ANNO UNDECIMO

Georgii III. Regis.

CAP. L.

An Act for granting a Bounty upon the Importation of White Oak Staves, and Heading, from the *Britiſh* Colonies or Plantations in *America*.

WHEREAS the allowing a Bounty upon the Importation of White Oak Staves, and Heading for Casks, from the Britiſh Colonies or Plantations in America into this Kingdom, under certain Reſtrictions, may tend to promote the Trade and Intercourſe of the ſaid Plantations with Great Britain, and be a Means of ſupplying the Manufacturers of Casks for the Uſe of the Brewers and Diſtillers in this Kingdom with ſuch Materials at more reaſonable Rates than they can at preſent be procured, as well as of ſaving great Sums of Money to His Majeſty's Subjects, which are now expended for the Purchaſe thereof amongſt Foreign Na- Preamble.

tions: May it therefore please your most Excellent Majesty that it may be enacted; and be it 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 First Day of January, One thousand seven hundred and seventy-two, every Person or Persons who shall, within the Time appointed by this Act, import, or cause to be imported, into the Ports of London, Southampton, Poole, Exeter, Plymouth, Bristol, Liverpoole, Whitehaven, Glasgow, Leith, Hull, Newcastle, and Yarmouth, or either of them, directly from any of the British Colonies or Plantations in America, in any Ship or Ships that may lawfully Trade thither, manned as by Law is required, any good, sound, and merchantable Staves, and Heading of White Oak, free from Sap, Wormholes, Knots, and Bites, of the following Dimensions, of the Growth or Product of the said Colonies or Plantations, shall have and enjoy as a Bounty or Premium for such Importation, the following Sums; that is to say,

After 1 *Jan.* 1772, Persons, within the Time appointed, importing into the Ports of *London, Southampton, Poole,* &c.

found and merchantable Staves and Heading of White Oak, the Growth of the Plantations,

What Bounty they shall enjoy.

For every One thousand and two hundred (each hundred containing Five Score) of Pipe Staves, each Stave not being less than Five Feet Six Inches long, from Four Inches and One-half of an Inch to Six Inches broad, and Two Inches thick at the thinnest Edge, which shall be so imported from the First Day of January, One thousand seven hundred and seventy-two, to the First Day of January, One thousand seven hundred and seventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or less Number.

For every One thousand and eight such hundred of Hogshead Staves, each Stave not being less than Four Feet Six Inches long, from Four Inches and One-half of an Inch, to Six Inches broad, and One Inch and One-half of an Inch thick at the thinnest Edge, which shall be so imported from and after the said First Day of January, One thousand seven hundred and seventy-two, to the First Day of January, One thousand seven hundred and seventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or less Number.

For every Two thousand and four such hundred of Barrel Staves, each Stave being from Three Feet Six Inches to Three Feet Eight Inches at the least in length, from Four Inches to Five Inches broad, and One Inch and One-half of an Inch thick at the thinnest

neſt Edge, which ſhall be ſo imported from and after the ſaid firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to the firſt Day of January, One thouſand ſeven hundred and ſeventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or leſs Number.

For every Three thouſand and ſix ſuch hundred Pieces of Pipe Hogſhead and Barrel Heading, each Piece of Pipe Heading being Two Feet Eight Inches long, each Piece of Hogſhead Heading being Two Feet Four Inches long, and each Piece of Barrel Heading being Two Feet and One Inch long at the leaſt, and each ſuch reſpective Piece of Heading being from Five to Six Inches broad, and Two Inches thick at the thinneſt Edge, which ſhall be ſo imported from and after the ſaid firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to the firſt Day of January, One thouſand ſeven hundred and ſeventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or leſs Number.

For every One thouſand two hundred ſuch Pipe Staves; for every One thouſand eight hundred ſuch Hogſhead Staves; for every Two thouſand four hundred ſuch Barrel Staves; and for every Three thouſand ſix hundred Pieces of ſuch Heading as above deſcribed, which ſhall be ſo imported from and after the ſaid firſt Day of January, One thouſand ſeven hundred and ſeventy-five, to the firſt Day of January, One thouſand ſeven hundred and ſeventy-eight, the Sum of Four Pounds: And for every One thouſand two hundred ſuch Pipe Staves; for every One thouſand eight hundred ſuch Hogſhead Staves; for every Two thouſand four hundred ſuch Barrel Staves; and for every Three thouſand ſix hundred Pieces of ſuch Heading, as above deſcribed, which ſhall be ſo imported from and after the ſaid firſt Day of January, One thouſand ſeven hundred and ſeventy-eight, to the firſt Day of January, One thouſand ſeven hundred and eighty-one, the Sum of Two Pounds; to be paid on demand to the Importer of ſuch Goods, by the Collector of the Port where the ſame ſhall be reſpectively imported as aforeſaid, out of any Money in his Hands ariſing by any of the Duties of Cuſtoms on Goods imported: And in caſe the Collector of the Cuſtoms where ſuch Goods ſhall be imported ſhall not have Money ſufficient in his Hands to pay the ſame, he is hereby required to certify the ſame to the Commiſſioners of the Cuſtoms, who ſhall cauſe the ſame to be paid by the Receiver-general of His Majeſty's Cuſtoms the ſaid Premium or Bounty for the ſaid Goods imported into England,

