

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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CAP. XCIII.

An Act to regulate the Trade to *China* and *India*.

[28th *August* 1833.]

WHEREAS the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, now enjoyed by the United Company of Merchants of *England* trading to the *East Indies*, will cease from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas it is expedient that the Trade with *China*, and the Trade in Tea, should be open to all His Majesty's Subjects, and that the Restrictions imposed on the Trade of His Majesty's Subjects with Places beyond the *Cape of Good Hope* to the *Streights of Magellan*, for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, should be removed: 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 from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the* East India *Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in* India, shall be repealed, except such Parts thereof as relate to *Asiatic* Sailors, Lascars, being Natives of the Territories under the Government of the *East India* Company, but so as not to revive any Acts or Parts of Acts by the said Act repealed; and except also as to such Voyages and Adventures as shall have been actually commenced under the Authority of the said Act; and except as to any Suits and Proceedings which may have been commenced, and shall be depending on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four; and

Repeal of the Act 4 G. 4. c. 80. except as herein mentioned.

and from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the Enactments herein-after contained shall come into operation.

Repeal of Prohibitions upon the Importation of Tea and Goods from China, imposed by 6 G. 4. c. 107. and 6 G. 4. c. 114.

II. And be it further enacted, That so much of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Tea, unless from the Place of its Growth, and by the *East India* Company, and into the Port of *London*; and also so much of the said Act as prohibits the Importation into the United Kingdom of Goods from *China*, unless by the *East India* Company, and into the Port of *London*; and also so much of the said Act as requires that the Manifests of Ships departing from Places in *China* shall be authenticated by the Chief Supercargo of the *East India* Company; and also that so much of another Act passed in the said Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions Abroad*, as prohibits the Importation of Tea into any of the *British* Possessions in *America*, and into the Island of *Mauritius*, except from the United Kingdom, or from some other *British* Possessions in *America*, and unless by the *East India* Company or with their Licence, shall be, from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any Provision, Enactment, Matter, or Thing made for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained,) it shall be lawful for any of His Majesty's Subjects to carry on Trade with any Countries beyond the *Cape of Good Hope* to the *Streights of Magellan*.

All British Subjects may carry on Trade beyond the Cape of Good Hope to the Streights of Magellan.

List of Persons on board any Ship arriving in India to be delivered to Officers of Customs.

Penalty for Neglect, 100*l*.

III. Provided always, and be it enacted, That the Person having the Command of any Ship or Vessel arriving at any Place in the Possession of or under the Government of the said Company shall make out, sign, and deliver to the principal Officer of the Customs, or other Person thereunto lawfully authorized, a true and perfect List, specifying the Names, Capacities, and Description of all Persons who shall have been on board such Ship or Vessel at the Time of its Arrival; and if any Person having the Command of such Ship or Vessel shall not make out, sign, and deliver such List, he shall forfeit One hundred Pounds, one Half Part of which Penalty shall belong to such Person or Persons as shall inform or sue for the same, and the other Half Part to the said Company; and if the said Company shall inform or sue for the same, then the Whole of the said Penalty shall belong to the said Company.

Penalties how recoverable.

IV. And be it enacted, That the Penalty or Forfeiture aforesaid shall be recoverable by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in the United Kingdom of *Great Britain* and *Ireland*, and in *India* or elsewhere, or in any Courts in *India* to which Jurisdiction may hereafter be given by the Governor General of *India* in Council in that Behalf, to be commenced in the County, Presidency, Colony, or Settlement where the Offender may happen to be; or by Conviction in a summary Way before Two Justices of the Peace in the United Kingdom, or in *India*, of the County or Presidency where such Offender may happen to be; and

and upon such Conviction the Penalty or Forfeiture aforesaid shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender; and for Want of such sufficient Distress every such Offender may be committed to the Common Goal or House of Correction for the Space of Three Calendar Months.

Three Superintendents of the China Trade to be appointed.

V. And whereas it is expedient for the Objects of Trade and amicable Intercourse with the Dominions of the Emperor of *China* that Provision be made for the Establishment of a *British* Authority in the said Dominions; be it therefore enacted, That it shall and may be lawful for His Majesty, by any Commission or Commissions or Warrant or Warrants under His Royal Sign Manual, to appoint not exceeding Three of His Majesty's Subjects to be Superintendents of the Trade of His Majesty's Subjects to and from the said Dominions, for the Purpose of protecting and promoting such Trade, and by any such Commission or Warrant as aforesaid to settle such Gradation and Subordination among the said Superintendents (One of whom shall be styled the Chief Superintendent), and to appoint such Officers to assist them in the Execution of their Duties, and to grant such Salaries to such Superintendents and Officers, as His Majesty shall from Time to Time deem expedient.

His Majesty in Council may issue Orders and Commissions to have force in China;

and issue Regulations touching the Trade;

and create a Court of Justice for Trial of Offences in that Part.

VI. And be it enacted, That it shall and may be lawful for His Majesty, by any such Order or Orders, Commission or Commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, Powers and Authorities over and in respect of the Trade and Commerce of His Majesty's Subjects within any Part of the said Dominions; and to make and issue Directions and Regulations touching the said Trade and Commerce, and for the Government of His Majesty's Subjects within the said Dominions; and to impose Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, to be enforced in such Manner as in the said Order or Orders shall be specified; and to create a Court of Justice with Criminal and Admiralty Jurisdiction for the Trial of Offences committed by His Majesty's Subjects within the said Dominions, and the Ports and Havens thereof, and on the High Seas within One hundred Miles of the Coast of *China;* and to appoint One of the Superintendents herein-before mentioned to be the Officer to hold such Court, and other Officers for executing the Process thereof; and to grant such Salaries to such Officers as to His Majesty in Council shall appear reasonable.

Superintendents, &c. not to accept Gifts, or to trade.

VII. And be it enacted, That no Superintendent or Commissioner appointed under the Authority of this Act shall accept for or in discharge of his Duties any Gift, Donation, Gratuity, or Reward, other than the Salary which may be granted to him as aforesaid, or be engaged in any Trade or Traffic for his own Benefit, or for the Benefit of any other Person or Persons.

A Tonnage Duty to be imposed, to be appropriated towards defraying the Expence of Establishments in China.

VIII. And be it enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders to be issued from Time to Time, to impose, and to empower such Persons as His Majesty in Council shall think fit to collect and levy from or on account of any Ship or Vessel belonging to any of the Subjects of His Majesty entering any Port or Place where the said Superintendents or any of them shall be stationed, such Duty on Tonnage

Tonnage and Goods as shall from Time to Time be specified in such Order or Orders not exceeding in respect of Tonnage the Sum of Five Shillings for every Ton, and not exceeding in respect of Goods the Sum of Ten Shillings for every One hundred Pounds of the Value of the same, the Fund arising from the Collection of which Duties shall be appropriated, in such Manner as His Majesty in Council shall direct, towards defraying the Expences of the Establishments by this Act authorized within the said Dominions: Provided always, that every Order in Council issued by Authority of this Act shall be published in the *London Gazette;* and that every such Order in Council, and the Amount of Expence incurred, and of Duties raised under this Act, shall be annually laid before both Houses of Parliament.

Limitation of Actions.

IX. And be it enacted, That if any Suit or Action shall be brought against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction, and then within Six Months after the Plaintiff or Plaintiffs and Defendant or Defendants shall have been within the Jurisdiction of any such Court; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office by an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants;* and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law.

24 G. 2. c. 44.

General Issue.

If Action brought after Time limited, &c.

Treble Costs.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1833.