

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. LIX.

An Act to regulate the Trade of the *British* Possessions Abroad. [28th *August* 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* 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* Posessions Abroad were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed. 6 G. 4. c. 114. Commencement of Act.

II. And be it further 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 Importation and Exportation of Goods confined to Free Ports.

several

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

TABLE OF FREE PORTS.

Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay, Annotto Bay, Black River, Rio Bueno, Port Morant	Jamaica.
Saint George	Grenada.
Roseau	Dominica.
Saint John's	Antigua.
San Josef	Trinidad.
Scarborough	Tobago.
Road Harbour	Tortola.
Nassau	New Providence.
Pitt's Town	Crooked Island.
Kingston	Saint Vincent.
Port Saint George and Port Hamilton	Bermuda.
Any Port where there is a Custom House	Bahamas.
Bridgetown	Barbadoes.
Saint John's, Saint Andrew's	New Brunswick.
Halifax, Pictou	Nova Scotia.
Quebec	Canada.
Saint Johns	Newfoundland.
George Town	Demerara.
New Amsterdam	Berbice.
Castries	Saint Lucia.
Basseterre	Saint Kitt's.
Charles Town	Nevis.
Plymouth	Montserrat.
Sydney	Cape Breton.
Charlotte Town	Prince Edward's Island.
Anguilla	Anguilla.

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.

His Majesty may appoint other Ports to be free Ports.

III. Provided always, That if His 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 His 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.

IV. And

His Majesty may appoint Ports for limited Purposes.

IV. 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 His 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.

Privileges granted to Foreign Ships limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like Privileges to British Ships, &c.

V. And whereas by the Law of Navigation Foreign Ships are permitted to import into any of the *British* Possessions Abroad, 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 Country, and of its Possessions Abroad, upon the Footing of the most favoured Nation, unless His Majesty by His 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 His Majesty shall, by some Order or Orders to be by Him made by the Advice of His Privy Council, have declared that such Foreign Country hath so fulfilled the said Conditions and is entitled to the said Privileges: Provided also, that every Order in Council in force at the Time of the Commencement of this Act whereby Declaration is made of the Countries which are entitled in whole or in part to the Privileges of the Law of Navigation herein-before referred to and recited shall continue in force as effectually as if the same had been afterwards made under the Authority of this Act.

This Act not to affect 4 G. 4. c. 77. and 5 G. 4. c. 1. for regulating the Trade of Foreign Ships.

VI. And be it further 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, 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 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 Majesty by those Acts.

Goods prohibited or restricted to be imported into Colonies.

VII. And be it further 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

imported or brought, either by Sea or by Inland Carriage or Navigation, into the *British* Possessions in *America*, 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,
Arms,
Ammunitions or Utensils of War,
Prohibited to be imported, except from the United Kingdom, or from some other *British* Possession.

Tea,
Prohibited to be imported, except from the United Kingdom, or from some other *British* Possession in *America*, unless by the *East India* Company, or with their Licence during the Continuance of their exclusive Right of Trade.

Fish, dried or salted,
Oil, Blubber, Fins, or Skins, the Produce of Creatures living in the Sea,
Prohibited to be imported, except from the United Kingdom, or from some other *British* Possession, or unless taken by *British* Ships fitted out from the United Kingdom or from some *British* Possession, and brought in from the Fishery, and except Herrings from the *Isle of Man*, taken and cured by the Inhabitants thereof.

Coffee,
Sugar,
Melasses,
Rum,
Being of Foreign Production, or the Production of any Place within the Limits of the *East India* Company's Charter, 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), except to be warehoused for Exportation only; and may also be prohibited to be imported into the *Bahama* or the *Bermuda* Islands by His Majesty's Order in Council.

Base or Counterfeit Coin.
Books, such as are prohibited to be imported into the United Kingdom:
Prohibited to be imported.

Goods imported contrary hereto, forfeited.

And if any Goods shall be imported or brought into any of the *British* Possessions in *America* 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 Burthen than Seventy Tons, such Ship or Vessel shall also be forfeited.

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

VIII. And be it further enacted, That all Coffee, Sugar, Melasses, and Rum (although the same may be of the *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*, 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.

IX. And be it further enacted, That there shall be raised, levied, collected, and paid unto His Majesty the several Duties of Customs, as the same are respectively set forth in Figures in the Table of Duties herein-after contained, upon Goods, Wares, and Merchandize imported or brought into any of His Majesty's Possessions in *America*; (that is to say,) Duties of Importation in America.

TABLE OF DUTIES.

DUTIES payable upon Spirits, being of the Growth, Production, or Manufacture of the United Kingdom, or of any of the British Possessions in America or the West Indies, imported into Newfoundland or Canada. DUTIES.

	Duty.		
	£	s.	d.
Spirits; *videlicet*,			
—— imported into Newfoundland; *videlicet*,			
- - - - - the Produce of any of the British Possessions in South America or the West Indies; *videlicet*,			
- - - imported from any British Possession in America, or from the United Kingdom, the Gallon - - -	0	0	6
Imported from any other Place, to be deemed Foreign, and to be charged with Duty as such.			
- - - - - the Produce of any British Possession in North America, or of the United Kingdom, and imported from the United Kingdom, or from any British Possession in America, the Gallon - - -	0	1	6
Imported from any other Place, to be deemed Foreign, and to be charged with Duty as such.			
—— imported into Canada; *videlicet*,			
- - - - - the Produce of any British Possession in South America or the West Indies, and imported from any British Possession in America, or from the United Kingdom, the Gallon - - - -	0	0	6
Imported from any other Place, to be deemed Foreign, and to be charged with Duty as such.			
Note.—When imported from the United Kingdom, this Duty is not to be abated upon the Ground of any Duty under any Colonial Law.			