If the Collector, where the Goods are imported has not Money ſufficient in his Hands to pay the Bounty, on certifying the ſame to

the Commissioners of the Customs, the same to be paid by the Receiver-general.

to be paid by the Reciver-general of the Customs in England; and for such as shall be imported into Scotland, to be paid by the Receiver-general there.

Officers of the Customs, before Goods are shipped in the Colonies, with Intent to be imported,

And, in order to intitle the Importer of such Goods to the Bounty or Premium granted by this Act, and to prevent Frauds by importing Foreign or other Staves or Heading not intitled thereto, be it further enacted by the Authority aforesaid, That it shall and may be lawful for the proper Officer or Officers of His Majesty's Customs, before such Goods are laden on Board any Ship or Vessel in any of the said Colonies or Plantations, with an Intent to be imported into this Kingdom, for the Bounty or Premium herein before granted, carefully to examine such Goods, by such Means as he or they shall think proper, to find out and discover whether the same in every respect answer the Description herein before mentioned: And all and every Person and Persons importing any such Goods into Great Britain as aforesaid, shall produce to the Collector, Comptroller, or Principal Officer of the Customs, at the Port of Importation, a Certificate, under the Hand and Seal of the Governor, Lieutenant-governor, Collector of His Majesty's Customs, and Naval Officer, or any Two of them residing and being within the said Colonies or Plantations, that before the Departure of such Ship or Vessel the Person or Persons loading the same had made Oath before them, that the said Goods so shipped on Board were truly and bona fide of the Growth and Produce of some or One of the British Colonies or Plantations in America, and specifying the Colony or Colonies, Plantation or Plantations respectively, of which such Goods is or are the Growth or Produce, (which Oath the said Governor, Lieutenant-governor and Collector of His Majesty's Customs, and Naval Officer, or any Two of them, are hereby authorised to administer); and the said Certificate shall also express the Number, Quantity, Quality, and Species of each Sort of Goods respectively, and that the same had been examined by the proper Officer or Officers of the Customs before the shipping thereof, pursuant to the Directions of this Act; which Officer or Officers is and are hereby required to certify therein, whether such Goods, or any Part thereof, are or are not made from White Oak, and good, sound, and merchantable, free from Sap, Wormholes, Knots, and Bites, and are or are not of the Dimensions and Descriptions herein before respectively mentioned; and the Master, or other Person having the Charge or Command of the Ship or Vessel importing such Goods, shall, on his Arrival,

are carefully to examine such Goods.

Persons importing such Goods into *Britain*, shall produce to the Collector at the Port of Importation, a Certificate from the Governor, &c.

Certificate to express the Number, Quantity, &c. of each Sort of Goods.

make Oath before the Collector, Comptroller, or Principal Officer of the Customs, at the Port of Importation, that the said Goods so imported were truly laden on Board his Ship or Vessel, in One of the said Colonies or Plantations, and are the same Goods as are contained and mentioned in such Certificate.

Officers of the Customs, after the Entry, to take Samples, for Examination.

And, for the better preventing Frauds in the entering any of the Goods before mentioned, in order to obtain the Bounty thereon, be it further enacted by the Authority aforesaid, That it shall and may be lawful for any proper Officer or Officers of the Customs, after the Entry, and at or after the Landing of such Goods, to take Samples thereof, in such Manner, and in such Proportion, as he or they shall judge proper, to examine the same; and if, upon such Examination, it shall appear, that in the whole Quantity so entered there are to the Amount of Ten Pieces in an hundred that do not, in all Respects, answer the Descriptions and Dimensions herein-before described, so as to be intitled to the Bounty herein-before granted; then, and in such Case, no Bounty shall be paid or allowed for any Part of the hundred Pieces in which such deficient Ten Pieces shall be found; and if more than Twenty Pieces in an Hundred of the Quantity so entered shall be found, on such Examination, not to be intitled to the Bounty; then, besides the Loss of the said Bounty, the Importer shall also forfeit and lose the Sum of Fifty Pounds; to be prosecuted and recovered as herein-after mentioned.

