ANNO QUINQUAGESIMO QUARTO

# GEORGII III. REGIS.

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## C A P. CXXVI.

## An Act to alter and extend an Act passed in the Eighth Year of King *George* the First for Relief of shipwrecked Mariners and distressed Persons, being His Majesty's Subjects, in the Kingdom of *Portugal*.

[23d *July* 1814.]

WHEREAS by an Act of Parliament, passed in the Eighth Year of the Reign of His Majesty King *George* the First, intituled *An Act for more equal paying, and better collecting certain small Sums therein mentioned, for the Relief of shipwrecked Mariners and distressed Persons (His Majesty's Subjects) in the Kingdom of* Portugal, *and for other pious and charitable Purposes usually contributed to by the Merchants trading to* Portugal, certain Persons therein mentioned were authorized to levy small Sums of Money by a Rate on the Freight and Tonnage of all Goods imported into the Dominions of the King of *Portugal* in *British* and *Irish* Vessels, to be applied to the Support and Subsistence of a Minister of the Gospel, to the Relief of shipwrecked Mariners and distressed Persons, His Majesty's Subjects, and for other pious, charitable, and public Uses: And whereas it is expedient to alter and amend the said Act in as far as regards the *Portuguese* Dominions in *South America* and their Dependencies, and to new regulate the same: May it therefore please Your Majesty that it may be enacted; and 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 *January* One thousand eight hundred and fifteen, it shall and may be lawful for the Consul General and Consuls for the Time being, appointed for His Majesty's Subjects trading to, from, or in the *Portuguese* Dominions in *South America* and their Dependencies, and for any Person or Persons duly authorized by him or them respectively, to recover and receive from all Masters or other Chief Officers or Commanders of all Ships and Vessels belonging in the Whole or in Part to any of His Majesty's Subjects which may enter any of the Ports or Places within or belonging to the said *Portuguese* Dominions in *South America*, and their Dependencies, the following Sums in lieu of the Sums directed to be levied by the *Portugal* Contribution Act before-mentioned, to be employed in the pious, charitable and public Uses herein-after mentioned; that is to say, any Sum or Sums of Money in Addition to the Sums now collected by the said Consul General

8 G. 1. c. 17.

From Jan. 1, 1815, His Majesty's Consuls empowered to levy, on British Vessels entering the Ports of the Portuguese Dominions in South America, a Sum not exceeding One Half per Cent. on the Value of their Cargoes Inwards and Outwards.

General and Conſuls, or Perſon or Perſons authorized by him or them reſpectively, for their Support and Maintenance, by virtue and Authority of His Majeſty's Royal Letters Patent, as ſhall not, together with the ſaid Sums collected under the Patent, exceed in the Aggregate One Half *per Centum* on the Value of all their reſpective Cargoes, both Inwards and Outwards, laden or unladen, in any of the Ports or Places within the Dominions aforeſaid; the Value of ſuch Cargoes to be eſtimated in Manner following; that is to ſay, the Value of the Goods and Effects compoſing the Inward Cargoes to be aſcertained by the Pauta or Cuſtom Houſe Valuation at the reſpective Cuſtom Houſes of the Ports or Places within the ſaid Dominions in *South America* and their Dependencies, at which ſuch Ships or Veſſels may unlade; and in Caſes where no Valuation has been fixed, then by the current Market Prices, excluſive of the Import Duty; the Value of the Goods and Effects compoſing the Outward Cargoes to be eſtimated by the current Market Prices of the Articles compoſing the ſame at the Period of Shipment, excluſive of the Export Duties; and in caſe any Difference of Opinion ſhould ariſe as to the ſaid Market Price, the ſame ſhall be determined and fixed by Two indifferent *Britiſh* Merchants reſiding on the Place, One to be choſen and appointed by the ſaid Conſul General or Conſuls, or Perſon or Perſons authorized by him or them reſpectively, and the other by the Maſter of the Veſſel or the Conſignee or Shipper of the Cargo; and in caſe the Two Perſons ſo choſen ſhall not agree and award the ſame within Seven Days after ſuch Appointment, then ſuch Two Perſons ſhall chooſe a Third Perſon, being alſo a *Britiſh* Merchant reſiding on the Place, who ſhall decide and determine the ſaid current Market Price within the Space of Three Days after his Appointment, unleſs it ſhall be otherwiſe mutually agreed upon between the ſaid Conſul General or Conſuls, or Perſon or Perſons authorized by him or them reſpectively, and the Conſignee or Shipper of the Cargo; and ſuch Sum ſhall be paid in either Caſe as ſhall be agreeable to this Act; and from all Maſters or other Chief Officers or Commanders of all Ships or Veſſels as aforeſaid which may enter any of the ſaid Ports or Places within the *Portugueſe* Dominions in *South America*, or their Dependencies aforeſaid, the Duty of One Half *per Centum* on whoſe Cargoes, including the Sums now collected by the ſaid Conſul General or Conſuls, or Perſon or Perſons authorized by him or them reſpectively by virtue and Authority of His Majeſty's Royal Letters Patent, ſhall not amount together therewith to One hundred Reis *per* Ton Burthen, as *per* Regiſter of ſuch Ships and Veſſels, any Sum or Sums of Money in addition thereto, as ſhall not together therewith exceed in the Aggregate One hundred Reis *per* Ton Burthen as *per* Regiſter of ſuch Ship or Veſſel.