DUTIES. DUTIES payable upon Goods, Wares, and Merchandize, not being of the Growth, Production, or Manufacture of the United Kingdom, or of any of the British Possessions in America, imported or brought into any of the British Possessions in America, by Sea or by Inland Carriage or Navigation.

	Duty.		
Imported into the British Possessions in the West Indies or on the Continent of South America, or into the Bahama or Bermuda Islands; *viz.*	£	s.	d.
—— Wheat Flour - - - - the Barrel	0	5	0
- - - imported from any British ossession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— Shingles, not more than 12 Inches in Length, the 1,000	0	7	0
- - - more than 12 Inches in Length - the 1,000	0	14	0
- - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— Red Oak Staves and Headings; *viz.*			
- - - until the 1st January 1834 - - the 1,000	1	6	3
- - - on and from the 1st January 1834 until the 1st January 1836 - - the 1,000	1	2	3
- - - on and from the 1st January 1836 the 1,000	0	15	0
- - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— White Oak Staves and Headings; *viz.*			
- - - until the 1st January 1834 - - the 1,000	1	3	9
- - - on and from the 1st January 1834 until the 1st January 1836 - - the 1,000	0	19	9
- - - on and from the 1st January 1836 the 1,000	0	12	6
- - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— Pitch Pine Lumber, One Inch thick - the 1,000	1	1	0
- - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— White and Yellow Pine Lumber, One Inch thick, the 1,000 Feet; *viz.*			
- - - until the 1st January 1834 - - -	1	8	0
- - - on and from the 1st January 1834 until the 1st January 1836 - - - -	1	6	0
- - - on and from the 1st January 1836 - -	1	1	0
- - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— Dye Wood and Cabinet-makers Wood - -	Free.		
—— Other Kinds of Wood and Lumber, One Inch thick, the 1,000 Feet - - - - -	1	8	0
—— Wood Hoops - - - the 1,000	0	5	3
- - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—— Beef and Pork, salted, of all Sorts - the Cwt.	0	12	0
- - - imported from any British Possession in North America - - - - -	Free.		

DUTIES.

	Duty. £	s.	d.
Imported into New Brunswick, Nova Scotia, or Prince Edward's Island; *viz.*			
——— Wheat Flour - - - - the Barrel	0	5	0
——— Beef and Pork, salted, of all Sorts - the Cwt.	0	12	0
- - - fresh, brought by Land or Inland Navigation -	Free.		
Imported into any of the British Possessions in America; *viz.*			
——— Spirits; *viz.*			
- - - Brandy, Geneva, or Cordials, and other Spirits, except Rum - - - the Gallon	0	1	0
- - - and further, the Amount of any Duty payable for the Time being on Spirits the Manufacture of the United Kingdom.			
- - - Rum - - - - the Gallon	0	0	6
- - - and further, the Amount of any Duty payable for the Time being on Rum of the British Possessions in South America or the West Indies.			
N. B.—Rum, although British, if imported from any British Possession in which Foreign Rum is not prohibited, is treated as Foreign, unless it had been warehoused, and exported from the Warehouse.			
——— Wine in Bottles - - - - the Tun	7	7	0
- - - and further - - for every 100*l.* of the Value	7	10	0
- - - and on the Bottles - - the Dozen	0	1	0
- - - bottled in and imported from the United Kingdom - - for every 100*l.* of the Value	7	10	0
- - - the Bottles - - - -	Free.		
——— Wine not in Bottles - - for every 100*l.* of the Value	7	10	0
- - - imported into the British Possessions in North America from Gibralter or Malta, subject to no higher Duty than if imported from the United Kingdom; *viz.* One Tenth of the Duty remitted.			
——— Coffee - - - - - the Cwt.	0	5	0
——— Cocoa - - - - - the Cwt.	0	5	0
——— Sugar - - - - - the Cwt.	0	5	0
——— Melasses - - - - - the Cwt.	0	3	0
- - - and further, the Amount of any Duty payable for the Time being on Coffee, Cocoa, Sugar, and Melasses respectively, being the Produce of the British Possessions in South America or the West Indies.			
Clocks and Watches - - -			
Leather Manufactures - -			
Linen - - - -			
Musical Instruments - - -	For every 100*l.* of the Value - -	30	0	0
Wires of all Sorts - - -			
Books and Papers - - -			
Silk Manufactures - - -			
Glass Manufactures - - -			
Soap - - - -			
Refined Sugar - - -	For every 100*l.* of the Value -	20	0	0
Sugar Candy - - -			
Tobacco, manufactured - -			
Cotton Manufactures - - -			

DUTIES.

