

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. XXXV.

An Act to prohibit all Intercourſe between the Iſland of *Jamaica* and certain Parts of the Iſland of *Saint Domingo*. [20th *April* 1812.]

WHEREAS it is expedient that all Intercourſe between the Iſland of *Jamaica* and certain Parts and Places of the Iſland of *Saint Domingo* ſhould ceaſe and determine: Be it 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, from and after the First Day of *July* One thouſand eight hundred and twelve, no *Britiſh* Ship or Veſſel ſhall, for any Purpoſe or under any Pretence whatever, ſail from any Port or Place in the Iſland of *Jamaica* to any Port or Place in the Iſland of *Saint Domingo*, nor from any Port or Place in the Iſland of *Saint Domingo* to any Port or Place in the Iſland of *Jamaica*, except as is herein-after provided, under the Penalty of the Forfeiture of any ſuch Ship or Veſſel, together with her Cargo, Guns, Furniture, Ammunition, Tackle, and Apparel.

Intercourſe between Jamaic. and St Domingo prohibited, except as herein provided.

II. And be it further enacted, That no Foreign Ship or Veſſel, whether laden or in Ballaſt, ſhall come into any Port in the Iſland of *Jamaica*, if ſuch Ship or Veſſel ſhall have come from, or ſhall in the Courſe of her Voyage have touched at any Port or Place in the Iſland of *Saint Domingo*; and if any ſuch Foreign Ship or Veſſel ſhall land any Perſon from on board the ſame, or ſhall continue in any Port or Harbour of the ſaid Iſland of *Jamaica*, for Forty-eight Hours after Notice ſhall be given by the principal Officer of the Cuſtoms reſident at the Port to depart therefrom, ſuch

Foreign Veſſels having touched at St. Domingo not ſuffered to remain in any Port of Jamaica more than 48 Hours, on Penalty of Forfeiture.

Foreign Ship or Veſſel ſhall be forfeited, together with her Cargo, Guns, Furniture, Ammunition, Tackle, and Apparel.

Not to extend to that Part of St. Domingo under the Spaniſh Government:

III. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to the prohibiting of any Intercourſe which may be carried on by any Law or Laws now in force between the ſaid Iſland of *Jamaica* and any Port or Place in the ſaid Iſland of *Saint Domingo*, which now is or ſhall be in the Poſſeſſion of, and under the Dominion of the *Spaniſh* Government, while the ſame ſhall continue in and under ſuch Poſſeſſion and Dominion.

Nor to any of His Majeſty's Ships of War.

IV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent any of His Majeſty's Ships or Veſſels of War from ſailing from any Port or Place in the ſaid Iſland of *Jamaica* to any Port or Place in the ſaid Iſland of *Saint Domingo*, nor from any Port or Place in the ſaid Iſland of *Saint Domingo* to any Port or Place in the ſaid Iſland of *Jamaica*.

Veſſels, &c. liable to Forfeiture, may be ſeized by any Commander of His Majeſty's Ships of War, &c. and may be ſued for in manner directed by 49 G. 3. c. 107.

V. And be it further enacted, That all Ships, Veſſels, and Goods, liable to Forfeiture under the Proviſions of this Act, ſhall and may be ſeized by the Commander of any of His Majeſty's Ships or Veſſels of War, or any Commiſſioned, Warrant, or Petty Officer by him ſpecially authorized, or by any Officer of His Majeſty's Cuſtoms, and ſhall and may be ſued for and proſecuted, in ſuch and the like Manner, and by the ſame Ways and Means, and ſubject to the like Rules and Directions, as any Forfeitures incurred in the *Britiſh* Colonies or Plantations in *America*, by force of any Act of Parliament relating to the Trade and Revenues of the ſaid Colonies or Plantations, may now be ſued for and proſecuted in purſuance of an Act paſſed in the Forty-ninth Year of the Reign of His preſent Majeſty, intituled *An Act for the more effectual Recovery of Penalties and Forfeitures incurred in the* Britiſh *Colonies and Plantations in* America; and ſuch Ships, Veſſels, and Goods, ſhall be lodged and depoſited in the Cuſtody of the Officers mentioned in the ſaid Act, and ſhall be ſubject to the other Proviſions thereof, in like Manner as if the ſame were herein repeated; and the Commanders or Officers of any Ships or Veſſels of War, and the Officers of the Cuſtoms, in making and proſecuting any ſuch Seizures, ſhall have the Benefit of all the Proviſions made by any Act of Parliament for the Protection of Officers ſeizing and proſecuting any Ships, Veſſels, or Goods, for any Offence againſt any Act of Parliament relating to the Trade and Revenues of the *Britiſh* Colonies or Plantations in *America*.

