ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXIV.

An Act for indemnifying 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. [25th *May* 1797.]

Preamble.

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 increaſing 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

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

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 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 Seventh Day of *March* One thouſand ſeven hundred and ninety-ſix, 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.

Suits for having iſſued Orders for Exportation or Importation of Proviſions, &c. from or to Iſlands in the *Weſt Indies* in Foreign Bottoms, ſince *Mar.* 7, 1796, made void, &c.

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 may apply to Courts to have ſuch Actions ſtayed, &c.

FINIS.