ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

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CAP. XCVIII.

An Act to permit Sugar, Coffee, and Cocoa to be exported from His Majesty's Colonies or Plantations to any Port in *Europe* to the Southward of *Cape Finisterre*, and Corn to be imported from any such Port, and from the Coast of *Africa*, into the said Colonies and Plantations, under Licences granted by the Collectors and Controllers of the Customs. [9th *July* 1812.]

WHEREAS by an Act passed in the Forty-eighth Year of the Reign of His present Majesty, intituled *An Act to permit, until the Twenty-fifth Day of* March *One thousand eight hundred and ten, Sugar and Coffee to be exported from His Majesty's Colonies or Plantations to any Port in* Europe *to the Southward of* Cape Finisterre, *and Corn to be imported from such Port, and from the Coast of* Africa *into the said Colonies and Plantations;* which Act by another Act passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act to continue an Act made in the Forty-fourth Year of His present Majesty, for permitting the Exportation of Salt from the Port of* Nassau *in the Island of* New Providence, *the Port of* Exuma, *and the Port of* Crooked Island, *in the* Bahama Islands, *in* American *Ships coming in Ballast; and amend and continue an Act made in the Forty-eighth Year of His present Majesty, for permitting Sugar and Coffee to be exported from His Majesty's Colonies or Plantations,* 48 G. 3. c. 69. 50 G. 3. c. 13.

Plantations, to any Port in Europe *to the Southward of* Cape Finiſterre, *and Corn to be imported from ſuch Port, and from the Coaſt of* Africa *into the ſaid Colonies and Plantations, until the Twenty-fifth Day of* March *One thouſand eight hundred and thirteen,* was continued until the Twenty-fifth Day of *March* One thouſand eight hundred and thirteen, and extended to Cocoa the Growth or Produce of any of His Majeſty's Colonies or Plantations in *America*, it is lawful for any of His Majeſty's Subjects to ſhip in any of His Majeſty's Sugar Colonies or Plantations in *America*, any Sugar, Coffee, or Cocoa of the Growth and Produce of any ſuch Colony or Plantation reſpectively, and to export the ſame direct to any Port in *Europe* to the Southward of *Cape Finiſterre*, and to import into the ſaid Colonies or Plantations any Sort of Corn or Grain direct from any ſuch Port in *Europe*, or from any Port or Place on the Coaſt of *Africa* to the Northward of the Thirtieth Degree of North Latitude, in ſuch Ships or Veſſels, and under certain Reſtrictions, Regulations, and Forfeitures as are therein particularly deſcribed, appointed, limited, and enacted for that Purpoſe: And whereas the Proviſions under which ſuch Exportation from the *Britiſh* Colonies, and Importations into the ſame, to and from the Places in *Europe* and *Africa* herein-before deſcribed are allowed have been found inconvenient; 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, from and after the Firſt Day of *Auguſt* One thouſand eight hundred and twelve, it ſhall be lawful for any of His Majeſty's Subjects to ſhip in any of His Majeſty's Sugar Colonies or Plantations in *America*, any Sugar, Coffee, or Cocoa, being of the Growth and Produce of any ſuch Colony or Plantation reſpectively, and to export the ſame direct to any Port in *Europe* to the Southward of *Cape Finiſterre*; and to import into the ſaid Colonies or Plantations any Sort of Corn or Grain direct from any ſuch Ports in *Europe*, or from any Port or Place on the Coaſt of *Africa* to the Northward of the Thirtieth Degree of North Latitude, in ſuch Ships or Veſſels, and under ſuch Licences, Entries, Securities, Reſtrictions, Regulations, Limitations, Penalties, and Forfeitures as are herein-after particularly deſcribed, appointed, and limited for that Purpoſe.

Sugar, Coffee, and Cocoa, may be exported from His Majeſty's Plantations in America, to any Port in Europe Southward of Cape Finiſterre, and Corn may be imported from any ſuch Port, &c.