		Duty. £	s.	d.
Imported into any of the British Possessions in America—*cont.*				
Alabaster	For every 100*l.* of the Value	7	10	0
Anchovies				
Argol				
Anniseed				
Amber				
Almonds				
Brimstone				
Botargo				
Boxwood				
Currants				
Capers				
Cascacoo				
Cummin Seed				
Coral				
Cork				
Cinnabar				
Dates				
Essence of Bergamot				
——— of Lemon				
——— of Roses				
——— of Citron				
——— of Oranges				
——— of Lavender				
——— of Rosemary				
Emery Stone				
Fruit, preserved in Sugar or Brandy				
Figs				
Honey				
Iron in Bars, unwrought, and Pig Iron				
Juniper Berries				
Incense of Frankincense				
Lava and Malta Stone for building				
Lentils				
Marble, rough and worked				
Mosaic Work				
Medals				
Musk				
Maccaroni				
Nuts of all Kinds				
Oil of Olives				
Oil of Almonds				
Orris Root				
Ostrich Feathers				
Ochres				
Orange Buds and Peel				
Olives				
Pitch				
Pickles in Jars and Bottles				
Paintings				
Pozzolana				
Pumice Stone				
Punk				
Parmasan Cheese				
Pickles				
Prints				

DUTIES.

	Duty. £	s.	d.
Imported into any of the British Possessions in America—*cont.*			
Pearls, Precious Stones, except Diamonds, Quicksilver, Raisins, Sausages, Sponges, Tar, Turpentine, Vermillion, Vermicelli, Whetstones — For every 100*l.* of the Value	7	10	0
Goods, Wares, and Merchandize, not otherwise charged with Duty, and not herein declared to be free of Duty, for every 100*l.* of the Value	15	0	0
Coin, Bullion, and Diamonds; Horses, Mules, Asses, Neat Cattle, and all other Live Stock; Tallow and Raw Hides; Rice; Corn and Grain, unground; Biscuit or Bread; Meal or Flour, except Wheat Flour; Fresh Meat; Fresh Fish; Carriages of Travellers	Duty-free.		
Wheat Flour, Beef and Pork, Hams and Bacon, Wood and Lumber imported into Canada			
Wood and Lumber, imported into New Brunswick, Nova Scotia, or Prince Edward's Island			
Hay and Straw; Fruit and Vegetables, fresh; Salt; Cotton Wool			
Goods, the Produce of Places within the Limits of the East India Company's Charter, imported from those Places, or from the United Kingdom, or from some Place in the British Dominions			
Herrings taken and cured by the Inhabitants of the Isle of Man and imported from thence	Duty-free.		
Lumber, the Produce of and imported from any British Possession on the West Coast of Africa			
Any Sort of Craft, Food and Victuals, except Spirits, and any Sort of Clothing, and Implements and Materials, fit and necessary for the British Fisheries in America, imported into the Place at or from whence such Fishery is carried on			
Drugs; Gums or Resins; Dye Wood and Hard Wood; Cabinet-makers Wood; Tortoiseshell; Hemp, Flax, and Tow			

DUTIES.

	Duty.
Imported into any of the British Possessions in America—*cont.*	£ s. d.
Seeds—Wheat Flour—Fruits—Pickles—Woods of all Sorts—Oakum—Pitch—Tar—Turpentine—Ochres—Brimstone—Sulphur—Vegetable Oils—Burr Stones—Dog Stones—Hops—Cork—Sago—Tapioca—Sponge—Sausages—Cheese—Cider—Wax—Spices—Tallow - - - Imported direct from the Warehouse in the United Kingdom - -	Duty-free.
All Goods imported from the United Kingdom, after having there paid the Duties of Consumption, and being exported from thence without Drawback - - - -	Duty-free.

Abatement of Duty in certain Cases.

And if any of the Goods herein-before mentioned shall be imported through the United Kingdom (having been warehoused therein, and exported from the Warehouse, or the Duties thereon, if there paid, having been drawn back,) One Tenth Part of the Duties herein imposed shall be remitted in respect of such Goods.

Not to repeal Act of Declaration, 18 G. 3. c. 12;

X. And be it further enacted, That nothing in this Act or in any other passed in the present Session of Parliament shall extend to repeal or abrogate, or in any way to alter or affect an Act passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of* Great Britain *in any of the Colonies, Provinces, and Plantations in* North America *and the* West Indies, *and for repealing so much of an Act made in the Seventh Year of the Reign of His present Majesty as imposes a Duty on Tea imported from* Great Britain *into any Colony or Plantation in* America, *as relates thereto;* nor to repeal or in any way alter or affect any Act now in force which was passed prior to the last-mentioned Act, and by which any Duties in any of the *British* Possessions in *America* were granted and still continue payable to the Crown; nor to repeal or in any way alter or affect an Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provisions for the Government of the Province of* Quebec *in* North America, *and to make further Provisions for the Government of the said Province.'*

nor to repeal Duties granted prior to that Act; nor to repeal 31 G. 3. c. 31.

Duties imposed by Acts prior to Act 18 G. 3. c. 12. to be applied to Purposes of those Acts.

