

ANNO TERTIO

GEORGII IV. REGIS.

CAP. XLV.

An Act to regulate the Trade between His Majesty's Possessions in *America* and the *West Indies*, and other Parts of the World. [24th *June* 1822.]

WHEREAS it is expedient to allow greater Freedom of Trade and Intercourse between the Colonies, Plantations, and Islands belonging to His Majesty in *America* and in the *West Indies*, and other Parts of the World; and to repeal certain Acts now in force relating to the Trade and Intercourse hitherto allowed to be carried on between His Majesty's Colonies, Plantations, Islands, and Places in *Europe* South of *Cape Finisterre*, and to make further Provision for encouraging and extending the same: 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 so much of an Act passed 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*, as imposes a Duty upon the Exportation of Sugar, Tobacco, Cotton Wool, Indigo, Ginger, Logwood, Fustic, Dying Wood, and Cocoa Nuts, from any of His Majesty's Plantations in *America*, *Asia*, or *Africa*; also an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trade between Places*

Acts and Parts of Acts regulating Trade and Intercourse between the British Colonies and Europe repealed, viz. 25 C. 2. c. 7.

51 G. 3. c. 97.

Places in Europe *South of* Cape Finisterre, *and certain Ports in the* British *Colonies in* North America; also an Act passed in the Fifty-
52 G.3. c.98. second Year of the Reign of His said late Majesty, intituled *An Act to permit Sugar, Coffee, and Cocoa, to be exported from His Majesty's Colonies and Plantations to any Port in* Europe *to the South 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 Comptrollers of the Customs;* also, so much of an Act passed in the Fifty-fifth Year of the Reign of His
55 G.3. c.29. said late Majesty, intituled *An Act to regulate the Trade between* Malta *and its Dependencies and His Majesty's Colonies and Plantations in* America, *and also betweeen* Malta, *and the United Kingdom,* as relates to the Trade allowed to be carried on between the Island of *Malta* and the Dependencies thereof, and His Majesty's Colonies and Plantations in *America*; also an Act passed in the Fifty-seventh
57 G.3. c.4. Year of the Reign of His said late Majesty, intituled *An Act to extend the Privileges of the Trade of* Malta *to the Port of* Gibraltar; also another Act passed in the Fifty-seventh Year of the Reign of
57 G.3. c.89. His said late Majesty, intituled *An Act to allow the Importation of Oranges and Lemons from the* Azores *and the* Madeiras *into the* British *Colonies in* North America, shall be and the same are hereby repealed, save and except as to the Recovery of any Forfeiture or Penalty incurred on or before the passing of this Act: Provided nevertheless, that all Acts expressly repealed by any of the said Acts shall be deemed and taken to be and shall remain repealed.

Certain Articles may be exported from the British Colonies direct, to certain Ports of Europe, in British Ships:

II. And be it further enacted, That it shall be lawful to export from any of His Majesty's said Colonies, Plantations and Islands, in any *British*-built Ship or Vessel, owned and navigated according to Law, any Articles, the Growth, Produce, or Manufacture of any such Colony, Plantation, or Island, and any Articles which have been legally imported into any such Colony, Plantation, or Island, direct to any Foreign Port in *Europe*, or in *Africa*, or to *Gibraltar*, the Island of *Malta*, or the Dependencies thereof, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*; any thing contained in an Act made in *England*, in the Twelfth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the encouraging and increasing of Shipping and Navigation*, or of any other Act or Acts in force in the United Kingdom, or in *Great Britain* or *Ireland* respectively, to the contrary notwithstanding.

To be regularly entered and shipped in the Presence of the Officers, and at Ports only where Custom Houses are established, unless by special Sufferance at other Places.

III. And be it further enacted, That before any such Articles shall be laden or put on Board any Ship or Vessel in the said Colonies, Plantations, or Islands, the Exporter shall make a regular Entry thereof with the Collector and Comptroller of His Majesty's Customs, on which Entry shall be indorsed the Marks and Numbers of the Packages, with the proper Denomination of the Goods contained therein, and also the Place, Quay, or Wharf where the Goods are intended to be laden; provided that no Goods shall be laden at any Place, Quay, or Wharf which shall not be situate within the Limits of a Port where a Custom House is established, and at which Place, Quay, or Wharf an Officer shall be

appointed to attend the lading and shipping of such Goods, or at such Place or Places as shall be mentioned in a Sufferance or Warrant to be taken out from the Collector and Comptroller of the Customs for that Purpose: Provided always, that nothing in this Act contained shall extend or be construed to extend to alter the existing Regulations for lading and shipping the Produce of the Fisheries of the said Colonies, Plantations, or Islands.