II. And be it further enacted, That no Sugar, Coffee, or Cocoa ſhall be ſhipped or laden in any of the ſaid Colonies or Plantations for the Purpoſe of being carried to a Port in *Europe*, to the Southward of *Cape Finiſterre*, except in *Britiſh*-built Ships owned, navigated, and regiſtered according to Law, nor unleſs a Licence ſhall have been firſt taken out for that Purpoſe under the Hands and Seals of the Collector and Controller of the Port at which ſuch Sugar, Coffee, or Cocoa is intended to be ſhipped or laden, the Form of which Licence ſhall be ſettled under the Direction of the Commiſſioners of the Cuſtoms in *England*, ſubject to the Regulations and on the Conditions hereafter mentioned; (that is to ſay), that Notice be firſt given in Writing by the Maſter or by One or more Owner or Owners of ſuch Ship or Veſſel, to the Collector and Controller of ſuch Port of the Intention of ſuch Maſter or Owner or Owners, that ſuch Ship or Veſſel ſhall when laden proceed direct to ſome Port in *Europe* to the Southward of *Cape Finiſterre*, and export from thence, or from ſome Port or Place on the Coaſt of *Africa*, to the Northward of the Thirtieth Degree of North Latitude, Corn or Grain to be carried direct to the

Sugar, &c. not to be exported but in Britiſh-built Ships, nor unleſs a Licence is obtained and the Regulations obſerved as herein mentioned.

Colony or Plantation from which ſuch Ship or Veſſel ſhall have ſailed, and the Perſon or Perſons intending to ſhip ſuch Sugar, Coffee, or Cocoa ſhall then make Oath before the Collector and Controller of the ſaid Port, (which Oath they are hereby authorized and required to adminiſter), that it is his or their full Intention and Reſolution to load ſuch Ship or Veſſel with Sugar, Coffee, or Cocoa for Exportation direct to ſome Port in *Europe*, to the Southward of *Cape Finiſterre*, and to no other Place whatever, and the Maſter or Owner or Owners of the Ship or Veſſel, together with the Perſon or Perſons ſo intending to ſhip the ſaid Coffee, ſhall thereupon enter into Bond to the Uſe of His Majeſty, His Heirs and Succeſſors, in Treble the Value of the Sugar, Coffee, or Cocoa, with Condition that in caſe a Licence ſhall be granted giving Liberty to ſuch Ship or Veſſel to lade and carry Sugar, Coffee, and Cocoa from His Majeſty's Sugar Colonies or Plantations to any Port in *Europe* to the Southward of *Cape Finiſterre*, and to export from thence or from any Port or Place on the Coaſt of *Africa* to the Northward of the Thirtieth Degree of North Latitude, any Sort of Corn or Grain direct to the Colonies or Plantations as aforeſaid, that ſuch Ship or Veſſel ſhall proceed direct to ſome legal Port of Deſtination ſpecifying the ſame, and that no Goods whatever except Sugar, Coffee, or Cocoa ſhall be taken on board, unleſs it ſhall be for the neceſſary Uſe of ſuch Ship or Veſſel during her Voyage, and alſo that before the Expiration of Two Years from the Date of ſuch Licence the ſame ſhall be delivered up to the Collector or Controller of the Cuſtoms of the Port where the Sugar, Coffee, or Cocoa was ſhipped and laden, together with a Certificate ſigned and ſealed by the Conſul or Two known *Britiſh* Merchants of good Credit at the Port or Place where ſuch Sugar, Coffee, or Cocoa was landed, certifying the Landing thereof, with the Number of Caſks or other Packages of ſuch Sugar, Coffee, or Cocoa ſo landed, and the Mark, Number, and Contents of each Caſk or Package, together with the Name of the Ship and Maſter, and that he or they verily believe that no other Goods than Sugar, Coffee, or Cocoa have been there landed out of ſuch Ship or Veſſel.

Penalty on ſhipping Sugar, &c. the Produce of any Foreign Plantation.

III. And be it further enacted, That in caſe any Ship or Veſſel licenſed by virtue of this Act ſhall take on board in any of the ſaid Sugar Colonies or Plantations, or in her Voyage from thence, any Sugar, Coffee, or Cocoa being the Produce of any Foreign Colony or Plantation, all ſuch Sugar, Coffee, and Cocoa ſo laden on board ſuch Ship or Veſſel ſhall be forfeited and loſt, together with Double the Value thereof, and the Maſter and Shipper thereof ſhall ſeverally forfeit Double the Value of the Goods ſo laden contrary to the Direction of this Act, to be recovered in the Court of Vice Admiralty held in *America*, or in any other Court of Record in any of His Majeſty's Plantations in *America*, at the Election of the Informer or Proſecutor; One Third Part to be for the Uſe of His Majeſty, His Heirs and Succeſſors, One Third Part to the Governor of the Colony, and the other One Third Part to the Informer or Proſecutor.

