Goods landed or taken without due Entry thereof, and shall be forfeited.

Certificate of Production for Sugar, Coffee, Cocoa, or Spirits.

Declaration of the Grower.

XLI. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British* Possession in *America*, or in the Island of *Mauritius*, as being the Produce of such Possession or of the said Island, the Proprietor of the Estate on which such Goods were produced, or his known Agent, shall make and sign a Declaration in Writing before the Collector, Comptroller, or other Officer of Customs at the Port of Exportation, or before One of Her Majesty's Justices of the Peace residing in or near the Place where such Estate is situated, declaring that such Goods are the Produce of such Estate; and such Declaration shall set forth the

the Name of the Estate, and the Description and Quantity of the Goods, and the Packages containing the same, with the Marks and Numbers thereon, and the Name of the Person to whose Charge at the Place of Shipment they are to be sent; and if any Justice of the Peace or other Officer aforesaid shall subscribe his Name to any Writing purporting to be such a Declaration, unless the Person purporting to make the same shall actually appear before him, and shall declare to the Truth of the same, such Justice of the Peace or Officer aforesaid shall forfeit and pay for any such Offence the Sum of Fifty Pounds; and the Person entering and shipping such Goods shall deliver such Declaration to the Collector or Comptroller or other proper Officer, and shall make and subscribe a Declaration before him that the Goods which are to be shipped by virtue of such Entry are the same as are mentioned in such first-mentioned Declaration; and the Master of the Ship in which such Goods shall be laden shall, before Clearance, make and subscribe a Declaration before the Collector or Comptroller or other proper Officer that the Goods shipped by virtue of such Entry are the same as are mentioned and intended in such first-mentioned Declaration, to the best of his Knowledge and Belief; and thereupon the Collector and Comptroller or other proper Officer shall sign and give to the Master a Certificate of Production, stating that Proof has been made in manner required by Law that such Goods (describing the same) are the Produce of such *British* Possession, or of the said Island, and setting forth in such Certificate the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and if any Sugar, Coffee, Cocoa, or Spirits be imported into any *British* Possession in *America*, as being the Produce of some other such Possession or of the said Island, without such Certificate of Production, the same shall be forfeited.

Declaration of Exporter.

Declaration of the Master.

Certificate of Production on Re-exportation from another Colony.

XLII. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British* Possession in *America* as being the Produce of some other such Possession, the Person exporting the same shall in the Entry Outwards state the Place of Production, and refer to the Entry Inwards and landing of such Goods, and shall make and subscribe a Declaration before the Collector or Comptroller to the Identity of the same; and thereupon, if such Goods shall have been duly imported with a Certificate of Production within Twelve Months prior to the shipping for Exportation, the Collector and Comptroller shall sign and give to the Master a Certificate of Production founded upon and referring to the Certificate of Production under which such Goods had been so imported, and containing the like Particulars, together with the Date of such Importation.

Goods brought over Land or by Inland Navigation.

XLIII. And whereas it is expedient to make Regulation respecting the Inland Trade of the *British* Possessions in *America*; be it therefore enacted, That it shall be lawful to bring or import by Land or by Inland Navigation into any of the *British* Possessions in *America* from any adjoining Foreign Country any Goods which might be lawfully imported by Sea into such Possession from such Country, and so to bring or import such Goods in the Vessels, Boats, or Carriages of such Country, as well as in *British* Vessels, Boats, or Carriages.

What Vessels shall be deemed British on the Lakes in America.

XLIV. And be it enacted, That no Vessel or Boat shall be admitted to be a *British* Vessel or Boat on any of the Inland Waters or Lakes in *America*, except such as shall have been built at some Place within the *British* Dominions, and shall be wholly owned by *British* Subjects, and shall not have been repaired at any Foreign Place to a greater Extent than in the Proportion of Ten Shillings for every Ton of such Vessel or Boat at any One Time: Provided always, that nothing herein-before contained shall extend to prevent the Employment of any Vessel or Boat as a *British* Vessel or Boat on such Inland Waters or Lakes which shall have wholly belonged to *British* Subjects before the Fifth Day of *July* One thousand eight hundred and twenty-five, and which shall not have been since that Day repaired as aforesaid in any Foreign Place.

Goods must be brought to a Place where there is a Custom House.

Governor may appoint Custom Houses.

XLV. Provided always, and be it enacted, That it shall not be lawful so to bring or import any Goods except into some Port or Place of Entry at which a Custom House now is or hereafter may be lawfully established: Provided also, that it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of any of the said Possessions respectively, by and with the Advice and Consent of the Executive Council thereof for the Time being, if any Executive Council be there established, from Time to Time to diminish or increase, by Proclamation, the Number of Ports or Places of Entry which are or hereafter may be appointed in such Province for the Entry of Goods brought or imported as aforesaid.

Duties to be collected in same Manner as on Goods imported by Sea.

XLVI. And be it enacted, That the Duties imposed by this Act shall be ascertained, levied, and recovered for and upon all Goods so brought or imported in the same Manner, and by the same Means, and under the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as the Duties on the like Goods imported by Sea may and can be ascertained, levied, or recovered, as far as the same are applicable; and if any Goods shall be brought or imported contrary hereto, or if any Goods so brought or imported shall be removed from the Station or Place appointed for the Examination of such Goods by the Officers of the Customs before such Examination shall have been made, and before all Duties payable thereon shall have been paid or satisfied, such Goods shall be forfeited, together with the Vessel, Boat, or Carriage, and the Horses or other Cattle, in or by which such Goods shall have been so imported or brought or so removed.