Regulations as to the Produce of Fisheries not to be affected.

IV. And be it further enacted, That if upon Examination of any Goods allowed to be exported from any of the said Colonies, Plantations, or Islands, under the Authority of this Act, either before or after the Shipment, it shall be found that the Weight or Quantity thereof, or the Number of the Casks or Packages, shall be greater than shall have been endorsed upon the Entry, or if any Articles are laden and put on Board any Ship or Vessel, for the Purpose of being exported to any Part of *Europe* or in *Africa* as aforesaid, without Entry thereof being made with the proper Officer of the Customs, or shall be brought to any Place, Quay or Wharf, or put into any Hoy, Boat, or other Vessel for the Purpose of being shipped on Board any such Ship or Vessel for Exportation to such Foreign Port of *Europe* or in *Africa* previous to such Entry being made, or if any Goods shall be put on Board or attempted to be put on Board any Ship or Vessel intending to proceed to any such Port of *Europe* or *Africa* in any Manner contrary to the Directions of this Act, all such Goods in every such Case shall be forfeited, together with the Hoy, Boat, or other Vessel or Carriage whatever employed in shipping or attempting to ship such Goods, and also the Ship or Vessel in which the same shall be laden; and all such Goods, Vessels, Boats, and Carriages may be seized by any Officer or Officers of the Customs, and the Owner thereof shall forfeit Double the Value of such Goods.

The Goods must agree with the Entry, and be regularly shipped on pain of Forfeiture.

V. And be it further enacted, That in case any Ship or Vessel clearing out from the said Colonies, Plantations, or Islands under the Authority of this Act, shall take on Board, in any of the said Colonies, Plantations, or Islands, any other Articles than such as are allowed to be on Board and exported by virtue of this Act, all such Articles so taken or laden on Board such Ship or Vessel shall be forfeited and lost, and shall and may be seized by the Commander or Commanders of any of His Majesty's Ships or Vessels of War, or any Commissioned, Warrant, or Petty Officer specially authorized by him or them, or by any Officer or Officers of the Customs; and the Master and Shipper of any such Goods shall severally forfeit Double the Value of the Goods so laden or taken on Board contrary to the Directions of this Act.

Ships clearing out from the Colonies are not to take on Board any other Articles than such as are allowed to be exported by virtue of this Act.

VI. And be it further enacted, That the Person exporting Fish from any *British* Colony or Plantation in *North America*, to any Port or Place as aforesaid, under the Authority of this Act, shall make Oath at the Port of Shipment, before the Chief Officer of the Customs at such Port, or if there be no such Chief Officer of the Customs, then before a Magistrate, or if there be no Magistrate, then before Two respectable Persons being at such Port or Ports (which Oath

Before Shipment of Fish, Oath to be made that it is the Produce of the British Fisheries.

Oath such Officer of the Customs, or Magistrate, or such respectable Persons as aforesaid, are hereby authorized to administer) that the said Fish is the Produce of the *British* Fisheries, really and *bonâ fide* taken and cured by His Majesty's Subjects carrying on the said Fisheries from some of the *British* Colonies or Plantations in *North America*.

Upon Shipment of pickled or dry Fish from Canada, Oath to be made of its being the Produce of the British Fisheries.

VII. And be it further enacted, That before the Shipment of any pickled Fish or dry Fish, for the Purpose of Exportation from *Canada* to any Port or Place as aforesaid, under the Authority of this Act, the Person in whose Possession the same shall have continued from the Time of its being landed from the *British* Fishing Vessel employed in the taking it, until the same shall be so shipped for Exportation, shall make Oath before the Chief Officers of the Customs at *Quebec* (who is hereby authorized to administer such Oath), that the same is the Produce of the *British American* Fisheries, really and *bonâ fide* taken and cured by His Majesty's Subjects carrying on the said Fisheries from some of the said Colonies or Plantations.

The Articles enumerated in the Schedule marked A. may be exported from certain Places in Europe, or in Africa, to His Majesty's Colonies, Plantations, or Islands, in British Ships.

