ANNO UNDECIMO

Georgii III. Regis.

CAP. XXXVII.

An Act to prohibit the Exportation of Live Cattle, and other Fleſh Proviſions, from *Great Britain*, for a limited Time.



WHEREAS it has been found expedient to permit the free Importation of Live Cattle, and other Proviſions into this Kingdom for a limited Time, and the Benefit thereby intended will be entirely fruſtrated if the Exportation of ſuch Cattle and Proviſions from this Kingdom into Foreign Parts is not reſtrained; 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 paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the Kingdom of Great Britain, or load or lay on Board, or cauſe or procure to be laden or laid on Board, in any Ship or other Veſſel or Boat, in order to be exported or carried out of the ſaid Kingdom of Great Britain, any Live Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or

Preamble.

From the paſſing hereof, no Perſon ſhall tranſport from *Britain*, any Live Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow;

or any Beef, Mutton, Pork, Hog-meat, or Fleſh Proviſion.

or Sow, or any Beef, Mutton, Pork, Hog-meat, or any Fleſh Proviſion, either freſh or ſalted, under the Penalties and Forfeitures herein after mentioned; (that is to ſay), That all the ſaid Commodities that ſhall be ſo exported, ſhipped, or laid on Board, or loaded to be exported, ſhipped, or carried out, contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of Fifty Pounds for each and every Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow; and Five Shillings for every Pound Weight Avoirdupoize of Beef, Mutton, Pork, Hog-meat, or other Fleſh Proviſion, whether freſh or ſalted, and ſo in proportion for any greater Quantity which ſhall be ſo exported, ſhipped, or put on Board to be exported; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them that will ſue for the ſame: And for Offences which ſhall be committed in that Part of Great Britain called England, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or before the Juſtices of Aſſize, or at the Great Seſſions in Wales, or by Information at any General Quarter-ſeſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence ſhall be committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed; and for Offences which ſhall be committed in that Part of Great Britain called Scotland, by Action or ſummary Bill, or Information, in the Courts of Seſſion or Exchequer in Scotland: And that the Maſter and Mariners of any ſuch Ship, Boat, or Veſſel, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and wilfully aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts as aforeſaid, ſhall be impriſoned for the Space of Three Months, without Bail or Mainprize.

Offenders ſhall forfeit 5*l.* for every ſuch Ox, Bull, Cow, &c.

Officers of the Cuſtoms to ſeize ſuch Commodities not allowed to be tranſported.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, being an Officer or Officers of the Cuſtoms, or being lawfully authoriſed in this Behalf by the Lord High Treaſurer of Great Britain, or the Commiſſioners of the Treaſury for the Time being, or any Three or more of them, to take and ſeize all ſuch of the ſaid Commodities, not allowed to be exported by this Act, as he or they ſhall happen to find, know, or diſcover, to be laid on Board any Ship or other Veſſel or Boat at

Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpose to be exported, transported, or conveyed, out of Great Britain or Ireland, contrary to the true Intent of this Act, and to bring the said Goods to the King's Warehouse or Warehouses belonging to the Custom-house next to the Place where such Seizures shall be made, or to some other safe Place (where there are no such Warehouses), in order to be proceeded against according to Law; and, in case of Recovery, to be divided in Manner as aforesaid.

Nothing herein contained shall extend to prohibit the Exportation of Commodities necessary to be carried in Ships of War, &c.

Provided always, That this Act, or any Thing herein contained, shall not extend to prohibit the Exportation of such or so much of the said Commodities as shall be necessary to be carried in any Ship or Ships, or other Vessel or Vessels, in their respective Voyages, for the Sustenance, Diet, and Support of the Commanders, Masters, Mariners, Passengers, or others, in the same Ships or Vessels only, or for the victualling or providing any of his Majesty's Ships of War, or other Ships or Vessels in his Majesty's Service, or for his Majesty's Forces, Forts, or Garrisons; any Thing herein contained to the Contrary notwithstanding.

nor to any Creek, Port, &c. in *Britain* and *Ireland*;

Provided also, That this Act, or any Thing herein contained, shall not extend to prohibit any Person or Persons to ship or put on Board any of the Commodities aforesaid to be carried Coastwise; (that is to say) From any Port, Creek, or Member of the Kingdoms of Great Britain or Ireland, to any other Port, Creek, or Member of the same respectively, having such or the like Coast Cocquet, or Sufferance for that Purpose; and such or the like sufficient Security being first given for the landing and discharging of the same, in some other Port, Member, or Creek, of the said Kingdoms, and returning a Certificate in Six Months, as is required by Law, in Cases where Goods which are liable to pay Duties on Exportation are carried Coastwise from one Port of Great Britain to another, and not otherwise.

nor to extend to Commodities to be exported to *Gibraltar*, *Minorca*, or to *America*.