Duties in Canada on American Boats to be the same as in America on British Boats.

XLVII. And be it enacted, That the same Tonnage Duties shall be paid upon all Vessels or Boats of the United States of *America* importing any Goods into either of the Provinces of *Upper* or *Lower Canada* as are or may be for the Time being payable in the United States of *America* on *British* Vessels or Boats entering the Harbours of the State from whence such Goods shall have been imported.

Ports herein mentioned to be free warehousing Ports.

XLVIII. And whereas it is expedient to constitute and appoint some of the Free Ports and other Ports in *America* to be free warehousing Ports, or to be warehousing Ports for all or any of the Goods which

which may be legally imported into the said Ports respectively, and it is also expedient to empower Her Majesty to constitute and appoint from Time to Time any other Ports in any of the said *British* Possessions in *America* to be in like Manner warehousing Ports for such Goods as may be legally imported into such Ports respectively; and it is therefore necessary to make Regulations for the appointing of proper Warehouses at such Ports, and for the lodging and securing of Goods therein; be it therefore enacted, That the several Ports herein-after mentioned, (that is to say,)

Kingstown	*Jamaica,*
Montego Bay	
Falmouth	
Bridgetown	*Barbadoes,*
St. John's	*Antigua,*
Plymouth	*Montserrat,*
Basseterre	*St. Kitts,*
Charlestown	*Nevis,*
Road Harbour	*Tortola,*
Castries	*St. Lucia,*
Roseau	*Dominica,*
Kingstown	*St. Vincent,*
St. George's	*Grenada,*
Port of Spain	*Trinidad,*
Scarborough	*Tobago,*
George Town	*Demerara* — *British Guiana,*
New Amsterdam	*Berbice* — *British Guiana,*
Nassau	*New Providence* — *Bahamas,*
Grand Key	*Turk's Island* — *Bahamas,*
Hamilton	*Bermudas,*
St. George's	*Bermudas,*
Halifax	*Nova Scotia,*
Pictou	*Nova Scotia,*
Liverpool	*Nova Scotia,*
Yarmouth	*Nova Scotia,*
Digby	*Nova Scotia,*
Sydney (Cape Breton)	*Nova Scotia,*
Arichat	*Nova Scotia,*
St. John's	*New Brunswick,*
St. Andrew's	*New Brunswick,*
Welchpool	*Campo Bello,*
Quebec	*Canada,*
St. John's	*Newfoundland,*
Harbour Grâce	*Newfoundland,*
Charlotte Town	*Prince Edward's Island,*

shall be FREE WAREHOUSING PORTS for all the Purposes of this Act; and that

Kingston,	*in Canada,*
Toronto,	*in Canada,*
Hamilton,	*in Canada,*
and	
Montreal,	*in Canada,*

shall be WAREHOUSING PORTS for the warehousing of Goods brought by Land or Inland Navigation, or imported in *British* Ships; and that it shall

shall be lawful for the several Collectors and Comptrollers of the said Ports respectively, by Notice in Writing under their Hands, to appoint from Time to Time such Warehouses at such Ports respectively as shall be approved of by them for the free warehousing and securing of Goods therein for the Purposes of this Act, and also in such Notice to declare what Sorts of Goods may be so warehoused, and also by like Notice to revoke or alter any such Appointment or Declaration: Provided always, that every such Notice shall be transmitted to the Governor of the Place, and shall be published in such Manner as he shall direct.

Goods may be warehoused without Payment of Duty.

XLIX. And be it enacted, That it shall be lawful for the Importer of any such Goods into the said Ports to warehouse the same in the Warehouses so appointed without Payment of any Duty on the first Entry thereof, subject nevertheless to the Rules, Regulations, Restrictions, and Conditions herein-after contained.

Regulation as to warehousing of Goods on Arrival in Canada.

L. And be it enacted, That upon the Arrival of any Goods at any frontier Port in the *Canadas*, such Goods may be entered with the proper Officer of the Customs at such Port, to be warehoused at some warehousing Port in the *Canadas*, and may be delivered by such Officer to be passed on to such warehousing Port, under Bond, to the Satisfaction of such Officer, for the due Arrival and warehousing of such Goods at such Port.

Stowage of Goods in Warehouse.

Locking and opening Warehouse.

Carrying Goods to and from Warehouse.

LI. And be it enacted, That all Goods so warehoused shall be stowed in such Parts or Divisions of the Warehouse and in such Manner as the Collector and Comptroller shall direct, and that the Warehouse shall be locked and secured in such Manner, and shall be opened and visited only at such Times, and in the Presence of such Officers, and under such Rules and Regulations, as the Collector and Comptroller shall direct; and that all such Goods shall, after being landed upon Importation, be carried to the Warehouse, or shall, after being taken out of the Warehouse for Exportation, or for Stores, be carried to be shipped under such Rules and Regulations as the Collector and Comptroller shall direct.

Bond upon Entry of Goods to be warehoused

LII. And be it enacted, That upon the Entry of any Goods to be warehoused, the Importer of such Goods, instead of paying down the Duties due thereon, shall give Bond with Two sufficient Sureties, to be approved of by the Collector or Comptroller, in Treble the Duties payable on such Goods, with Condition for the safe depositing of such Goods in the Warehouse mentioned in such Entry, and for the Payment of all Duties due upon such Goods, or for the Exportation thereof or Shipment thereof as Stores, according to the first Account taken of such Goods upon the landing of the same; and with further Condition, that no Part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and Payment of Duty, or upon due Entry for Exportation or for Shipment as Stores; and with further Condition, that the whole of such Goods shall be so cleared from such Warehouse, and the Duties upon any Deficiency of the Quantity according to such first Account, shall be paid within Two

Purchaser of Goods may give Bond in lieu of original Bond.