XI. And be it further enacted, That the Duties imposed by any of the Acts herein-before mentioned or referred to, passed prior to the said Act of the Eighteenth Year of His Majesty's Reign, shall be received, accounted for, and applied for the Purposes of those Acts: Provided always, that no greater Proportion of the Duties imposed by this Act, except as herein-before excepted, shall be charged upon any

any Article which is subject also to Duty under any of the said Acts, or subject also to Duty under any Colonial Law, than the Amount, if any, by which the Duty charged by this Act shall exceed such other Duty or Duties: Provided nevertheless, that the full Amount of the Duties mentioned in this Act, whether on account of such former Acts, or on account of such Colonial Law, or on account of this Act, shall be levied and recovered and received under the Regulations and by the Means and Powers of this Act.

Currency, Weights, and Measures.

XII. And be it further enacted, That all Sums of Money granted or imposed by this Act, either as Duties, Penalties, or Forfeitures, in the *British* Possessions in *America*, 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 that such Monies may be received and taken according to the Proportion and Value of Five Shillings and Sixpence the Ounce in Silver; and that all Duties shall be paid and received in every Part of the *British* Possessions in *America* according to *British* Weights and Measures in use on the Sixth Day of *July* One thousand eight hundred and twenty-five; and that 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 that all such Duties shall be under the Management of the Commissioners of the Customs.

Duties paid by Collector to Treasurer of Colony in which levied.

XIII. And be it further enacted, That the Produce of the Duties so received by the Means and Powers of this Act, except such Duties as are payable to His Majesty under any Act passed prior to the Eighteenth Year of His Majesty King *George* the Third as aforesaid, 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 His Majesty's Treasury.

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

XIV. And whereas in some of His 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 further 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 Dues as are or shall be payable in any such Possessions upon the like *British* Vessels built in other Parts of His Majesty's Dominions, or owned by Persons not resident in such Possessions.

XV. And

Drawback on Rum, &c. of British Possessions, exported from Newfoundland to Canada, &c.

XV. And be it further enacted, That there shall be allowed upon the Exportation from *Newfoundland* to *Canada* of Rum or other Spirits being the Produce of the *British* Possessions in *South America* or the *West Indies* a Drawback of the full Duties of Customs which shall have been paid upon the Importation thereof from any of the said Places into *Newfoundland*, provided Proof on Oath be made to the Satisfaction of the Collector and Controller of the Customs at the Port from whence such Rum or other Spirits shall be so exported, that the full Duties on the Importation of such Rum or other Spirits at the said Port had been paid, and that a Certificate be produced under the Hands and Seals of the Collector and Controller of the Customs at *Quebeck*, that such Rum or other Spirits had been duly landed in *Canada*: Provided always, that no Drawback shall be allowed upon any such Rum or other Spirits unless the same shall be shipped within One Year from the Day of the Importation of the same, nor unless such Drawback shall be duly claimed within One Year from the Day of such Shipment.

Limitation as to Drawback.

Ship and Cargo to be reported on Arrival.

Particulars of Report.

XVI. And be it further enacted, That the Master of every Ship arriving in any of the *British* Possessions in *America*, 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 Controller, 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 of such Particulars can be known to him; and the Master shall further answer all such Questions concerning the Ship and the 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.

Entry Outwards of Ship for Cargo.

Particulars of Entry.

Penalty 50*l.*

XVII. And be it further enacted, That the Master of every Ship bound from any *British* Possession in *America*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall, before any Goods be laden therein, deliver to the Collector or Controller, 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 Controller, 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 *British* Possession in *America*, or from the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether in ballast or laden, shall before Departure come before the Collector or Controller or other proper Officer, and answer upon Oath 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 Controller 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.

Content of the Cargo to be delivered before Departure.

Clearance of Ship for the Voyage.

Penalty for not clearing, 100*l.*

XVIII. And be it further enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British* Possession in *America* to be the Produce of such Possessions 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 the *British* Possessions in *America* shall at the Place of Importation in any other such Possessions, or in the United Kingdom, be deemed to be of Foreign Production.

Goods not stated in Certificate to be Produce of British Possessions, to be deemed of Foreign Production.

XIX. Provided always, and be it further enacted, That whenever any Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of His 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 the 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

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

obtain any Clearance from any Custom House at *Newfoundland* upon Arrival at 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 other 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.

XX. And be it further enacted, That no Goods shall be laden, or water-borne to be laden, on board any Ship, or unladen from any Ship, in any of the *British* Possessions in *America*, 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 water-borne, 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 Suffrance shall be granted by the Collector and Controller 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 His 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, water-borne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

Particulars of Entry of Goods Inwards and Outwards.

XXI. And be it further enacted, That the Person entering any such Goods shall deliver to the Collector or Controller, 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 such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Controller, or other proper Officer, shall thereupon grant their Warrant for the lading or unlading of such Goods.

Entry Inwards by Bill of Sight.

XXII. And be it further enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Controller,

Controller, or other proper Officer, that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Controller 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 King'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.

XXIII. And be it further enacted, That in all Cases where the Duties imposed by this Act upon the Importation of Articles into His Majesty's Possessions in *America* 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,)

Goods subject to ad valorem Duty.

Value to be declared on Entry.

'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 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 Controller 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 Controller, or other proper Officer, that such Articles have been invoiced below the real and true Value thereof,

Mode of Proceeding if Goods be undervalued.

Proof of Invoice Price.

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

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 Controller, 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.

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

XXIV. And be it further 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 respectively 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.

