ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

CAP. LXXII.

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. [21st *June* 1798.]

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

Preamble.

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

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 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 Twenty-fifth Day of *May* One thouſand ſeven hundred and ninety-ſeven, 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 ſhall 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 *May* 25, 1797, made void, &c.

II. And be it alſo enacted, 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

Defendants may apply to Courts to have ſuch Actions ſtayed, *etc.*

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 thereon 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.

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