Years from the Date of the first Entry thereof; and if after such Bond shall have been given the Goods or any Part thereof shall be sold or disposed of, so that the original Bonder shall be no longer interested in or have any Control over the same, it shall be lawful for the Collector and Comptroller to admit fresh Security to be given by the Bond of the new Proprietor or other Person having Control over such Goods, with his sufficient Sureties, and to cancel the Bond given by the original Bonder of such Goods, or to exonerate him to the Extent of the fresh Security so given.

Goods not duly warehoused, &c. to be forfeited.

LIII. And be it enacted, That if any Goods which have been entered to be warehoused shall not be duly carried into and deposited in the Warehouse, or shall afterwards be taken out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation, or for Shipment as Stores, from the Warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed, except with the Permission of the proper Officer of the Customs, such Goods shall be forfeited.

Account of Goods to be taken on landing.

LIV. And be it enacted, That upon the Entry and landing of any Goods to be warehoused the proper Officer of the Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall enter the same in a Book to be kept for

No Goods to be taken out without Entry.

that Purpose; and no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry and under the Care of the proper Officers for Exportation, or for Stores, or upon due Entry and Payment of Duty for Home Use; and whenever the whole of the Goods warehoused under any Entry shall be cleared from the Warehouse, or whenever further Time shall be

Deficiencies to be ascertained.

granted for any such Goods to remain warehoused, an Account shall be made out of the Quantity upon which the Duties have been paid, and of the Quantity exported, and of the Quantity (to be then ascertained) of the Goods still remaining in the Warehouse, as the Case may be, deducting from the whole the Quantity contained in any whole Packages (if any) which may have been abandoned for

Duties to be paid upon Deficiencies.

Duties; and if upon such Account there shall in either Case appear to be any Deficiency of the original Quantity, the Duty payable upon the Amount of such Deficiency shall then be paid.

Samples may be taken.

LV. And be it enacted, That it shall be lawful for the Collector and Comptroller, under such Regulations as they shall see fit, to permit moderate Samples to be taken of any Goods so warehoused, without Entry, and without Payment of Duty, except as the same shall eventually become payable, as on a Deficiency of the original Quantity.

Goods may be sorted and re-packed.

LVI. And be it enacted, That it shall be lawful for the Collector and Comptroller, under such Regulations as they shall see fit, to permit the Proprietor or other Person having Control over the Goods so warehoused to sort, separate, and pack and re-pack any such Goods, and to make such lawful Alterations therein, or Arrangements and Assortments thereof, as may be necessary for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of

the same, and also to permit any Parts of such Goods so separated to be destroyed, but without Prejudice to the Claim for Duty upon the whole original Quantity of such Goods: Provided always, that it shall be lawful for any Person to abandon any whole Packages to the Officers of the Customs for the Duties, without being liable to any Duty upon the same.

Duty due on first Quantity.

Whole Packages may be abandoned for Duty.

LVII. And be it enacted, That Goods warehoused at any warehousing Port in any of the *British* Possessions in *America*, being first duly entered, may be delivered, under the Authority of the proper Officer of Customs, without Payment of Duty, except any Deficiency thereof, for the Purpose of Removal to another warehousing Port in the same Possession, under Bond, to the Satisfaction of such Officer, for the due Arrival and re-warehousing such Goods at such other Port.

Goods warehoused may be delivered for Removal without Payment of Duty.

LVIII. And be it enacted, That all Goods which have been so warehoused or re-warehoused shall be duly cleared, either for Exportation or for Home Consumption, within Two Years from the Day of first Entry for the warehousing thereof; and if any such Goods be not so cleared it shall be lawful for the Collector and Comptroller to cause the same to be sold, and the Produce shall be applied first to the Payment of the Duties, next of Warehouse Rent and other Charges, and the Overplus (if any) shall be paid to the Proprietor: Provided always, that it shall be lawful for the Collector and Comptroller to grant further Time for any such Goods to remain warehoused, if they shall see fit so to do: Provided also, that Foreign salted Beef or Pork so warehoused or re-warehoused may be delivered into the Charge of a Searcher or other proper Officer of Customs to be shipped as Stores; and such Beef and Pork shall and may be so shipped without Entry or Payment of any Duty for every Ship of the Burden of Sixty Tons at least bound upon a Voyage to Foreign Parts, the probable Duration of which, out and home, will not be less than Forty Days, and such Foreign Beef or Pork so shipped shall be deemed to be exported: Provided also, that such Foreign Beef and Pork shall be duly borne upon the Ship's Clearance, and shall be shipped in such Quantities, and subject to such Directions and Regulations, as the Collector or other Chief Officer of Customs at the Port of Shipment shall appoint: Provided also, that the surplus Stores of such Foreign Beef or Pork may be delivered into the Charge of the Searcher or other proper Officer of Customs to be re-shipped as Stores, under such Directions and Regulations as the Collector or other Chief Officer of Customs shall appoint; and any such Beef or Pork shipped as Stores contrary to such Directions and Regulations shall be forfeited.

All Goods to be cleared within Two Years, or sold.

Further Time may be granted.

Foreign salted Beef or Pork may be shipped as Stores.

Surplus of such Stores may be delivered into charge of Searcher to be re-shipped.