How the Cargoes ſhall be valued.

Duty not to exceed 100 Reis per Ton.

II. Provided always, and be it further enacted, That Diamonds, Specie, Bullion, and precious Stones of all Kinds, ſhall not be liable to any Duty under this Act; but are expreſsly excepted from and ſhall be free of all Contribution Charges.

Diamonds, Specie, &c. not liable to Duty.

III. And be it further enacted, That all Maſters, Commanders, or other Chief Officers of all *Britiſh* Ships and Veſſels trading to or from any of the Ports or Places in the *Portugueſe* Dominions in *South America* and their Dependencies aforeſaid, and unloading or delivering the Ship or Veſſel, or any of the Cargo there, ſhall, within Forty-eight Hours after the Arrival of ſuch Ship or Veſſel, deliver to the Conſul General or Conſuls, or Perſon or Perſons authorized by him or them for that Purpoſe reſpectively, a true Manifeſt in Writing upon Oath, ſpecifying the Particulars of the whole Cargo of ſuch Ship or Veſſel, ſo to be unloaded or delivered, or of ſuch Part thereof as ſhall be unloaded or delivered there, and

Manifeſts of the Cargoes to be delivered to the Conſuls within a limited Time.

to

to whom conſigned; and likewiſe, Twenty-four Hours before the ſaid Maſters, Commanders, or other Chief Officers require the Outward Clearances or Paſſports for their ſaid Ships or Veſſels, they ſhall deliver to the ſaid Conſul General or Conſuls, or Perſon or Perſons authorized by him or them for that Purpoſe reſpectively, a true Manifeſt in Writing upon Oath, ſpecifying the Particulars of the whole Cargo of ſuch Ship or Veſſel laden there, or of ſuch Part thereof as ſhall have been laden or received on board ſuch Ship or Veſſel in the ſaid Port or Place, which Oaths the Conſul General, Conſuls, or Perſon or Perſons authorized by him or them reſpectively, is and are hereby empowered and required to adminiſter *gratis* upon Requeſt.

Bills of Lading to ſpecify the Contribution, as per Act of Parliament.

IV. And be it further enacted, That all Bills of Lading of ſuch Ships and Veſſels ſhall ſpecify to pay the ſaid Monies accordingly, under the Denomination of "Contribution as *per* Act of Parliament," or to that Effect; and the Perſons paying the ſame ſhall be reimburſed by the Perſons to whom the ſaid Goods and Merchandizes ſhall be conſigned or who ſhall receive the ſame, or by their reſpective Freighters; and in caſe the Maſter or Commander of ſuch Ship or Veſſel ſhall neglect to ſpecify the Payment of the ſaid Monies in the Bill or Bills of Lading as aforeſaid, he ſhall be anſwerable for the ſame.

Conſuls may ſtop Clearances Outwards till Duty is paid.

V. And be it further enacted, for the better ſecuring and collecting the Payment of the ſaid Monies herein directed to be levied for the Purpoſes aforeſaid, That the Conſul General or Conſuls for the Time being within the *Portugueſe* Dominions in *South America* and their Dependencies aforeſaid, or the Perſon or Perſons authorized by him or them reſpectively ſhall, and they are hereby reſpectively authorized and required to detain the Clearances Outward, and all other Papers of all ſuch *Britiſh* Ships and Veſſels as aforeſaid, and not to give or deliver any Diſpatch or Paſſport for any ſuch Ship or Veſſel until Payment be made as required; and in caſe any Maſter or Commander of ſuch Ship or Veſſel, in order to avoid the Payment of the ſaid Monies, ſhall at any Time think proper to depart without his ſaid Clearances Outwards, in ſuch Caſe the ſaid Conſul General or Conſuls ſhall, upon the Return of the ſaid Maſter or Commander to any Port of His Majeſty's Dominions, have a juſt Action at Law againſt him or them for all the Money which by virtue of this Act ought to have been paid.

