ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

****

CAP. CVIII.

An Act for indemnifying the Governor of *Surinam*, or the Person acting as such, for having permitted the Importation and Exportation of Goods and Commodities in Foreign Bottoms; and for making void all Seizures of Ships, Vessels, or Goods, for any Thing done in pursuance of such Permission.

[29th *July* 1800.]

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: And whereas the Settlement of *Surinam* and its Dependencies, on the Continent of *South America*, hath been surrendered to His Majesty's Arms, and is now in His Majesty's Possession, and at the Time of such Surrender such Settlement was in great Want of various Necessaries, and great Quantities of the Produce remained in the said Settlement, by Reason of the Interruption of the Commerce to and from the same previous to such Surrender, and under such Circumstances His Majesty's Governor, or the Person acting as such, thought fit to permit the Importation into the said Settlement of certain Articles of Provisions, Lumber, and other Stores for the Supply of the said Settlement, in Neutral and Foreign Bottoms, and also to permit the Exportation of certain Articles, the Produce of the said Settlement, in Neutral Preamble. 12 Car. II. Cap. 18.

 and

and Foreign Bottoms, under certain Regulations and Reſtrictions: And whereas under ſuch Permiſſion, ſome Ships cleared at the ſaid Colony with Cargoes for this Country, but were detained by Ships in the Service of His Majeſty, although they had received ſailing Inſtructions in order to proceed to *Great Britain*, under the Convoy about to proceed from the Leeward Iſlands: And whereas ſuch Importation and Exportation as aforeſaid were rendered neceſſary by the peculiar Situation of the ſaid Settlement, and having been permitted from the Neceſſity of the Occaſion, the Parties who were intereſted in the ſame ſhould be protected againſt Loſs; and all Perſons iſſuing, adviſing, or acting under or in Obedience to any Order or Permiſſion of the ſaid Governor, or of any Perſon acting as Governor of the ſaid Settlement; and all Perſons concerned in any Importation or Exportation as aforeſaid, ſhall be reſpectively juſtified and indemnified therein, and releaſed from all Penalties and Forfeitures in reſpect thereof: 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 Seizures made of any Ships or Veſſels navigating under any ſuch Order or Permiſſion, or importing or exporting any ſuch Articles as aforeſaid, under the Regulations and Reſtrictions contained therein, at any Time ſubſequent to the Twenty-ſixth Day of *February* One thouſand eight hundred, and all Seizures of any Goods, Merchandizes, or Effects imported or exported in any ſuch Ship or Veſſel, ſhall be and are hereby declared to be null and void to all Intents and Purpoſes whatſoever; and all perſonal Actions and Suits, Indictments, Informations, and all Proſecutions and Proceedings whatſoever, which have been or ſhall be hereafter commenced or proſecuted againſt any Perſon or Perſons for having iſſued or adviſed any ſuch Order or Permiſſion, or for any Act done by Reaſon or under the Authority of any ſuch Order or Permiſſion, or relating to any Exportation or Importation in conſequence of any ſuch Order or Permiſſion; and alſo all Proceedings whatſoever, which have been or ſhall be hereafter commenced or proſecuted for or in reſpect of any Forfeiture, or for the Condemnation under the ſaid Acts, or any of them, of any Goods, Merchandize, or Effects imported or exported under the Authority of any ſuch Order or Permiſſion, or of any Ship, Boat, Veſſel, or other Thing employed in ſuch Importation or Exportation at any Time ſubſequent to the Twenty-ſixth Day of *February* One thouſand eight hundred, ſhall be and the ſame are diſcharged and made void to all Intents and Purpoſes by virtue of this Act; and that if any Action or Suit, or other Proceeding whatſoever, ſhall be commenced or proſecuted againſt any Perſon or Perſons, for or by Reaſon of any ſuch Act, Matter, or Thing ſo adviſed, commanded, appointed, or done, or forborn 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 *Weſt India* Iſlands, or any of His Majeſty's Dominions in *America*, 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 Defendants; and if any ſuch Action or Suit as aforeſaid, ſhall be commenced or proſecuted in that Part of *Great Britain* called

Seizures made ſubſequent to *Feb.* 26, 1800, of Veſſels navigated by Order of the Governor of *Surinam*, and of Goods imported or exported under the Regulations therein contained, ſhall be void; and all Actions brought againſt Perſons for having iſſued or adviſed ſuch Order, ſhall be diſcharged.

General Iſſue may be pleaded to Actions, and Defendants ſhall recover double Coſts, *etc.*

called *Scotland*, or in any other Part of His Majeſty's Dominions, 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.

Where Seizures have been made, or Proceedings commenced for Condemnation, or if diſpoſed of under the Direction of any Court, the Owner or Defendant may apply to ſuch Court to ſtay Proceedings, and to obtain Reſtoration of the Veſſels and Goods, *etc.*

II. And be it further enacted, That if any Seizures have been made or ſhall be made of any Ship or Veſſel, or of any Goods or Merchandize as forfeited, or as Prize, under or by virtue of the ſaid Act or Acts, or if any Proceſs or Proceeding hath been, or ſhall be commenced for the Purpoſe of procuring the Condemnation of any ſuch Ship or Veſſel, Goods, Merchandize, or Effects as forfeited, or as Prize, under the ſaid Acts, or any of them, or otherwiſe, by Reaſon of the Importation or Exportation of any ſuch Goods, Merchandize, or Effects, in any Ship or Veſſel not owned and navigated according to Law, or if any ſuch Ship or Veſſel, Goods, Merchandize, or Effects hath been ſold or diſpoſed of by the Direction or under the Authority of any Court or Courts, in purſuance of any ſuch Seizure as aforeſaid, or 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 Owner or Owners, or any other Perſon acting as an Agent on his, her, or their Behalf, or for the Defendant or Defendants, in ſuch Proceſs, Proceeding, Action, or Suit reſpectively, in whatever Court in *Great Britain*, or any other Part of His Majeſty's Dominions, ſuch Proceſs, Proceeding, 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 to obtain Reſtoration of any ſuch Ship, Veſſel, Goods, or Merchandize, or where the ſame ſhall have been ſo ſold or diſpoſed of as aforeſaid, of the Produce of ſuch Sale or Sales; and ſuch Court or Courts is and are hereby required to make Order for that Purpoſe accordingly.

Nothing herein to prevent Owners of Veſſels, *etc.* from bringing Actions for Damages againſt Perſons making Seizures:

III. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent any Owner or Owners of any Ship or Veſſel, Goods, Merchandizes, or Effects, ſo ſeized as aforeſaid, or any other Perſon acting as an Agent on his, her, or their Behalf, from commencing or proſecuting any Action, Suit, or Claim, againſt any Perſon or Perſons who ſhall have made any ſuch Seizure, for any Damages for or on Account of ſuch Seizure, or any Act, Matter, or Thing relating thereto, having been illegal, and not authorized by the ſaid Act or Acts, or for or on Account of any Act, Matter, or Thing for which ſuch Perſon or Perſons would have been liable to any ſuch Action, Suit, or Claim, if this Act had not been paſſed.

But no ſuch Actions authorized, except in Caſes where they might have been proſecuted, if this Act had not paſſed.

IV. Provided alſo, That nothing in this Act contained ſhall extend or be conſtrued to extend to authorize or warrant any ſuch Action, Suit, or Claim, for or by Reaſon of any ſuch Seizure, or of any Act, Matter, or Thing done relating thereto, except in ſuch Caſes, or for ſuch Cauſes in or for which ſuch Action, Suit, or Claim might have been proſecuted if this Act had not paſſed.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1800.