LIX. And be it enacted, That upon the Entry Outwards of any Goods to be exported from the Warehouse, the Person entering the same shall give Security by Bond in Treble the Duties of Importation on the Quantity of such Goods, or if such Goods are prohibited to be imported for Home Use, in Double the Value of such Goods, with Two sufficient Sureties, to be approved by the Collector or Comptroller, that the same shall be landed at the Place for which they

Bond on Entry for Exportation.

they be entered Outwards, or be otherwise accounted for to the Satisfaction of the Collector and Comptroller.

Power to appoint other Ports.

LX. And be it enacted, That it shall be lawful for Her Majesty, by Order in Council, from Time to Time to appoint any Port in Her Majesty's Possessions in *America* to be a free warehousing Port for all or any of the Purposes of this Act; and every such Port so appointed by Her Majesty shall be, for all the Purposes expressed in such Order, a free warehousing Port under this Act, as if appointed by the same.

Goods from Mauritius liable to same Duties and Regulations as West India Goods.

LXI. And whereas it is expedient that all Duties and Regulations relating to Importation and Exportation into and from Her Majesty's Islands in the *West Indies* should be extended to the Island of *Mauritius*; be it therefore enacted, That all Goods, Wares, and Merchandize, the Growth, Produce, or Manufacture of the Island of *Mauritius*, and all Goods, Wares, and Merchandize which, having been imported into the said Island of *Mauritius*, shall be imported from thence into any Part of the United Kingdom of *Great Britain* and *Ireland*, or into any Possessions of Her Majesty, Her Heirs or Successors, shall be liable, upon such Importation into the United Kingdom, or into any such Possessions respectively, to the Payment of the same Duties, and shall be subject to the same Regulations, as the like Goods, Wares, and Merchandize, being of the Growth, Produce, or Manufacture of Her Majesty's Islands in the *West Indies*, or having been imported into or exported from any of the said Islands, and imported from the same into the said United Kingdom, or into any such Possessions respectively, would on such Importation be liable to the Payment of or would be subject unto; and that upon the Exportation of any Goods, Wares, or Merchandize from the United Kingdom to the Island of *Mauritius* such Goods, Wares, or Merchandize shall be liable to the same Duties, and shall be entitled to the like Drawbacks respectively, as would or ought by Law to be charged or allowed upon the like Goods from the United Kingdom to any of Her Majesty's Islands in the *West Indies*; and that all Goods, Wares, and Merchandize which shall be imported into or exported from the said Island of *Mauritius* from or to any Place whatever other than the United Kingdom shall, upon such Importation or Exportation respectively, be liable to the Payment of the same Duties, and shall be subject to the same Regulations, so far as any such Regulations can or may be applied, as the like Goods, Wares, and Merchandize would be liable to the Payment of or would be subject to upon Importation into or Exportation from any of Her Majesty's Islands in the *West Indies*; and that all Ships and Vessels whatever which shall arrive at or depart from the said Island of *Mauritius* shall be liable to the Payment of the same Duties, and shall be subject to the same Regulations, as such Ships or Vessels would be liable to the Payment of or would be subject to if arriving at or departing from any of Her Majesty's Islands in the *West Indies*.

Cape of Good Hope within Limits

LXII. And be it enacted, That in all Trade with the *British* Possessions in *America* and the *Mauritius*, the *Cape of Good Hope*, and

and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India* Company's Charter. of the Company's Charter.

LXIII. And be it enacted, That all Laws, Bye Laws, Usages, or Customs at this Time or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the *British* Possessions in *America*, which are in anywise repugnant to this Act, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said Possessions, are and shall be null and void to all Intents and Purposes whatsoever. Colonial Laws repugnant to any Act of Parliament to be null and void.

LXIV. Provided always, and be it enacted, That no Exemption from Duty in any of the *British* Possessions abroad, contained in any Act of Parliament, shall extend to any Duty not imposed by Act of Parliament, unless and so far only as any Duty not so imposed is or shall be expressly mentioned in such Exemption. Exemption to extend only to Duties by Act of Parliament.

LXV. And be it enacted, That it shall be lawful for the Officers of Customs to go on board any Ship in any Port in any *British* Possession in *America*, and to rummage and search all Parts of such Ship for prohibited and uncustomed Goods, and also to go on board any Ship hovering within One League of any of the Coasts thereof, and in either Case freely to stay on board such Ship so long as she shall remain in such Port or within such Distance; and if any such Ship be bound elsewhere, and shall continue so hovering for the Space of Twenty-four Hours after the Master shall have been required to depart, it shall be lawful for the Officer of Customs to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master on Oath touching the Cargo and Voyage; and if there be any Goods on board prohibited to be imported into such Possession, such Ship and her Cargo shall be forfeited; and if the Master shall not truly answer the Questions which shall be demanded of him on such Examination he shall forfeit the Sum of One hundred Pounds. Officers may board Ships in Port or hovering on Coasts.

LXVI. And be it enacted, That all Vessels, Boats, Carriages, and Cattle made use of in the Removal of any Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be forfeited; and every Person who shall assist or be otherwise concerned in the unshipping, landing, or Removal, or in the harbouring, of such Goods, or into whose Hands or Possession the same shall knowingly come, shall forfeit the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Officers of the Customs; and the Averment in any Information or Libel to be exhibited for the Recovery of such Penalty, that the Officer proceeding has elected to sue for the Sum mentioned in the Information, shall be deemed sufficient Proof of such Election, without any other or further Evidence of such Fact. Forfeiture of Vessels, Carriages, &c. receiving Goods liable to Forfeiture.