Entry to be made before any Sugar, Coffee, &c. are ſhipped. Regulations to be obſerved in the ſhip-

IV. And be it further enacted, That before any Sugar, Coffee, or Cocoa ſhall be laden or put on board any Ship or Veſſel in the ſaid Colonies or Plantations or any of them, by virtue of a Licence to be granted under the Authority of this Act, to be carried to any Port in *Europe* to the Southward of *Cape Finiſterre*, the Merchant or other Perſon intending to export any Sugar, Coffee, or Cocoa, in ſuch Ship or Veſſel, ſhall, before the

ping of such Articles.

the same or any Part thereof is shipped or put on board, make an Entry or Entries of such Sugar, Coffee, and Cocoa, in Writing, with the Collector and Comptroller of His Majesty's Customs, expressing the Name of the Ship and the Master on which such Sugar, Coffee, or Cocoa, is to be laden, and where she lies, and also the Place, Quay, or Wharf, where the same is to be laden or first waterborne in order to be laden, which shall be within such Port only where a Custom House is established, and where an Officer or Officers are or shall be appointed to attend the lading and shipping thereof, or at such Place or Places as shall be mentioned in a Sufferance or Warrant to be taken out from the Collector and Comptroller for that Purpose, and shall thereon take out from the said Collector and Comptroller, a Cocquet or Warrant accordingly, whereon shall be indorsed by the Exporter, the Marks, Numbers, and Contents, Sorts or proper Denomination of such Sugar, Coffee, and Cocoa, and shall deliver the Cocquet or Warrant so indorsed to the Searcher or other Officer appointed for the examining and shipping thereof, and shall ship or lade such Sugar, Coffee, or Cocoa, in the Presence of such Officer or Officers, or at such Place or Places as shall be mentioned in the said Sufferance or Warrant, that the proper Officer or Officers may attend the shipping thereof, and such Officer or Officers are hereby empowered to examine the same before they are put on board; and if upon examining the said Sugar, Coffee, and Cocoa, which shall be shipped or brought to be shipped by virtue of such Cocquet or Warrant either before or after the shipping thereof, the Number of Casks or Packages shall be greater than is indorsed thereon, or if there shall be found any other Sugar, Coffee, and Cocoa, but such as shall be so indorsed on such Cocquet or Warrant taken out and delivered as aforesaid, or any other Goods than Sugar, Coffee, and Cocoa, shall be discovered to have been laden or put on board any Ship or Vessel having Liberty to trade to Parts to the Southward of *Cape Finisterre* by virtue of this Act, or shall be brought to be shipped on board such Ship or Vessel, or shall be put into any Hoy, Lighter, Boat, or other Vessel, in order to be put on board such Ship or Vessel before such Entry or taking out such Cocquet or Warrant, indorsing and delivering of the same, and not being shipped in the Manner aforesaid, but shall be put on board or attempted to be put on board contrary to the Directions of this Act, all such Sugar, Coffee, and Cocoa, and other Goods so shipped or brought to be shipped in any of the Cases aforesaid, shall be forfeited and lost, as also the Hoy, Lighter, Boat, or other Vessel or Carriage whatever, employed in shipping or attempting to ship any Goods other than Sugar, Coffee, and Cocoa, together with the Ship or Vessel on which such other Goods shall be laden, and the Owner of such Sugar, Coffee, Cocoa, or other Goods, shall forfeit double the Value thereof, to be recovered in the Court of Vice Admiralty held in any of His Majesty's Plantations in *America*, or in any other Court of Record in any of His Majesty's Plantations in *America*, at the Election of the Informer or Prosecutor; One-third Part to be to the Use of His Majesty, His Heirs and Successors, One-third Part to the Governor of the said Colony, and the other One-third Part to the Informer or Prosecutor; and before such Ship or Vessel shall depart from the said Colonies with the Sugar, Coffee, and Cocoa, laden as aforesaid, the Master or other Person having or taking Charge thereof, shall receive the said Licence from the Collector or Comptroller, with a Certificate indorsed thereon or affixed thereto, under their Hands and Seals of Office, who are to make Two Copies of such Licence, Indorsements, or Certificates, for all which Entries,

If any Fraud be discovered in the shipping, Goods to be forfeited, &c.