VIII. And be it further enacted, That it shall be lawful to export in any *British* Ship or Vessel, owned and navigated according to Law, from any Foreign Port in *Europe* or in *Africa*, or from *Gibraltar*, the Island of *Malta* or the Dependencies thereof, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, to any of His Majesty's Colonies, Plantations, or Islands in *America* or the *West Indies*, the Articles enumerated or described in the Schedule hereunto annexed marked A.; any thing contained in an Act made in *England* in the Fifteenth Year of the Reign of His Majesty King *Charles* the Second, 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 notwithstanding.

Duties to be paid on Articles enumerated in the Schedule B. upon their Importation into the Colonies, &c.

IX. And be it further enacted, That from and after the passing of this Act there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, upon the Importation of the several Articles enumerated or described in the Schedule hereunto annexed marked B., into any of His Majesty's Colonies, Plantations, or Islands in *America* or the *West Indies*, under the Authority of this Act, from any Port or Place in *Europe* or *Africa* as aforesaid, the several Duties of Customs, as the same are respectively inserted or described and set forth in Figures in the said Schedule marked B.; and the same shall be raised, levied, collected, paid, and received under the Management of the Commissioners of the Customs in *England*, in such and the like Manner and Form, and by such and the like Rules, Ways, Means, and Methods respectively, and under such Penalties and Forfeitures, as any other Duties now payable to His Majesty on Goods imported into any of the Islands, Plantations, Colonies, or Territories belonging to or under the Dominion of His Majesty in *America* or the *West Indies* are or may be raised, levied, collected, paid, and recovered by any Act or Acts of Parliament now in force, as fully and effectually, to all Intents and Purposes, as if the several Clauses,

Powers, Directions, Penalties, and Forfeitures relating thereto were particularly repeated and again enacted in the Body of this Act; and the Produce of such Duties shall be paid by the Collector of the Customs to the Treasurer or Receiver General of the Colony, Province, or Plantation in which the same shall be respectively levied, to be applied to such Uses and Purposes as may be directed by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations.

Appropriation of Net Proceeds of Duties in Colonies where there are no General Courts or Assemblies.

X. And be it further enacted, That in case there shall be no General Courts or General Assemblies in the Colonies, Province, or Plantation, in which the said Duties shall have been levied under the Authority of this Act, the Net Proceeds of such Duties shall be applied and appropriated in such and the like Manner and to such Uses as any other Duties levied and collected in any of His Majesty's Colonies, Provinces, or Plantations in *America* or the *West Indies*, not having General Courts or General Assemblies, may now, by any Act or Acts of Parliament passed in *Great Britain* or the United Kingdom of *Great Britain* and *Ireland*, or by any Order of His Majesty in Council, or by any Proclamation issued in His Majesty's Name, be appropriated and applied.

How the Value of Articles subject to ad valorem Duties shall be ascertained.

XI. And be it further enacted, That in all Cases where, by the Schedule marked B. the Duties imposed upon the Importation of Articles into His Majesty's Colonies, Plantations, or Islands in *America* or the *West Indies*, are charged, not according to the Weight, Gauge, Tale, or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer or Proprietor of such Articles, or his known Agent or Factor, in Manner and Form following; that is to say,

'I *A. B.* do hereby declare, That the Articles mentioned in the Entry and contained in the Packages [*here specifying the several Packages, and describing the several Marks and Numbers, [as the Case may be]*], are of the Value of . Witness my Hand the Day of *A. B.*
The above Declaration, signed the Day of
in the Presence of *C. D.*
Collector or other Principal Officer.'

Provision, in case Articles are not duly valued;

Which Declaration shall be written on the Warrant of Entry of such Articles, and shall be subscribed with the Hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the Presence of the Collector or other Principal Officer of the Customs at the Port of Importation: Provided, that if upon View and Examination of such Articles by the proper Officer of the Customs, it shall appear to him that the said Articles are not valued according to the Price and Value thereof, and according to the true Intent and Meaning of this Act, then and in such Case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on Oath before the Collector or Chief Officer of the Customs at the Port of Importation (which Oath he is hereby authorized to administer), what is the Invoice Price of such Articles, and that he verily believes such

Invoice Price is the Current Value of the Articles at the Place from whence the said Articles were imported, and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed and taken to be the Value of such Articles in such Colony, Plantation, or Island as aforesaid, in lieu of the Value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the Duties specified in the said Table shall be charged and paid: Provided also, that if it shall appear to the Collector or other Chief Officer of the Customs, that such Articles have been invoiced below the real and true Value thereof, at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such Case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander in Chief of the Colony, Plantation, or Island into which the said Articles are imported, and such Persons shall declare on Oath before the Collector or other Chief Officer of the Customs, which Oath such Collector or other Chief Officer of the Customs is hereby authorized to administer, what is the true and real Value of such Articles in such Colony, Plantation, or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties specified in the said Schedule marked B. shall be charged and paid.