No Gratuity to be demanded by Officers for examining,

nor for signing any Certificates, for recovering the Bounty,

And be it further enacted by the Authority aforesaid, That no Fee, Gratuity, or Reward, shall be demanded, taken, or received, by any Officer of His Majesty's Customs for examining, viewing, or delivering such Staves and Heading with respect to the Premium or Bounty allowed by this Act, or for the signing any of the Certificates in order to the receiving such Premium or Bounty, or for paying the same; and any such Officer demanding or taking such Fee or Reward, shall, for such Offence, forfeit his Office, and be for ever after incapable of executing any Office or Employment under His Majesty, His Heirs and Successors.

If any Staves, &c. of the Produce of the Colonies be exported from *Britain*,

And be it further enacted by the Authority aforesaid, That if any such Staves and Heading of the Growth or Product of any of the said Colonies or Plantations shall be again exported from Great Britain, then, and in every such Case, the Persons exporting the same shall, before the

the Entry thereof, pay unto the Collector of the Customs of the Port where the same shall be exported, or to the Chief Officer of the Customs there, the full Sum which is allowed as a Premium or Bounty by this Act on all such Staves and Heading as he intends to export.

Bounty to be paid by the Persons exporting the same.

And be it further enacted by the Authority aforesaid, That if any Person, his, her, or their Agent or Agents, Assignee or Assigns, shall be found fraudulently to export or load on Board any Ship, Vessel, or Boat, in order to be exported, such Staves and Heading without paying such Premium or Bounty to the Chief Officer or Collector of the Customs as aforesaid, such Person and Persons shall forfeit and lose all such Staves and Heading, and double the Value thereof.

Persons fraudulently exporting on Board any Ship Staves and Heading, without paying the Bounty,

to forfeit the same.

And be it further enacted by the Authority aforesaid, That if any Collector or Comptroller of the Customs, or Naval Officer, shall make any false Certificate; or if any Merchant, Trader, Factor, or other Person, shall make any false Oath with regard to the Growth of such Staves and Heading; or if any Master or Commander of any Ship or Vessel shall make any false Oath concerning the Certificate for or the Identity of such Staves and Heading; or if any Person or Persons shall counterfeit any such Certificate, as is herein-before directed to be made, in order to obtain any Premium or Bounty hereby granted; all and every such Person and Persons so offending in any of the Cases aforesaid, shall forfeit the Sum of Two hundred Pounds: And if any such Person so offending shall be a Collector, Comptroller, or Naval Officer, or any other Officer of the Customs, he shall also forfeit and lose his Office, and be incapable of serving His Majesty, His Heirs and Successors.

Collectors, &c. making false Certificates, &c.

or if any Master, &c. shall make any false Oath concerning the Identity of Staves,

or Persons counterfeiting any Certificates to obtain the Bounty, to forfeit 200 l.

And be it further enacted by the Authority aforesaid, That the several Penalties and Forfeitures by this Act inflicted shall and may be sued for, prosecuted, determined, and recovered, by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, or the Court of Exchequer in Scotland, or in any of the Courts of Admiralty in His Majesty's Colonies or Plantations in America respectively, where such Penalty or Forfeiture shall be incurred; wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Forfeitures inflicted by this Act, to be recovered by Plaint or Information.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, shall, if incurred in Great Britain, be applied, One Moiety to the Use of His Majesty, His Heirs and Successors, and the other Moiety to such Person or Persons as shall sue for the same; and all such Penalties and Forfeitures as shall be incurred in any of the said Colonies or Plantations, shall be applied, One-third Part thereof to the Use of His Majesty, His Heirs and Successors, One-third Part to the Use of the Governor of the Colony or Plantation where such Penalty and Forfeiture is incurred, and the remaining Third Part to such Person or Persons as shall sue for the same. Application of Penalties.

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, every such Action or Suit, if in Great Britain, shall be commenced within Six Calendar Months next after the Fact committed, and if in any of the said Colonies or Plantations, within Eighteen Calendar Months next after the Fact committed, and not afterwards; and 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. Limitation of Actions. General Issue. Treble Costs.

And be it further enacted by the Authority aforesaid, That if any Doubt or Dispute shall arise, whether the Staves and Heading, or any Part thereof, so to be imported or exported as aforesaid, are of the Growth or Produce of any of the said Colonies or Plantations, or of any other Growth or Produce; or if any Action shall be brought by the Owner or Claimer of such Goods, against any Officer of the Customs, or any other Person, for any Thing done in pursuance of this Act, and any Doubt or Question, shall thereupon arise concerning the Place of the Growth or Product of such Goods, the Disputes how to be determined.

onus probandi shall lie on the Owner or Claimer of such Goods, or the Person claiming the Premium or Bounty, and not on the Person who seized or stopped the same, or against whom such Action shall be brought; any Law, Custom, or Usage, to the Contrary notwithstanding.

FINIS.