XXV. And be it further 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 King'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.

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

XXVI. And be it further 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 imported from, to be deemed of the Growth of, United Kingdom.

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

XXVIII. And

XXVIII. And be it further 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.

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

XXIX. And be it further 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 such Island, the Proprietor of the Estate on which such Goods were produced, or his known Agent, shall make and sign an Affidavit in Writing before the Collector or Controller at the Port of Exportation, or before One of His Majesty's Justices of the Peace, or other Officer duly authorized to administer such Oath, residing in or near the Place where such Estate is situated, declaring that such Goods are the Produce of such Estate; and such Affidavit shall set forth 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 Affidavit, unless the Person purporting to make such Affidavit shall actually appear before him and be sworn 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 Affidavit to the Collector or Controller 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 Affidavit; 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 Controller that the Goods shipped by virtue of such Entry are the same as are mentioned and intended in such Affidavit, to the best of his Knowledge and Belief; and thereupon the Collector and Controller, 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 such 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

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

Oath of the Grower.

Declaration of Exporter.

Declaration of the Master.

other such Possession or of such Island, without such Certificate of Production, the same shall be forfeited.

Certificate of Production on Re-exportation from another Colony.

XXX. And be it further 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 the Production, and refer to the Entry Inwards and landing of such Goods, and shall make and subscribe a Declaration before the Collector or Controller 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 Controller 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.

XXXI. 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.

XXXII. And be it further 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.

XXXIII. Provided always, and be it further 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.

XXXIV. And

XXXIV. And be it further 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 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 to be collected in same Manner as on Goods imported by Sea.

XXXV. And be it further 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.

Duties in Canada on American Boats, as in America on British Boats.

XXXVI. 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 may be legally imported into the said Ports respectively; and it is also expedient to empower His 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,)

Ports herein mentioned to be free warehousing Ports.

Bridgetown in *Barbadoes*,
Quebec in *Canada*,
Sydney in *Cape Breton*,
Roseau in *Dominica*,
St. George in *Grenada*,
Kingston and *Montego Bay* in *Jamaica*,
Charlestown in *Nevis*,
Saint John's and *Saint Andrew's* in *New Brunswick*,
Saint John's in *Newfoundland*,
Nassau in *New Providence*,
Halifax and *Pictou* in *Nova Scotia*,
Basseterre in *Saint Kitt's*,
Kingston in *Saint Vincent*,
Road Harbour in *Tortola*,
San Joseph in *Trinidad*,

shall be FREE WAREHOUSING PORTS for all the Purposes of this Act; and that *Kingston* and *Montreal* in the *Canadas*, and

Liverpool and *Yarmouth* in *Nova Scotia*,

shall be WAREHOUSING PORTS for the warehousing of Goods brought by Land

Land or by Inland Navigation, or imported in *British* Ships; and that it shall be lawful for the several Collectors and Controllers 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.

XXXVII. And be it further 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.

XXXVIII. And be it further 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.

XXXIX. And be it further 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 Controller 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 Controller 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, be carried to be shipped, under such Rules and Regulations as the Collector and Controller shall direct.

Bond upon Entry of Goods to be warehoused.

XL. And be it further 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 Controller, 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, 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; 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 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 Controller 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.

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

XLI. And be it further enacted, That if any Goods which have been entered to be warehoused shall not be duly carried 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 from the Warehouse shall not be duly carried and shipped, or shall afterwards be re-landed except with Permission of the proper Officer of the Customs, such Goods shall be forfeited.

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

XLII. And be it further 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 that Purpose; and no Goods which have been so warehoused shall be taken or delivered from the Warehouse except upon due Entry, and under Care of the proper Officers for Exportation, 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 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 the 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.

Account of Goods to be taken on landing.

No Goods to be taken out without Entry.

Deficiencies to be ascertained.

Duties to be paid upon Deficiencies.

XLIII. And be it further enacted, That it shall be lawful for the Collector and Controller, 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.

Samples may be taken.

XLIV. And be it further enacted, That it shall be lawful for the Collector and Controller, under such Regulations as they shall see fit, to permit the Proprietor or other Person having Control over any 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,

Goods may be sorted and re-packed.

Duty due on first Quantity.

Whole Packages may be abandoned for Duty.

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.

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

XLV. And be it further 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 the Customs, without Payment of Duty, except for 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 of such Goods at such other Port.

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

XLVI. And be it further 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 Controller 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 Controller to grant further Time for any such Goods to remain warehoused, if they shall see fit so to do.

Further Time may be granted.

Bond on Entry for Exportation.

XLVII. And be it further 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, with Two sufficient Sureties, to be approved by the Collector or Controller, that the same shall be landed at the Place for which they be entered Outwards, or be otherwise accounted for to the Satisfaction of the Collector and Controller.

Power to appoint other Ports.

XLVIII. And be it further enacted, That it shall be lawful for His Majesty, by Order in Council, from Time to Time to appoint any Port in His 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 His 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.

XLIX. And whereas it is expedient that all Duties and Regulations relating to Importation and Exportation into and from His 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 His Majesty, His 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

the like Goods, Wares, and Merchandize being of the Growth, Produce, or Manufacture of His Majesty's Islands in the *West Indies*, or having been imported into and 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 His 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 of *Great Britain* and *Ireland*, 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 or Exportation into or from any of His 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 His Majesty's Islands in the *West Indies*.