Duty raiſed under the Portugueſe Contribution Act to ceaſe on Payment of Duty now required.

VI. And be it further enacted, That all Perſons in the *Portugueſe* Dominions in *South America* and their Dependencies liable to pay the Duties on Freight and Tonnage in purſuance of the Act before mentioned, commonly called *The Portugal Contribution Act*, for the Purpoſes aforeſaid, ſhall, after Payment made of the Sums required by this Act, from Time to Time to be paid as aforeſaid, be exempted and diſcharged from Payment of the ſaid Duties for the future.

Application of the Money to be raiſed.

VII. And be it further enacted, That all Monies to be raiſed or received by Authority of this Act, applicable to the Purpoſes of the ſaid Contribution Fund, ſhall be applied in the ſeveral Ports and Places within the ſaid *Portugueſe* Dominions and their Dependencies in *South America* to all or any of the following Purpoſes; that is to ſay, to the Support and Subſiſtence of a Miniſter of the Eſtabliſhed Church of *England* to pray, preach, and exerciſe his Miniſterial Functions there; to the Salary of a Judge Conſervator and of ſuch Officers of his Court as may be deemed neceſſary by the Majority of the *Britiſh* reſident Merchants eſtabliſhed on the Place convened, aſſembled, and preſided as herein directed; to the Expences of an Hoſpital and Medical Aſſiſtants, to the Relief of ſhipwrecked Mariners

and diſtreſſed Perſons, His Majeſty's Subjects; and to ſuch other pious, charitable, and Public Uſes as ſhall be ordered and directed by the Majority of reſident *Britiſh* Merchants eſtabliſhed on the Place, duly convened, aſſembled, and preſided, by the Conſul General or Conſuls for the Time being within the ſaid *Portugueſe* Dominions in *South America*, and their Dependencies, or by the Perſon or Perſons authorized by him or them reſpectively for that Purpoſe.

Money collected to be paid over to the Treaſurer every Three Months.

VIII. And be it further enacted, That the Conſul General or Conſuls for the Time being in the ſaid *Portugueſe* Dominions in *South America* and their Dependencies, or the Perſon or Perſons authorized by him or them reſpectively, ſhall, and he and they are hereby required and directed to pay over at leaſt once in every Three Months to the Treaſurer of the ſaid Contribution Fund, elected and appointed in the Manner herein directed, all ſuch Sum or Sums of Money as he or they reſpectively may receive under this Act, applicable to the Purpoſes of the ſaid Fund, and for which Payment or Payments from Time to Time made by the ſaid Conſul General or Conſuls for the Time being, or Perſon or Perſons authorized by him or them reſpectively, the Receipt or Receipts of the ſaid Treaſurer ſhall be a good and ſufficient Diſcharge or Diſcharges.

In January every Year a Meeting of the Britiſh Merchants ſhall be held to make Regulations for Diſtribution of the Fund, andto appoint a Treaſurer.

IX. And be it further enacted, That the Conſul General and Conſuls for the Time being within the ſaid *Portugueſe* Dominions in *South America* and their Dependencies, or the Perſon or Perſons authorized by him or them reſpectively, ſhall call and ſummon in each reſpective Port or Place within the ſaid Dominions and their Dependencies, ſome Time in the Month of *January* of each Year, a General Meeting or Aſſembly of the *Britiſh* Merchants reſiding and eſtabliſhed in ſuch Port or Place, at which Meetings or Aſſemblies the ſaid Conſul General or Conſuls for the Time being, or the Perſon or Perſons authorized by him or them reſpectively ſhall preſide, the Majority of which Meeting ſhall have Power to make ſuch Bye Laws and Regulations for the good Management and Diſtribution of the ſaid Contribution Fund, and for its due Application to the Purpoſes herein mentioned as may be deemed neceſſary, ſhall elect a Treaſurer for the ſaid Fund during the enſuing Year, and generally order and determine all Matters and Things relating to the Premiſes.

Public Act.

In Actions General Iſſue may be pleaded.

X. And be it further enacted, That this Act ſhall be eſteemed and taken in all Courts of Juſtice and elſewhere to be a Public Act, and ſhall be taken Notice of as ſuch without ſpecial pleading of the ſame; and if any Action ſhall be brought or Suit commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act or in relation to the Premiſes, the Defendant or Defendants in ſuch Action may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of the ſaid Act; and if the ſame ſhall appear to have been ſo done, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have full Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

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