Cocquets, Indorſements, and Certificates, or Copies, no more ſhall be taken by the ſaid Officers than the legal and accuſtomed Fees, and the Maſter or other Perſon having or taking Charge of ſuch Ship, ſhall before he receives the ſaid Licence atteſt the ſaid Copies under his Hand, which are to be left with the Collector and Comptroller who are hereby required, as ſoon as conveniently they can, to tranſmit one of the ſaid Copies of the Indorſements or Certificates to the Commiſſioners of the Cuſtoms in *England*, and record in a Book to be kept for that Purpoſe the Notice in Writing of the Owner or Owners of the Ship or Veſſel, the Affidavit of the Shipper, the Licence granted for the Exportation of the Sugar, Coffee, or Cocoa, together with the Clearance; but in caſe any Goods beſides Sugar, Coffee, and Cocoa, ſhall be found on board or carried by any ſuch Ship or Veſſel to any Foreign Parts other than ſuch as are limited by this Act, then the Liberty granted by ſuch Licence ſhall ceaſe and become void and of none Effect, and ſuch Ship or Veſſel, and alſo the Maſter or other Perſon having or taking the Charge of ſuch Ship or Veſſel, and all others concerned, ſhall be ſubject and liable to all and every the ſame Penalties and Forfeitures as they would have been ſubject and liable to in caſe this Act had not been made.

Bond given on granting Licence to be delivered up after complying with the Conditions.

V. And be it further enacted, That upon ſuch Licence being returned to the Collector and Comptroller of the Cuſtoms of the Port where the Sugar, Coffee, and Cocoa was ſhipped, and an Account of the Lading being indorſed thereon or annexed thereto, and alſo upon ſuch Certificate of the Conſul, or Two known *Britiſh* Merchants of good Credit, being produced as aforeſaid, and the ſeveral other Matters and Things required by this Act being duly complied with within Two Years from the Date of ſuch Licence, the Bond given before granting ſuch Licence ſhall be diſcharged and delivered up, any Thing in the ſaid Bond or in this Act contained to the contrary thereof in anywiſe notwithſtanding, otherwiſe ſuch Bond ſhall be forfeited, and ſhall and may be proſecuted in the Manner directed by this Act.

On complying with the Conditions of the Licence, Corn may be imported into the Colonies.

VI. And be it further enacted, That upon the Maſter or Owner or Owners of ſuch Ship or Veſſel conforming in every reſpect to the Terms and Conditions of the ſaid Licence and Bond, and obtaining a Certificate from the Conſul or Two known *Britiſh* Merchants as aforeſaid, at the Port where the Sugar, Coffee, and Cocoa may have been landed, it ſhall and may be lawful for ſuch Ship or Veſſel to ſhip or load in the Port of Delivery, or at any Port or Place on the Coaſt of *Africa* to the Northward of the Latitude of Thirty Degrees North, any Sort of Corn or Grain the Produce of *Europe* or *Africa* for Exportation, direct to the ſaid Colonies or Plantations, and there land the ſame, any Thing contained in an Act made in *England* in the Fifteenth Year of the Reign of His Majeſty King *Charles*, intituled *An Act for the Encouragement of Trade*, or any other Act or Acts in force in the United Kingdom, or in *Great Britain* or *Ireland* reſpectively, to the contrary thereof notwithſtanding.

How Penalties ſhall be proſecuted and applied.

VII. And be it further enacted, That all Penalties and Forfeitures incurred by this Act (except where it is otherwiſe provided) ſhall and may be proſecuted in any of His Majeſty's Courts of Record at *Weſtminſter* or *Dublin*, or the Court of Exchequer in *Scotland*, One Moiety whereof to be for the Uſe of His Majeſty, His Heirs and Succeſſors, and the other

Moiety to him or them who will ſue for, proſecute, and recover the ſame, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, nor any more than One Imparlance.

Perſons ſued may plead the General Iſſue.

VIII. And be it further enacted, That if any Perſon or Perſons ſhall be ſued or proſecuted for any Thing done or to be done in purſuance of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff or Plaintiffs, Proſecutor or Proſecutors, ſhall become Nonſuit or forbear the Proſecution, or diſcontinue his, her, or their Action, or if a Verdict ſhall paſs againſt him, her, or them, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have the like Remedy for the ſame as in Caſes where Coſts are by Law given to Defendants.

Treble Coſts.

Penalty for granting a falſe Certificate, or altering a Licence, &c. 500l.

IX. And be it further enacted, That if any Perſon or Perſons ſhall grant a falſe Certificate, or counterfeit, eraſe, or alter any Licence, Oath, or Certificate which ſhall be made or given purſuant to this Act, or ſhall knowingly or wittingly publiſh or make uſe thereof, ſuch Perſon or Perſons ſhall forfeit Five Hundred Pounds, to be recovered and diſpoſed of in the Manner directed by this Act; and ſuch Licence, Oath, or Certificate ſo falſified, counterfeited, eraſed, or altered, ſhall be invalid and of no effect.

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