LXVII. And be it enacted, That all Goods, and all Ships, Vessels, and Boats, and all Carriages, and all Cattle, liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be seized and secured by any Officer of the Customs or Navy, Goods, Vessels, &c. liable to Forfeiture may be seized by Officers.

Navy, or by any Person employed for that Purpose, by or with the Concurrence of the Commissioners of Her Majesty's Customs; and every Person who shall in any way hinder, oppose, molest, or obstruct any Officer of the Customs or Navy, or any Person so employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, shall for every such Offence forfeit the Sum of Two hundred Pounds.

Officer making collusive Seizures, or taking Bribes, and Persons giving Bribes, subjected to Penalties.

LXVIII. And be it enacted, That if any Officer of Customs, or any Person duly employed for the Prevention of Smuggling, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up, or not to seize, any Vessel, Boat, or Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving Her Majesty in any Office whatever; and every Person who shall give or offer, or promise to give or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid in any of Her Majesty's Possessions abroad, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any thing whereby the Provisions of any such Act may be evaded, shall forfeit the Sum of Two hundred Pounds.

Seized Goods, if unclaimed for a Month, to be condemned and dealt with accordingly.

LXIX. And be it enacted, That all Vessels, Boats, Goods, and other Things which shall have been or shall hereafter be seized as forfeited in or near any of the *British* Possessions abroad, under this or any Act relating to the Customs, or to Trade or Navigation, shall be deemed and taken to be condemned, and may be dealt with in the Manner directed by Law in respect to Vessels, Boats, Goods, and other Things seized and condemned for Breach of any such Act, unless the Person from whom such Vessels, Boats, Goods, and other Things shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing to the Person or Persons seizing the same, or to the Collector, Comptroller, or other Chief Officer of Customs at the nearest Port, that he claims the Vessel, Boat, Goods, or other Things, or intends to claim them.

Writ of Assistance to search for and seize Goods liable to Forfeiture.

LXX. And be it enacted, That, under the Authority of a Writ of Assistance granted by the Superior or Supreme Court of Justice or Court of Vice Admiralty having Jurisdiction in the Place (who are hereby authorized and required to grant such Writ of Assistance, upon Application made to them for that Purpose by the principal Officers of Her Majesty's Customs), it shall be lawful for any Officer of the Customs, taking with him a Peace Officer, to enter any Building or other Place in the Daytime, and to search for and seize and secure any Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, and, in case of Necessity, to break open any Doors and any Chests or other Packages

for that Purpose; and such Writ of Assistance, when issued, shall be deemed to be in force during the whole of the Reign in which the same shall have been granted, and for Twelve Months from the Conclusion of such Reign.

Obstructing Officers by Force.

LXXI. And be it enacted, That if any Person shall, by Force or Violence, assault, resist, oppose, molest, hinder, or obstruct any Officer of the Customs or Navy, or other Person employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, such Person being thereof convicted shall be adjudged a Felon, and shall be proceeded against as such, and punished at the Discretion of the Court before whom such Person shall be tried.

Goods seized to be secured at the next Custom House, and sold by Auction.

LXXII. And be it enacted, That all Things which shall be seized as being liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be taken forthwith and delivered into the Custody of the Collector and Comptroller of the Customs at the Custom House next to the Place where the same were seized, who shall secure the same by such Means and in such Manner as shall be provided and directed by the Commissioners of Her Majesty's Customs, and after Condemnation thereof the Collector and Comptroller shall cause the same to be sold by public Auction to the best Bidder: Provided always, that it shall be lawful for the said Commissioners to direct in what Manner the Produce of such Sale shall be applied, or, in lieu of such Sale, to direct that any of such Things shall be destroyed, or shall be reserved for the public Service.

Jurisdiction for Prosecution of Seizures and Penalties.

LXXIII. And be it enacted, That all Penalties and Forfeitures which may have been heretofore or may be hereafter incurred under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be prosecuted, sued for, and recovered in any Court of Record or of Vice Admiralty having Jurisdiction in the Colony or Plantation where the Cause of Prosecution arises, and in Cases where there shall happen to be no such Court, then in any Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Cause of Prosecution arises; provided that in Cases where a Seizure is made in any other Colony than that where the Forfeiture accrues, such Seizure may be prosecuted in any Court of Record or of Vice Admiralty having Jurisdiction either in the Colony or Plantation where the Forfeiture accrues, or in the Colony or Plantation where the Seizure is made, at the Election of the Seizor or Prosecutor; and in Cases where there shall happen to be no such Courts in either of the last-mentioned Colonies or Plantations, then in the Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Forfeiture accrues, or to that where the Seizure is made, at the Election of the Seizor or Prosecutor.

Bail may be given for Goods or Ships seized.

LXXIV. And be it enacted, That if any Goods or any Ship or Vessel shall be seized as forfeited under this or any Act relating to the Customs, or to Trade or Navigation, and detained in any of

of the *British* Possessions in *America*, it shall be lawful for the Judge or Judges of any Court having Jurisdiction to try and determine such Seizures, with the Consent of the Collector and Comptroller of the Customs, to order the Delivery thereof on Security by Bond, with Two sufficient Sureties, to be first approved by such Collector and Comptroller, to answer Double the Value of the same in case of Condemnation; and such Bond shall be taken to the Use of Her Majesty in the Name of the Collector or Officer of the Customs in whose Custody the Goods or the Ship or Vessel may be lodged, and such Bond shall be delivered and kept in the Custody of such Collector or Officer; and in case the Goods or the Ship or Vessel shall be condemned, the Value thereof shall be paid into the Hands of such Collector or Officer, who shall thereupon, with the Consent or Privity of his Comptroller, cancel such Bond.