Importer refusing to pay the Duties, the Articles to be publicly sold, and the Duties and Charges deducted.

XII. And be it further enacted, That if the Importer or Proprietor of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs, where such Articles shall be imposed, and he is hereby respectively required to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall by Four or more Days Public Notice appoint for that Purpose, which Articles shall be sold to the highest Bidder, and the Money arising from the Sale thereof shall be applied to the Payment of the said Duties, together with the Charges which shall have been occasioned by the said Sale, and the Overplus (if any), shall be paid to such Importer, Proprietor, or any other Person authorized to receive the same.

Duties not payable if the Articles are liable to a Colonial Duty equal in Amount to the Duties hereby charged. If Colonial Duty be less, the Difference only to be paid.

XIII. Provided always, and be it further enacted, That if upon the Importation of any Article charged with Duty by this Act, the said Article shall also be liable to the Payment of Duty under the Authority of any Colonial Law equal to or exceeding in Amount the Duty charged upon such Article by this Act, then and in such Case the Duty charged upon such Article by this Act shall not be demanded or paid upon the Importation of such Article: Provided also, that if the Duty payable under such Colonial Law shall be less in Amount than the Duty payable by this Act, then and in such Case the Difference only in the Amount of the Duty payable by this Act, and the Duty payable under the Authority of such Colonial Law, shall be deemed to be the Duty payable by this Act, and the same

shall be collected and paid in such and the like Manner, and appropriated and applied to such and the like Uses as the Duties specified in the said Schedule annexed to this Act marked B. are directed to be collected, paid, appropriated and applied.

Duties Penalties, and Forfeitures to be Sterling Money, at a certain Rate.

XIV. And be it further enacted, That all Sums of Money granted and imposed by this Act either as Duties, Penalties, or Forfeitures, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Monies may be received and taken according to the Proportion and Value of Five Shillings and Sixpence the Ounce in Silver.

Recovery and Application of Forfeitures.

XV. And be it further enacted, That all and every the Goods or Commodities, and all Ships or Vessels forfeited by this Act, shall and may be seized by the Commander or Commanders of any of His Majesty's Ships or Vessels of War, or any Commissioned, Warrant, or Petty Officer specially authorized by him or them, or by any Officer or Officers of His Majesty's Customs; and that every Forfeiture and Penalty incurred by this Act shall and may respectively be sued for, prosecuted, and recovered in such Courts, and by such and the like Ways, Means, and Methods, and the Produce thereof respectively disposed of and applied in such and the like Manner, and to such and the like Uses and Purposes, as any Forfeiture or Penalty incurred by any Law respecting the Revenue of the Customs may now be sued for, prosecuted or recovered, disposed of and applied either in this Kingdom or in any of His Majesty's Dominions in *America* or the *West Indies* respectively, as the Case may happen to be.

General Issue.

XVI. 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 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.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

A SCHEDULE of Articles allowed to be exported from Ports in Europe or in Africa, to any of His Majesty's Colonies, Plantations, or Islands in America or the West Indies.

Anchovies.
Argol.
Alabaster, rough and worked.
Anniseed.
Amber.
Almonds.

Biscuit.
Brandy.
Bullion.
Brimstone.
Boxwood.
Beans.
Botargo.

Cattle.
Currants.
Capers.
Cantharides.
Corn.
Cumminseed.
Coral.
Cork
Cinnabar.
Cascasoo.
Caviar.

Dates.

Essence of Bergamot.
— of Citron.
— of Lemon.
— of Orange.
— of Lavender.
— of Roses.
— of Rosemary.
Emery Stone.

Flour.
Fruit.
— dry and wet, preserved in Brandy and Sugar, in Jars and Bottles.
Figs.