Cape of Good Hope within Limits of the Company's Charter.

L. And be it further enacted, That in all Trade with the *British* Possessions in *America*, the *Cape of Good Hope*, and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India* Company's Charter.

Dutch Proprietors in Demerara, Essequibo, and Berbice, may supply their Estates from Holland.

LI. And be it further enacted, That it shall be lawful for any of the Subjects of the King of the *Netherlands*, being *Dutch* Proprietors in the Colonies of *Demerara* and *Essequibo* and of *Berbice*, to import in *Dutch* Ships, from the *Netherlands* into the said Colonies all the usual Articles of Supply for their Estates therein, and also Wine imported for the Purposes of Medicine only, and which shall be liable to a Duty of Ten Shillings *per* Ton, and no more; and in case Seizure be made of any Articles so imported, upon the Ground that they are not such Supplies, or are for the Purpose of Trade, the Proof to the contrary shall lie on the *Dutch* Proprietor importing the same, and not on the seizing Officer: Provided always, that if sufficient Security by Bond be given in Court to abide the Decision of the Commissioners of Customs upon such Seizure, the Goods so seized shall be admitted to Entry and released.

Dutch Proprietors may not export to United Kingdom or Colonies.

LII. And be it further enacted, That it shall not be lawful for such *Dutch* Proprietor to export the Produce of their Estates to the United Kingdom, or to any of His Majesty's Sugar Colonies in *America*, except under the Conditions herein-after provided.

LIII. And

What Persons shall be deemed Dutch Proprietors.

Proprietors of Estates.

Holders of Mortgages.

LIII. And be it further enacted, That all Subjects of His Majesty the King of the *Netherlands* resident in His said Majesty's *European* Dominions who were at the Date of the Signature of the Convention between His late Majesty King *George* the Third and the King of the *Netherlands*, dated the Twelfth Day of *August* One thousand eight hundred and fifteen, Proprietors of Estates in the said Colonies, and all Subjects of His said Majesty who may hereafter become possessed of Estates then belonging to *Dutch* Proprietors therein, and all such Proprietors as being then resident in the said Colonies, and being Natives of His said Majesty's Dominions in the *Netherlands*, may have declared, within Three Months after the Publication of the aforesaid Convention in the said Colonies, that they wish to continue to be considered as such, and all Subjects of His said Majesty the King of the *Netherlands* who may be the Holders of Mortgages of Estates in the said Colonies made prior to the Date of the Convention, and who may under their Mortgage Deeds have the Right of exporting from the said Colonies to the *Netherlands* the Produce of such Estates, shall be deemed *Dutch* Proprietors under the Provisions of this Act; provided that where both *Dutch* and *British* Subjects have Mortgages upon the same Property in the said Colonies, the Produce to be consigned to the different Mortgagees shall be in proportion to the Debts respectively due to them.

Persons not wishing to be considered Dutch Proprietors to sign a Declaration to that Effect.

LIV. And whereas it is expedient to permit any of such Persons, at their Option, to relinquish such Character of *Dutch* Proprietor; be it therefore enacted, That if any such Person shall make and sign a Declaration in Writing, attested by Two credible Witnesses, setting forth that he is desirous and has elected not to be deemed to be a *Dutch* Proprietor within the Meaning of the said Act in respect of any such Estate or Mortgage to be mentioned and named in such Declaration, and shall cause such Declaration to be delivered to the Commissioners of His Majesty's Customs, such Person shall thenceforth be no longer nor again deemed a *Dutch* Proprietor within the Meaning of the said Act in respect of the Estate or Mortgage so mentioned in such Declaration as aforesaid, and such Declaration shall have effect in respect of any Goods the Produce of any such Estate of which such Person so far as relates to those Goods was a *Dutch* Proprietor, although such Goods may have been exported from the Colony before the delivering of such Declaration as aforesaid.

No Ship to sail from Jamaica to Saint Domingo, or from Saint Domingo to Jamaica.

LV. And be it further enacted, That no *British* Merchant Ship or Vessel shall sail from any Place in the Island of *Jamaica* to any Place in the Island of *Saint Domingo*, nor from any Place in the Island of *Saint Domingo* to any Place in the Island of *Jamaica*, under the Penalty of the Forfeiture of such Ship or Vessel, together with her Cargo; and that no Foreign Ship or Vessel which shall have come from, or shall in the Course of her Voyage have touched at, any such Place in the Island of *Saint Domingo*, shall come into any Port or Harbour in the Island of *Jamaica*; and if any such Ship or Vessel, having come into any such Port or Harbour, shall continue there for Forty-eight Hours after Notice shall have been given by the Officer of the Customs to depart therefrom, such Ship or Vessel shall be forfeited; and if any Person shall be landed in the Island of *Jamaica*

from on board any Ship or Vessel which shall have come from or touched at the Island of *Saint Domingo*, except in case of urgent Necessity, or unless Licence shall have been given by the Governor of *Jamaica* to land such Person, such Ship shall be forfeited, together with her Cargo.

Colonial Laws repugnant to any Act of Parliament to be null and void.

LVI. And be it further 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.

Exemption from Duties to extend only to Duties by Act of Parliament.