Suits to be commenced in Name of Officers of Customs or Navy.

LXXV. And be it enacted, That no Suit shall be commenced for the Recovery of any Penalty or Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, except in the Name of some Superior Officer of the Customs or Navy, or other Person employed as herein-before mentioned, or of Her Majesty's Advocate or Attorney General for the Place where such Suit shall be commenced; and if a Question shall arise, whether any Person is an Officer of the Customs or Navy, or such other Person as aforesaid, *vivâ voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Onus probandi to lie on the Party.

LXXVI. And be it enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the Proof thereof shall lie on the Owner or Claimer of such Goods and not on the Officer who shall seize or stop the same.

Claim to Things seized to be entered in the Name of the Owner.

LXXVII. And be it enacted, That no Claim to any thing seized under this or any Act relating to the Customs, or to Trade or Navigation, and returned into any of Her Majesty's Courts for Adjudication, shall be admitted, unless such Claim be entered in the Name of the Owner, with his Residence and Occupation, nor unless Oath to the Property in such Thing be made by the Owner, or by his Attorney or Agent by whom such Claim shall be entered, to the best of his Knowledge and Belief; and every Person making a false Oath thereto shall be deemed guilty of a Misdemeanor, and shall be liable to the Pains and Penalties to which Persons are liable for a Misdemeanor.

No Person admitted to enter Claim for any thing seized, unless Security first given.

LXXVIII. And be it enacted, That no Person shall be admitted to enter a Claim to any thing seized in pursuance of this or any Act relating to the Customs, or to Trade or Navigation, and prosecuted in any of the *British* Possessions in *America*, until sufficient Security shall have been given in the Court where such Seizure is prosecuted, in a Penalty not exceeding Sixty Pounds, to answer and pay the Costs

Costs occasioned by such Claim; and in default of giving such Security such Things shall be adjudged to be forfeited, and shall be condemned.

A Month's Notice to be given to Officers.

LXXIX. And be it enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Customs or Navy, or other Person as aforesaid, for any thing done in the Exercise of his Office, until One Calendar Month after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent of the Party who intends to sue out such Writ or Process, in which Notice shall be clearly and explicitly contained the Cause of the Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and no Evidence of the Cause of such Action shall be produced, except of such as shall be contained in such Notice; and no Verdict shall be given for the Plaintiff unless he shall prove on the Trial that such Notice was given; and in default of such Proof the Defendant shall receive in such Action a Verdict and Costs.

Actions to be brought within Three Months of the Cause of them.

LXXX. And be it enacted, That every such Action shall be brought within Three Calendar Months after the Cause thereof, and shall be laid and tried in the Place or District where the Facts were committed; and the Defendant may plead the General Issue and give the special Matter in Evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive Treble Costs, and have such Remedy for the same as any Defendant can have in other Cases where Costs are given by Law.

Judge may certify probable Cause of Seizure.

LXXXI. And be it enacted, That in case any Information or Suit shall be brought to Trial on account of any Seizure made under this or any Act relating to the Customs, or to Trade or Navigation, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable Cause of Seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the Person who made such Seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and if any Action, Indictment, or other Suit or Prosecution shall be brought to Trial against any Person on account of such Seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, besides the Things seized, or the Value thereof, shall not be entitled to more than Twopence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Officer may tender Amends.

LXXXII. And be it enacted, That it shall be lawful for such Officer, within One Calendar Month after such Notice, to tender Amends to the Party complaining, or his Agent, and to plead such Tender in bar to any Action, together with other Pleas; and if the Jury shall find the Amends sufficient, they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become non-

suited, or shall discontinue his Action, or Judgment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only: Provided always, that it shall be lawful for such Defendant, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay Money into Court as in other Actions.

Judge may certify probable Cause of Action.

LXXXIII. And be it enacted, That in any such Action, if the Judge or Court before whom such Action shall be tried shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable Cause, then the Plaintiff in such Action shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit.

Recovery and Application of Penalties.

LXXXIV. And be it enacted, That all Penalties and Forfeitures recovered in any of the *British* Possessions in *America* under this or any Act relating to the Customs, or to Trade or Navigation, shall be paid into the Hands of the Collector or Comptroller of the Port or Place of the *British* Possessions in *America* where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the Charges of Prosecution from the Produce thereof, One Third Part of the net Produce shall be paid into the Hands of the Collector of Her Majesty's Customs at the Port or Place where such Penalties or Forfeitures shall be recovered for the Use of Her Majesty, One Third Part to the Governor or Commander-in-Chief of the said Colony or Plantation, and the other Third Part to the Person who shall seize, inform, and sue for the same; excepting such Seizures as shall be made at Sea by the Commanders or Officers of Her Majesty's Ships of War duly authorized to make Seizures, one Moiety of which Seizure, and of the Penalties and Forfeitures recovered thereon, first deducting the Charges of Prosecution from the gross Produce thereof, shall be paid as aforesaid to the Collector of Her Majesty's Customs, to and for the Use of Her Majesty, and the other Moiety to him or them who shall seize, inform, and sue for the same, any Law, Custom, or Usage to the contrary notwithstanding, subject nevertheless to such Distribution of the Produce of the Seizures so made at Sea, as well with regard to the Moiety herein-before granted to Her Majesty as with regard to the other Moiety given to the Seizor or Prosecutor, as Her Majesty shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Limitation of Suits.

