ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. LIII.

An Act for indemnifying all Perſons who have been concerned in adviſing, iſſuing, or carrying into Execution any Order or Orders for permitting the Importation and Exportation of certain Goods and Commodities in Foreign Bottoms, into and out of His Majeſty's *Weſt India* Iſlands, and the Colonies, Settlements, and Territories, which have been conquered by His Majeſty's Arms. [23d *May* 1806.]

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 Majeſty's 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 the United Kingdom of *Great Britain* and *Ireland*, or of any of the Territories thereof, in the Manner, 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 Lieu- 12 Car. 2. c. 18.

tenant

tenant Governors of the Iſlands in the *Weſt Indies*, and of the Colonies, Settlements, and Territories which have been conquered by His Majeſty's Arms, 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 neceſſary for the Supply of the ſaid Iſlands, Colonies, Settlements, and Territories, in Foreign Bottoms, and in like Manner for the Exportation of certain Articles, the Produce of the ſaid Iſlands, Colonies, Settlements, and Territories, in return for the ſame: And whereas ſuch Importation and Exportation as aforeſaid are contrary to the ſaid Acts of Parliament, but being permitted from the Neceſſity of the Occaſion, the ſame ought to be juſtified by an Act of Parliament, and rendered valid and of due Force in Law, and all Perſons adviſing or iſſuing any Order or Permiſſion of any of the ſaid Governors or Lieutenant Governors of the ſaid Iſlands, Colonies, Settlements, or Territories, or Perſons acting as ſuch, ought to 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 the ſaid Orders and Permiſſions be and be deemed valid accordingly, and of due Force in Law, and 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 adviſed, or iſſued, or carried into Execution any ſuch Order or Permiſſion, at any Time before the paſſing of this Act, 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, 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 the United Kingdom called *England*, or that Part called *Ireland*, 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 thereby provided, and ſhall further allow him his Double Coſts of Suit in all ſuch Caſes as aforeſaid.

Orders of Governors of the Weſt India Iſlands, &c. for permitting the Importation and Exportation of certain Goods, deemed valid, and Perſons concerned therein indemnified, &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, it ſhall and may be lawful for the Defendants or Defenders in ſuch Action or Suit reſpectively, in whatever Court in the United Kingdom of *Great Britain* and *Ireland*, or in the ſaid *Weſt India* Iſlands, Colonies, Settlements, or Territories, 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

Actions already commenced to be ſtayed.

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 the Defendants or Defenders.

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