Provided also, That this Act, or any Thing herein contained, shall not extend to any of the said Commodities which shall be exported, or shipped to be exported out of or from Great Britain to Gibraltar or Minorca, or unto any of his Majesty's Islands or Colonies in America, that have usually been supplied with any of the said Commodities from Great Britain, for the Sustentation of the Inhabitants of the said Islands, Colonies, or Dominions, or for the Benefit of the British Fishery in those Parts only, so as the Exporter do be-

fore the shipping or laying on Board the same, declare the Islands, Colonies, or Dominions, for which the said Commodities are respectively designed, and do become bound with other sufficient Security in Treble the Value thereof, to the Commissioners or Chief Officer or Officers of His Majesty's Customs belonging to the Port or Place where the same shall be shipped or put on Board, (who hath or have hereby Power to take such Security in His Majesty's Name, and to His Majesty's Use) that such Commodities shall not be landed or sold in any Parts whatsoever, other than the Kingdoms, Dominions, Islands, or Colonies, for which the same shall be so declared; and that a Certificate, under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Customs, or if no such, of the Naval Officer, or some other Principal Officer of the Port where the same shall be landed, shall, within the respective Times herein-after for that Purpose mentioned (the Danger of the Seas excepted) be returned to the Officers who took the said Bonds, that the said Commodities have been landed at the Port or Place for which the same shall be so declared; and for the taking such Security, and for giving such Certificates (which the respective Officers aforesaid are hereby on Demand required to give) no Fee or Reward shall be demanded or received; and if any Officer shall make any false Certificate of such Commodities being so landed, such Officer shall forfeit the Sum of Two hundred Pounds, and lose his Employment, and be incapable of serving His Majesty, His Heirs or Successors, in any Office relating to the Customs: And if any Person shall counterfeit, raise, or falsify, any such Certificate, or knowingly publish any such Counterfeit raised, or false Certificate, he shall forfeit the Sum of Two hundred Pounds, and such Certificate shall be void and of no Effect: Which said Penalties for Offences committed in Great Britain, shall be recovered in the same Courts, and in the same Manner as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, shall be recovered in the High Court of Admiralty, or in any Chief Court of Civil or Criminal Jurisdiction, in such respective Colonies, Plantations, or Dominions, and shall be divided into equal Moieties between His Majesty and the Informer; and the said Bond or Bonds, if not prosecuted within Three Years, shall be void.

Officers making false Certificates, to forfeit 200 *l.*

Persons falsifying Certificates shall forfeit 200 *l.*

Provided

Provided also, That nothing herein contained shall extend to prohibit the United Company of Merchants of England trading to the East Indies from exporting any of the said Commodities to any of their Forts, Factories, or Settlements, for the Support of the Persons residing there, so as the like Security be given for the exporting thereof, as is required by this Act to be given by Persons carrying any of the said Commodities to the British Colonies in America. Proviso.

And be it further enacted by the Authority aforesaid, That the Commissioners of the Customs for the Time being shall, and they are hereby required to give a full and true Account, in Writing, to both Houses of Parliament, at the Beginning of the next Session thereof, of all Cattle and other Provisions that shall before that Time be exported to any Place whatsoever by virtue or in pursuance of any of the Liberties or Powers hereby given or granted for that Purpose. Commissioners to give Account to Parliament, next Session, of Cattle, &c. exported.

And be it further enacted by the Authority aforesaid, That all Certificates of the landing and discharging of the said Commodities to be exported, other than Coastwise, shall be returned within the respective Times following; (that is to say), Where the Bonds are taken in respect of any of the said Commodities to be exported from Great Britain to any of the said Colonies or Plantations in America, within Eighteen Calendar Months after the Date of such Bonds; and where to Gibraltar or Minorca, within Twelve Calendar Months after the Date of such Bonds; and where from Great Britain to Ireland, or from Ireland to Great Britain, within Six Calendar Months after the Date of such Bonds respectively. How Certificates of landing Commodities to be returned.

Provided always, and be it enacted by the Authority aforesaid, That no salted Provisions which shall be exported by virtue of this Act shall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of such Commodities, or any of them. Proviso.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, and for the Recovery and Application whereof no other Provision is herein before made, shall be sued for and recovered, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record in Westminster, or in the Court of Exchequer in Scotland; and that the respective Courts before whom the same shall be recovered, may, and are hereby authorised, if they shall think fit, to mitigate all or any of the pecuniary Penalties and Forfeitures, how to be recovered and applied.

Penalties herein before inflicted, to any Sum not less than One-fourth Part of the Sum herein respectively mentioned; and that One Moiety of all such Penalties and Forfeitures, when recovered, shall be to the Use of His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall sue for the same, or give Information of, or discover the Offence.

Proviso. Provided always, That all Suits, Prosecutions, or Informations, for Offences committed against this Act, shall be commenced and made within the Space of Six Calendar Months after the Fact is committed, and not otherwise; any Thing herein contained to the Contrary notwithstanding.

Limitation of Actions. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within the Space of Four Calendar Months next after the Offence shall be committed; and if such Action or Suit shall be commenced or prosecuted in that Part of Great Britain called England, the Defendant or Defendants, in any such Action or Suit, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law: And if such Action or Suit be commenced or prosecuted in that Part of Great Britain called Scotland, the Court before whom such Action or Suit shall be brought shall allow the Defender to plead this Act in his Defence; and if the Pursuer shall not insist on his Action, or if Judgement shall be given against such Pursuer, the Defendant shall and may recover the full and real Expences he may have been put to by any such Action or Suit.

General Issue.

Treble Costs.

Commencement and Continuance of this Act. And be it further enacted by the Authority aforesaid, That this Act shall continue until the Twentieth Day after the Commencement of the next Session of Parliament.

FINIS.

4