LXXXV. And be it enacted, That all Actions or Suits for the Recovery of any of the Penalties or Forfeitures imposed by this or any Act relating to the Customs, or to Trade or Navigation, may be commenced or prosecuted at any Time within Three Years after the Offence committed by reason whereof such Penalty or Forfeiture shall be incurred, any Law, Usage, or Custom to the contrary notwithstanding.

LXXXVI. And

Limitation of Appeals.

LXXXVI. And be it enacted, That no Appeal shall be prosecuted from any Decree or Sentence of any of Her Majesty's Courts in *America* touching any Penalty or Forfeiture imposed by this or any Act relating to the Customs, or to Trade or Navigation, unless the Inhibition shall be applied for and decreed within Twelve Months from the Time when such Decree or Sentence was pronounced.

Security to abide an Appeal from Decree of Vice Admiralty Court.

LXXXVII. Provided always, and be it enacted, That in any Case in which Proceedings shall have been or shall hereafter be instituted in any Court of Vice Admiralty or other competent Court in any of Her Majesty's Possessions abroad against any Ship, Vessel, Boat, Goods, or Effects for the Recovery of any Penalty or Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, the Execution of any Sentence or Decree restoring such Ship, Vessel, Boat, Goods, or Effects to the Claimant thereof, which shall be pronounced by the said Vice Admiralty Court in which such Proceedings shall have been had, shall not be suspended by reason of any Appeal which shall be prayed and allowed from such Sentence; provided that the Party or Parties appellate shall give sufficient Security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods, or Effects concerning which such Sentence or Decree shall be pronounced, or the full Value thereof, to be ascertained either by Agreement between the Parties, or in case the said Parties cannot agree, then by Appraisement under the Authority of the said Court, to the Appellant or Appellants, in case the Sentence or Decree so appealed from shall be reversed, and such Ship, Vessel, Boat, Goods, or Effects be ultimately condemned.

Persons authorized to make Seizures under 5 G. 4. c. 119. to have the Benefit of this Act.

LXXXVIII. And be it enacted, That all Persons authorized to make Seizures under an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, shall, in making and prosecuting any such Seizures, have the Benefit of all the Provisions granted to Persons authorized to make Seizures under this Act.

Application of Penalties under 5 G. 4. c. 119.

LXXXIX. And be it enacted, That all Penalties and Forfeitures created by the said Act passed in the Fifth Year of His Majesty King *George* the Fourth, whether pecuniary or specific, shall (except in Cases specially provided for by the said Act) go and belong to such Persons as are authorized by that Act to make Seizures in such Shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like Manner, and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties and Forfeitures incurred in *Great Britain* and in the *British* Possessions in *America* respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively in *Great Britain* or in the said Possessions under and by virtue of this Act.

The Queen may regulate the Trade of certain Colonies.

XC. And be it enacted, That it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to give such Directions

Directions and make such Regulations touching the Trade and Commerce to and from any *British* Possessions on or near the Continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the Limits of the *East India* Company's Charter (excepting the Possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary, any thing in this Act to the contrary notwithstanding; and if any Goods shall be imported or exported in any Manner contrary to any such Order of Her Majesty in Council, the same shall be forfeited, together with the Ship importing or exporting the same.

Certificate of Production of East India Sugar.

XCI. And be it enacted, That it shall be lawful for any Person, being the Shipper of any Sugar the Produce of some *British* Possession within the Limits of the *East India* Company's Charter, about to be exported from any Place in such Possession, to go before the Collector or Comptroller or other Chief Officer of the Customs at such Place, or, if there be no such Officer of the Customs, to go before the principal Officer of such Place, or the Judge or Commercial Resident of the District, and make and sign a Declaration before him that such Sugar was really and *bonâ fide* the Produce of such *British* Possession, to the best of his Knowledge and Belief; and such Officer, Judge, or Resident is hereby authorized and required to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Sugar is to be exported, and the Destination of the same.

Ships built prior to 1st January 1816 deemed British Ships within certain Limits.

XCII. And be it enacted, That all Ships built at any Place within the Limits of the *East India* Company's Charter prior to the First Day of *January* One thousand eight hundred and sixteen, and which then were and have continued ever since to be solely the Property of Her Majesty's Subjects, shall be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope*, any thing in this Act or in any other Act or Acts passed in this present Session of Parliament to the contrary notwithstanding.

Certificate of Production of Cape Wine.

XCIII. And be it enacted, That it shall be lawful for the Shipper of any Wine the Produce of the *Cape of Good Hope* or of its Dependencies which is to be exported from thence, to go before the Chief Officer of the Customs, and make and sign a Declaration before him that such Wine was really and *bonâ fide* the Produce of the *Cape of Good Hope* or of its Dependencies; and such Officer is hereby authorized and required to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Wine is to be exported, and the Destination of the same.

Certificate of Production of Goods in Guernsey, &c.