How Forfeitures ſhall be diſpoſed of.

VI. And be it further enacted, That the Forfeitures incurred by this Act ſhall go and belong to ſuch Perſon and Perſons, and in ſuch Shares and Proportions as any Forfeitures incurred in the *Britiſh* Colonies or Plantations in *America* now go and belong to, and may now be diſtributed and applied under and by virtue of a certain Act of Parliament made in the Fourth Year of the Reign of His preſent Majeſty, for granting certain Duties in the *Britiſh* Colonies and Plantations in *America*, and for other Purpoſes.

In caſe of Diſpute about the Forfeiture, Proof

VII. And be it further enacted, That if any Ship or Veſſel, or any Goods laden thereon, ſhall be ſeized under the Proviſions of this Act, and any Diſpute ſhall ariſe whether the ſaid Ship or Veſſel had ſailed, or the Goods laden

laden thereon, had been brought from any Port or Place in the Iſland of *Jamaica* to any Port or Place in the Iſland of *Saint Domingo*, or from any Port or Place in the Iſland of *Saint Domingo* to any Port or Place in the Iſland of *Jamaica*, contrary to the true Intent and Meaning of this Act, in ſuch Caſe the Proof thereof ſhall lie upon the Owner or Claimer of ſuch Ship or Veſſel or Goods, and not upon the Officer who ſhall ſeize or ſtop the ſame; and in caſe no ſufficient Proof ſhall be given by the Owner or Claimer of ſuch Ship or Veſſel, or the Goods laden thereon, of the Port or Place from and to which ſuch Goods had been brought, and ſuch Ship or Veſſel did really and *bona fide* ſail, then ſuch Ship or Veſſel ſhall without any further Proceeding be taken and held to have ſailed, and the Goods laden thereon, ſhall be taken and held to have been brought from one of the ſaid Iſlands to the other, contrary to the Proviſions of this Act; any Law, Cuſtom, or Uſage, in any of the Colonies or Plantations to the contrary thereof in anywiſe notwithſtanding. ſhall lie on the Owner.

VIII. And be it further enacted, That in caſe any Ships or Veſſels, or any Goods whatever, ſhall be ſeized as forfeited by virtue or in purſuance of this Act, it ſhall and may be lawful for the Commiſſioners of the Cuſtoms in *England*, or any Four or more of them, on Evidence being given to their Satisfaction that the Forfeiture aroſe without any fraudulent Proceeding, or Deſign or Intention of Fraud in the Proprietor or Proprietors of ſuch Ships or Veſſels or Goods, by any Writing ſigned by them, or any Four of them, to order the ſame to be reſtored to ſuch Proprietor or Proprietors, in ſuch Manner and on ſuch Terms and Conditions as under the Circumſtances of the Caſe ſhall appear to the ſaid Commiſſioners to be juſt and reaſonable and as they ſhall think fit to direct; and if the ſaid Proprietor or Proprietors ſhall comply with the Terms and Conditions preſcribed by the ſaid Commiſſioners, the ſame ſhall be reſtored accordingly; and it ſhall not be lawful for the Officer or Officers who ſhall have ſeized ſuch Ships, Veſſels, or Goods, or any other Perſon or Perſons whatever on his or their Behalf, to proceed in any Manner for the Condemnation thereof; but if ſuch Proprietor or Proprietors ſhall not comply with the Terms and Conditions preſcribed by the ſaid Commiſſioners, ſuch Officer or Officers ſhall be at Liberty, and he and they is and are hereby authorized to proceed for the Condemnation of ſuch Ships or Veſſels, or Goods, as if this Law had not been made: Provided always, that if ſuch Proprietor or Proprietors ſhall accept the Terms and Conditions preſcribed by the ſaid Commiſſioners, ſuch Proprietor or Proprietors ſhall not have or be entitled to any Recompence or Damages on Account of the Seizure or Detention of ſuch Ships or Veſſels, or Goods, or have or maintain any Action whatever for the ſame; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. Commiſſioners of the Cuſtoms may reſtore the Forfeiture on Conditions, if proved that it was incurred without any fraudulent Deſign.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.