LVII. Provided always, and be it enacted and declared, That no Exemption from Duty in any of the *British* Possessions Abroad, contained in any Act of Parliament, does or 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.

Officers may board Ships hovering on the Coasts.

LVIII. And be it further 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 the Customs to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master upon 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 in such Examination, he shall forfeit the Sum of One hundred Pounds.

Forfeiture of Vessels, Carriages, &c. removing Goods liable to Forfeiture.

LIX. And be it further enacted, That all Vessels, Boats, Carriages, and Cattle made use of in the Removal of any Goods liable to Forfeiture under this Act 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.

Goods, Vessels, &c. liable to Forfeiture may be seized by Officers.

LX. And be it further enacted, That all Goods, and all Ships, Vessels, and Boats, and all Carriages, and all Cattle, liable to Forfeiture under this Act, shall and may be seized and secured by any Officer of the Customs or Navy, or by any Person employed for that Purpose by or with the Concurrence of the Commissioners of His 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.

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

LXI. And be it further enacted, That, under 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 His 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 Act, 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.

Obstruction of Officers by Force.

LXII. And be it further 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.

LXIII. And be it further enacted, That all Things which shall be seized as being liable to Forfeiture under this Act, or under any Act made for the Prevention of Smuggling, or relating to the Revenue of Customs, or to Trade or Navigation, shall be taken forthwith and delivered into the Custody of the Collector and Controller 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 His Majesty's Customs; and after Condemnation thereof the Collector and Controller shall cause the same to be sold by public Auction to the best Bidder: Provided always, that it shall be lawful for the Commissioners of the Customs 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 Prosecu-

LXIV. And be it further enacted, That all Penalties and Forfeitures which may have been heretofore or may be hereafter incurred

under

under this or any other 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 Courts, 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. tion of Seizures and Penalties.

LXV. And be it further enacted, That if any Goods or any Ship or Vessel shall be seized as forfeited under this Act, or any Act hereafter to be made, and detained in any 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 Controller of the Customs, to order the Delivery thereof on Security by Bond, with Two sufficient Sureties, to be first approved by such Collector and Controller, to answer Double the Value of the same in case of Condemnation; and such Bond shall be taken to the Use of His Majesty in the Name of the Collector 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 joint Custody of such Collector and his Controller; 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, who shall thereupon, with the Consent or Privity of his Controller, cancel such Bond. Bail may be given for Goods or Ships seized.

LXVI. And be it further enacted, That no Suit shall be commenced for the Recovery of any Penalty or Forfeiture under this Act except in the Name of some superior Officer of the Customs or Navy, or other Person employed as herein-before mentioned, or of His 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. Suits to be commenced in Name of Officers of Customs, &c.

LXVII. And be it further 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, Onus probandi to lie on Party.

exported, the Proof thereof shall lie on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same.

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

LXVIII. And be it further enacted, That no Claim to any Thing seized under this Act, and returned into any of His 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.

LXIX. And be it further enacted, That no Person shall be admitted to enter a Claim to any Thing seized in pursuance of this Act, 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 occcasioned 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 of Action to be given to Officers.

LXX. And be it further 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 to 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.

LXXI. And be it further 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.

LXXII. And be it further enacted, That in case any Information or Suit shall be brought to Trial on account of any Seizure made under this

this Act, 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 Thing seized, or the Value thereof, shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Officer may tender Amends.

LXXIII. And be it further 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 nonsuited, 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.

LXXIV. And be it further 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.

LXXV. And be it further enacted, That all Penalties and Forfeitures recovered in any of the *British* Possessions in *America* under this Act, or under any Act made for the Prevention of Smuggling, or relating to the Revenue of Customs, or to Trade or Navigation, shall be paid into the Hands of the Collector or Controller of the Port or Place in the *British* Possession 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 His Majesty's Customs at the Port or Place where such Penalties or Forfeitures shall be recovered for the Use of His 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 His Majesty's Ships of War, duly authorized to make Seizures, One Moiety of which Seizures, 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 His Majesty's Customs, to and for the Use of His 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 His Majesty as with regard to the other Moiety given to the Seizor or Prosecutor, as His Majesty shall think fit to order and direct by any Order or Orders of Council, or by any Proclamation or Proclamations to be made for that Purpose.

Limitation of Suits.

LXXVI. And be it further enacted, That all Actions or Suits for the Recovery of any of the Penalties or Forfeitures imposed by this Act 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.

Limitation of Appeals.

LXXVII. And be it further enacted, That no Appeal shall be prosecuted from any Decree or Sentence of any of His Majesty's Courts in *America* touching any Penalty or Forfeiture imposed by this Act, or by any Act made for the Prevention of Smuggling, or relating to the Revenue of Customs, or to Trade and 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.

LXXVIII. Provided always, and be it further 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 His Majesty's Possessions Abroad against any Ship, Vessel, Boat, Goods, or Effects, for the Recovery of any Penalty or Forfeiture under any Act for the Prevention of Smuggling, or relating to the Revenue of Customs, or to the Trade or Navigation of the United Kingdom or of any of His Majesty's Possessions Abroad, 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

LXXIX. And be it further enacted, That all Persons authorized to make Seizures under an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, shall, in making and

and prosecuting any such Seizures, have the Benefit of all the Provisions granted to Persons authorized to make Seizures under this Act.

have the Benefit of this Act.

