ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. CVII.

An Act for the more effectual Recovery of Penalties and Forfeitures, incurred in the *Britiſh* Colonies and Plantations in *America*. [15th *June* 1809.]

WHEREAS by divers Acts of Parliament relating to the Trade and Revenue of His Majeſty's Colonies and Plantations in *America*, ſundry Penalties and Forfeitures are inflicted, which, by Two Acts, the one paſſed in the Fourth Year of His preſent Majeſty's Reign, intituled, *An Act for granting certain Duties in the* Britiſh *Colonies and Plantations in* America; *for continuing, amending, and making perpetual, an Act paſſed in the Sixth Year of the Reign of His late Majeſty King* George *the Second*, (*intituled*, '*An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in* America;') *for applying the Produce of ſuch Duties, and of the Duties to ariſe by virtue of the ſaid Act, towards defraying the Expences of defending, protecting, and ſecuring the ſaid Colonies and Plantations; for explaining an Act made in the Twenty-fifth Year of the Reign of King* Charles *the Second*, (*intituled*, *An 'Act for the Encouragement of the* Greenland *and* Eaſtland *Trades, and for the better ſecuring the Plantation Trade'*); *and for altering and diſallowing ſeveral Drawbacks on Exports from this Kingdom; and more effectually preventing the clandeſtine Conveyance of Goods to and from the ſaid Colonies and Plantations, and improving and ſecuring the Trade between the ſame and* Great Britain;" and the other paſſed in the Eighth Year of His preſent Majeſty's Reign, and intituled, *An Act for the more eaſy and effectual Recovery of the Penalties and Forfeitures inflicted by the Acts of Parliament relating to the Trade or Revenues of the* Britiſh *Colonies and Plantations in* America;

4 G. 3. c. 15.

8 G. 3. c. 22.

America; are to be profecuted, fued for, and recovered in certain Courts in the faid Acts mentioned: And whereas it is expedient to alter and amend the Provifions of the faid Acts; be it therefore enacted by the King's moft Excellent Majefty, 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 the Provifions contained in the ſaid recited Acts, or in any other Acts, as to profecuting, fuing for, and recovering any Penalties or Forfeitures incurred in the *Britiſh* Colonies or Plantations in *America*, under any Law relative to the Trade or Revenue of the ſaid Colonies or Plantations, ſhall be and the ſame are hereby repealed, except only as to any Proceedings under the ſaid Acts now depending, or which ſhall be commenced before the Tenth Day of *October* One thouſand eight hundred and nine; and that all ſuch Penalties and Forfeitures which may have been heretofore, or may be hereafter incurred, ſhall and may be profecuted, fued for, and recovered in any Court of Record, or of Vice Admiralty having Juriſdiction, in the Colony or Plantation where the Cauſe of Profecution ariſes; and in Caſes where there ſhall happen to be no ſuch Courts, then in any Court of Record, or of Vice Admiralty having Juriſdiction, in ſome *Britiſh* Colony or Plantation near to that where the Cauſe of Profecution ariſes; provided, that in Caſes where a Seizure is made in any other Colony than that where the Forfeiture accrues, ſuch Seizure may be profecuted in any Court of Record, or of Vice Admiralty having Juriſdiction, either in the Colony or Plantation where the Forfeiture accrues, or in the Colony or Plantation where the Seizure is made, at the Election of the Seizor or Profecutor; and in Caſes where there ſhall happen to be no ſuch Courts in either of the laſt mentioned Colonies or Plantations, then in any Court of Record, or of Vice Admiralty having Juriſdiction, in ſome *Britiſh* Colony or Plantation near to that where the Forfeiture accrues, or to that where the Seizure is made at the Election of the Seizor or Profecutor.

Provifions of recited Acts for recovering Penalties repealed, except as to Proceedings commenced before October 10, 1809, and all ſuch Penalties ſhall be recovered in any Court of Record, or of Vice Admiralty, in the Colony where the Cauſe ariſes, &c.

Proceedings in Caſes of Seizures.

II. And be it further enacted, That ſuch Seizures, by whomſoever made, ſhall be lodged and depoſited in the Cuſtody of the Collector and Comptroller of the Cuſtoms at the Port where they ſhall be made, or into which they ſhall be carried for Adjudication under the aforeſaid Proviſions, and ſhall be ſubject in reſpect to the Charge, Care, Sale, and Delivery thereof, to the Rules and Regulations of an Act of the Twenty-ſixth Year of His preſent Majeſty's Reign, intituled, *An Act for regulating the Production of Manifeſts, and for more effectually preventing fraudulent Practices in obtaining Bounties and Drawbacks, and in the clandeſtine relanding of Goods*; and ſhall be deliverable on Security according to the Rules of another Act of the Twenty-eighth Year of His preſent Majeſty's Reign, intituled, *An Act more effectually to ſecure the Performance of Quarantine, and for amending ſeveral Laws relating to the Revenue of Cuſtoms*, in like Manner as if the Proviſions of the Two laſt recited Acts were herein repeated.

Seizures to be lodged with the Collector and Comptroller of the Cuſtoms, &c.

26 G. 3. c. 39.

28 G. 3. c. 34.

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