Garden Seeds.
Gum Arabic.
— Mastic.
— Myrrh.
— Sicily.
— Ammoniac.
Grain.

Honey.

Jalop.
Incense.
Juniper Berries.

Lava and Malta Stone, for Buildings.
Lentils.
Lumber.

Manna.
Mosaic Works.
Medals.
Meal.
Musk.
Marble, rough and worked.
Mill Timber.
Maccaroni.
Mules.

Nuts of all Kinds.

Schedule A.—*continued.*

Oil of Olives.
— of Almonds.
Opium.
Orris Root.
Ostrich Feathers.
Ochres.
Orange Buds, and Peel.
Olives.

Pickles, in Jars and Bottles.
Paintings and Prints.
Pozzolana.
Precious Stones.
Pearls.
Punck.
Pumice Stone.
Peas.
Parmesan Cheese.

Quicksilver.

Raisins.

Rhubarb.
Rice.

Salt.
Sausages.
Senna.
Scammony.
Sarsaparilla.
Saffron.
Safflower.
Shingles.
Sponges.
Staves.
Sheep.

Vermillion.
Vermicelli.

Whetstones.
Wine.
Wood Hoops.

SCHEDULE B.

A SCHEDULE of Duties payable on Articles imported into His Majesty's Colonies, Plantations, or Islands in America or the West Indies, from Ports in Europe or Africa, under the Authority of this Act.

		£	s.	d.
Wine, imported in Bottles, viz.				
—— French Wine	the Tun of 252 Gallons	10	10	0
—— Madeira Wine	the Tun of 252 Gallons	7	7	0
—— Portugal Wine	the Tun of 252 Gallons	7	7	0
—— Rhenish, Germany and Hungary Wine	the Tun of 252 Gallons	9	9	0
—— Spanish Wine, and Wine not otherwise enumerated	the Tun of 252 Gallons	7	7	0
—— And in addition to the specified Duties hereby imposed upon such Wines respectively, a further Duty for every 100*l.* of the true and real Value thereof		7	10	0
—— And for every Dozen of Foreign Quart Bottles, in which such Wine may be imported		0	8	0
Corn, Flour, Grain, Meal, Peas, Beans	For every 100*l.* of the true and real Value thereof	12	0	0
Headings	for every 1,000	1	1	0
Lumber, viz. Yellow or White Pine	per 1,000 Feet	1	1	0
—— all other Descriptions		1	8	0
Mill Timber, the like		10	0	0
Shingles, for every 1,000, not exceeding 12 Inches in Length		0	7	0
—— for every 1,000, exceeding 12 Inches		0	14	0
Staves, Oak, Red or White	for every 1,000	1	1	0
Wood Hoops	for every 1,000	0	5	3
Alabaster, Anchovies, Argol, Anniseed, Amber, Almonds, Brandy, Brimstone, Botargo, Boxwood	For every 100*l.* of the true and real Value thereof	7	10	0

Schedule B.—*continued.*

		£ s. d.
Currants Capers Cascasoo Cantharides Cumminseed Coral Cork Cinnabar Dates Essence of Bergamot ——— of Lemon ——— of Roses ——— of Citron ——— of Orange ——— of Lavender ——— of Rosemary Emery Stone Fruit, viz. —— dry, and preserved in Sugar —— wet, preserved in Brandy Figs Gum Arabic —— Mastic —— Myrrh —— Sicily —— Ammoniac Honey Jalap Juniper Berries Incense of Frankincense Lava and Malta Stone, for building Lentils Manna Marble, rough and worked Mosaic Work Medals Musks Maccaroni Nuts of all Kinds Oil of Olives — of Almonds Opium Orris Root	For every 100*l.* of the true and real Value thereof	7 10 0

Schedule B.—*continued.*

		£	s.	d.
Ostrich Feathers Ochres Orange Buds and Peel Olives Pickles, in Jars and Bottles Paintings Pozzolana Pumice Stone Punk Parmesan Cheese Pickles Prints Pearls Precious Stones (except Diamonds) Quicksilver Raisins Rhubarb Rice Sausages Senna Scammony Sarsaparilla Saffron Safflower Sponges Vermillion Vermicelli Wine, not in Bottles, except Wine imported into Newfoundland Whetstones	For every 100*l.* of the true and real Value thereof	7	10	0

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1822.