XCIV. And be it enacted, That it shall be lawful for any Person who is about to export from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark* to the United Kingdom, or to any of the *British* Possessions in *America* or the *Mauritius*, any Goods of the Growth or Produce of any of those Islands, or any Goods manufactured from Materials which were the Growth or Produce thereof, or of the United Kingdom, or of Materials Duty-free in the United Kingdom,

or

or whereupon the Duty has been there paid, and not drawn back, to go before any Magistrate of the Island from which the Goods are to be exported, and make and sign before him a Declaration that such Goods, describing the same, are of such Growth or Produce, or of such Manufacture, and such Magistrate shall administer and sign such Declaration; and thereupon the Governor, Lieutenant Governor, or Commander in Chief of the Island from which the Goods are to be exported shall, upon the Delivery to him of such Declaration, grant a Certificate under his Hand of the Proof contained in such Declaration, stating the Ship in which and the Port to which, in the United Kingdom or in any such Possession, the Goods are to be exported; and such Certificate shall be the proper Document to be produced at such Ports respectively in proof that the Goods mentioned therein are of the Growth, Produce, or Manufacture of such Islands respectively.

Spirits not to be imported into or exported from Jersey, Guernsey, Alderney, or Sark, except in Vessels of Sixty Tons and in Casks of Twenty Gallons at the least.

XCV. And be it enacted, That no Brandy, Geneva, or other Spirits (except Rum of the *British* Plantations) shall be imported into or exported from the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or any one of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried, or shall be waterborne for the Purpose of being so shipped in any Vessel of less Burden than Sixty Tons, nor in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and that all Brandy, Geneva, or other Spirits imported, exported, removed, carried, shipped, or waterborne contrary hereto shall be forfeited, together with the Vessel or Boat importing, exporting, removing, or carrying the same, and all the Guns, Furniture, Ammunition, Tackle, and Apparel thereof: Provided always, that nothing herein contained shall extend to any Spirits imported in Glass Bottles in square-rigged Ships as Part of the Cargo thereof, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers during their Voyage, and not being more in Quantity than is necessary for that Purpose.

Not to extend to Vessels of Ten Tons supplying Island of Sark, having Licence so to do.

XCVI. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to subject to Forfeiture or Seizure, under any of the Provisions of this Act, any Boat not exceeding the Burden of Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the said Island of *Sark*, which Licence such Officer of Customs is hereby required to grant, without taking any Fee or Reward for the same: Provided also, that every such Boat having on board at any one Time any greater Quantity of Spirits than Ten Gallons, unless such greater Quantity of Spirits shall be in Casks or Packages of the Size and Content herein-before required, shall be forfeited.

XCVII. And

Penalty on Persons found on board Vessels liable to Forfeiture within One League of Guernsey, &c.

XCVII. And be it enacted, That every Person who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under any Act relating to the Revenue of Customs, for being found within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, having on board or in any Manner attached or affixed thereto, or conveying or having conveyed, in any Manner, such Goods or other Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat from which any Part of the Cargo shall have been thrown overboard during Chase, or staved or destroyed, shall forfeit the Sum of One hundred Pounds.

Re exportation of British Coals in Foreign Ships.

XCVIII. And be it enacted, That it shall not be lawful for any Person to re-export from any of Her Majesty's Possessions abroad to any Foreign Place in any Foreign Ship any Coals the Produce of the United Kingdom, except upon Payment of the Duty to which such Coals would be liable upon Exportation from the United Kingdom to such Foreign Place; and that no such Coals shall be so shipped at any of such Possessions to be exported to any *British* Place until the Exporter or the Master of the exporting Vessel shall have given Bond, with One sufficient Surety, in Double the Value of the Coals, that such Coals shall not be landed at any Foreign Place.

Penalty for using Documents counterfeited or falsified.

XCIX. And be it enacted, That if any Person shall, in any of Her Majesty's Possessions abroad, counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, Transire, or other Document for the unlading, lading, entering, reporting, or clearing any Ship or Vessel, or for the landing, shipping, or removing of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any such Purposes, or shall falsely make any Oath or Affirmation required by this Act, or shall forge or counterfeit a Certificate of the said Oath or Affirmation, or shall publish such Certificate knowing the same to be so forged or counterfeited, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds; and such Penalty shall and may be prosecuted, sued for, and recovered in like Manner and by such Ways and Means as any Penalty may be prosecuted, sued for, and recovered under the Provisions and Directions of this Act.

2 & 3 W. 4. c. 78. not repealed by any Act passed in Third and Fourth Years of King William the Fourth.

C. And whereas by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act to continue certain Acts relating to the Island of* Newfoundland, *and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island*, Provision was made for the Appropriation of the net Produce of all Duties levied within the said Colony by any Act of Parliament then or thereafter to be in force there, and for the Deduction from and out of such net Proceeds in each and every Year of a Sum not exceeding Six thousand five hundred and fifty Pounds, to be applied in the Manner, for the Purposes, and under the Authority therein mentioned: And whereas

Doubts may arise whether the Provisions aforesaid, or some of them, were not repealed or abrogated by some or one of the Acts passed in a Session of Parliament holden in the Third and Fourth Years of the Reign of His said Majesty King *William* the Fourth; for the Removal of such Doubts be it therefore declared and enacted, That nothing contained in any Act passed in that Session of Parliament, or in the present Session of Parliament, did or doth repeal, abrogate, annul, or alter the said recited Act, or any Part thereof, or any of the Provisions therein contained; but that from and out of the net Proceeds of all Duties levied from Year to Year within the said Colony of *Newfoundland* by any Act of the said last-mentioned Session of Parliament, or any Act thereafter passed or to be passed, such Deduction shall be annually made as in the said recited Act is mentioned; and that the Sum of Money so from Year to Year to be deducted shall be applied from Time to Time in such Manner, and for such Purposes, and under such Authority as in the said recited Act is particularly mentioned and set forth.

Alteration of Act.

CI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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