LXXX. And be it further enacted, That all Penalties and Forfeitures created by the said Act passed in the Fifth Year of His late Majesty, 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.

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

LXXXI. And be it further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders in Council to be issued from Time to Time, to give such 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 His 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 His Majesty in Council, the same shall be forfeited, together with the Ship importing or exporting the same.

The King may regulate the Trade of certain Colonies.

LXXXII. And be it further enacted, That it shall be lawful for the *East India* Company, during the Continuance of their exclusive Privileges of Trade, to trade in and export from any Place within the Limits of their Charter any Goods for the Purpose of being carried to some of His Majesty's Possessions in *America*, and so to carry and to import the same into any of such Possessions, and also to carry Return Cargoes from such Possessions to any Place within the Limits of their Charter, or to the United Kingdom; and that it shall be lawful for any of His Majesty's Subjects, with the Licence in Writing granted by or under the Authority of the said Company, to lade in and export from any of the Dominions of the Emperor of *China* any Goods, and to lade in and export from any Place within the Limits of the said Company's Charter any Tea, for the Purpose of being carried to some of His Majesty's Possessions in *America*, and also so to carry and to import the same into any of such Possessions.

East India Company may carry Goods from India to Colonies.

Private Persons may trade to China or in Tea, having Licence from the Company, but limited to the Supply of the Colonies.

LXXXIII. And be it further 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, to be exported from any Place in such Possession, to go before the Collector or Controller or other chief Officer of the Customs at such Place, or, if there be no such Officer of the Customs, to

Certificate of Production of East India Sugar.

to go before the principal Officer of such Place, or the Judge or Commercial Resident of the District, and make and sign an Affidavit 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 administer such Affidavit, and 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.

LXXXIV. And be it further 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 His 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.

LXXXV. And be it further 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 an Affidavit 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 administer such Affidavit, and 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.

LXXXVI. And be it further 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*, 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, 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.

Tea may not be imported

LXXXVII. And be it further enacted, That during the Continuance of the exclusive Right of Trade now enjoyed by the *East India*

India Company it shall not be lawful to import into any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, any Tea, except from the United Kingdom; and if any Tea shall be brought into any of the said Islands from any other Place than from the United Kingdom, or not having been duly entered and cleared in the United Kingdom to be exported to such Island, the same shall be forfeited. into Guernsey, &c. except from United Kingdom.

LXXXVIII. And be it further 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 either of them, or removed from any one to any other of the said Islands, or Coastwise from any one Part to any other Part of either 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 Ship, Vessel, or Boat of less Burthen than One hundred Tons (except when imported from the United Kingdom in Ships of the Burthen of Seventy Tons at least), nor in any Cask or Package of less Size or Content than Forty Gallons, (except when in Bottles, and carried in a Square-rigged Ship), nor any Tobacco or Snuff in any Ship, Vessel, or Boat of less Burthen than One hundred Tons (except when imported from the United Kingdom in Ships of the Burthen of Seventy Tons at least), nor in any Cask or Package containing less than Four hundred and fifty Pounds Weight (save and except any such Spirits or loose Tobacco as shall be for the Use of the Seamen belonging to and on board any such Ship, Vessel, or Boat, not exceeding Two Gallons of the former, and Five Pounds Weight of the latter, for each Seaman, and also except such manufactured Tobacco or Snuff as shall have been duly exported as Merchandize from *Great Britain* or *Ireland*), on pain of Forfeiture of all such Foreign Brandy, Geneva, or other Spirits, Tobacco or Snuff respectively, together with the Casks or Packages containing the same, and also of every such Ship, Vessel, or Boat, together with all the Guns, Furniture and Ammunition, Tackle and Apparel thereof. Guernsey, &c. Tonnage of Ships and Size of Packages for Spirits; also for Tobacco.

LXXXIX. Provided always, and be it further 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 Burthen of Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, in Casks or Packages of less Size or Content than Forty Gallons, or any Tobacco, Snuff, or Tea, not exceeding Fifty Pounds Weight of each, for the Supply of the said Island of *Sark*, 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 always, that every such Boat having on board at any one Time any greater Quantity of Spirits than Ten Gallons, or any greater Quantity of Tobacco or Snuff than Fifty Pounds Weight of each of the said Articles, unless such greater Quantity of Spirits, Tobacco, or Snuff shall be in Casks or Packages of the Size, Content, or Weight herein- Not to extend to Vessels of Ten Tons supplying Island of Sark, having Licence so to do.

before required, or having on board at any one Time any greater Quantity of Tea than Fifty Pounds Weight, shall be forfeited.

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

XC. And be it further 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 Chace, or staved or destroyed, shall forfeit the Sum of One hundred Pounds.

British Coals not to be re-exported from British Possessions without Duty.

XCI. And be it further enacted, That it shall not be lawful for any Person to re-export from any of His Majesty's Possessions Abroad to any Foreign Place 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 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.

XCII. And be it further enacted, That if any Person shall, in any of His 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 any Act for regulating the Trade of the *British* Possessions Abroad, 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 the said last-mentioned Act.

Act may be altered this Session.

XCIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

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