ANNO TRICESIMO QUINTO
Georgii III. Regis.

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C A P. LVII.

An Act to indemnify Governors, Lieutenant Governors, and Perſons acting as ſuch, in the *Weſt India* Iſlands, who have permitted the Importation and Exportation of Goods and Commodities in Foreign Bottoms. [5th *May* 1795.]

Preamble. 12 *Car.* II, Cap. 18.

WHEREAS by an Act, paſſed in the Twelfth Year of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for the encouraging and encreaſing of Shipping and Navigation*; and by other Acts of Parliament now in force, no Goods or Commodities whatſoever can be imported into, or exported out of any Lands, Iſlands, Plantations, or Territories, to His Majeſty belonging, or in His Poſſeſſion, or which may hereafter belong unto or be in the Poſſeſſion of His Majeſty, His Heirs and Succeſſors, in *Aſia*, *Africa*, or *America*, in any other Ship or Ships, Veſſel or Veſſels whatſoever, but in ſuch Ships or Veſſels as do truly and without Fraud belong only to the People of *Great Britain*, or of any of the Territories thereof, in the Manner, and under the Penalties, and ſubject to the Exceptions and Regulations in the ſaid Acts reſpectively contained: But whereas notwithſtanding the ſaid Acts, certain of His Majeſty's Governors or Lieutenant Governors of the Iſlands in the *Weſt Indies*, or Perſons acting as ſuch, have found themſelves under the Neceſſity of opening, with the Advice of their reſpective Councils, the Ports of the ſaid Iſlands for a limited Time, for the Importation of certain Articles of Proviſions and Lumber, for the Supply of the ſaid Iſlands, in Foreign Bottoms, and in like Manner for the Exportation of certain Articles the Produce of the ſaid Iſlands in Return for the ſame: And whereas the Iſland of *Tobago* and certain Parts of the Iſland of *Saint Domingo* have been ſurrendered to His Majeſty, and are now in His Majeſty's Poſſeſſion; at the Time of which Surrender it was ſtipulated and agreed that the Importation of Proviſions, Cattle, Grain, and Wood, of various Kinds, from the United States of *America*, and from other Parts of *America* and the *Weſt Indies*, and the Exportation of certain Articles therein enumerated, being the Produce of the ſaid Iſlands, ſhould be allowed for a limited Time in the Foreign Bottoms and Veſſels therein deſcribed: And whereas ſuch Importation and Exportation as aforeſaid are contrary to the ſaid Acts of Parliament, but being permitted either from the Neceſſity of the Occaſion, or by virtue of the Articles of Capitulation, in

Governors, &c. of *Weſt India* Iſlands having permitted the Importation and Exportation of certain Articles in Foreign Bottoms.

consequence of which the said Island of *Tobago* and certain Parts of the said Island of *Saint Domingo* were so surrendered to His Majesty, and put into His Majesty's Possession, the same ought to be justified by an Act of Parliament; and all Persons issuing, advising, or acting under or in obedience to any Order or Permission of any of the said Governors or Lieutenant Governors of the said Islands, or Persons acting as such, and all Persons concerned in any Importation or Exportation as aforesaid, should be respectively justified: 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 all Personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be hereafter prosecuted or commenced against any Person or Persons for having issued or advised any such Order or Permission, at any Time after the Seventeenth Day of *April* One thousand seven hundred and ninety-four, and before the passing of this Act, or for any Act done by Reason of any such Order or Permission, or relating to any such Exportation or Importation in consequence of such Order or Permission, be, are, and shall be, discharged and made void by virtue of this Act; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons for or by Reason of any such Act, Matter, or Thing, so advised, commanded, appointed, or done, or forborne to be done, he, she, or they, may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs in any Action or Suit so to be prosecuted or commenced in that Part of *Great Britain* called *England*, or in the said *West India* Islands, shall become nonsuit or forbear further Prosecution, or suffer Discontinuance, or if a Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her, or their, Double Costs, for which he, she, or they, shall have the like Remedy, as in Cases where the Costs by Law are given to the Defendants; and if any such Action or Suit as aforesaid shall be commenced or prosecuted in that Part of *Great Britain* called *Scotland*, the Court before which such Action or Suit shall be commenced or prosecuted, shall allow to the Defender the Benefit of the Discharge and Indemnity hereby provided, and shall further allow him his Double Costs of Suit in all such Cases as aforesaid.

all Suits for issuing such Permission, *&c.* to be discharged.

General Issue may be pleaded, and if Plaintiff become nonsuit, *&c.* the Defendant to recover Double Costs.

II. And be it also enacted by the Authority aforesaid, That if any Action or Suit hath been already commenced against any Person or Persons for any such Act, Matter, or Thing, so advised, commanded, appointed, or done, or forborne to be done, it shall and may be lawful for the Defendants or Defenders in such Action or Suit respectively, in whatever Court in *Great Britain* and in the said *West India* Islands such Action or Suit shall have been commenced, to apply to such Court or Courts respectively, to stay all Proceedings therein respectively, by Motion in a summary Way, and such Court or Courts are hereby required to make Order for that Purpose accordingly; and the Court or Courts making such Order shall allow and award to the Defendants or Defenders respectively Double Costs of Suit, for which they shall respectively have the like Remedy, as in Cases where the Costs are by Law given to Defendants or Defenders.

Defendants in Actions already commenced may apply to the Court to stop Proceedings.

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FINIS.