

It shall be taken as a publick act; and if an action, &c. be brought, the defendant may plead the general issue, &c. and shall recover full costs.

X. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be, and is hereby declared to be a publick act of parliament, of which all judges, justices, and other persons are to take notice; and in case any action, bill, plaint, suit, or information shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance, or by virtue of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence; and the defendant or defendants shall, in case the plaintiff be nonsuited, or discontinues his action, or that a judgment upon a demurrer, or a verdict pass against the plaintiff, recover his or their full costs of suit, for which the said defendant or defendants shall have the like remedy as in such cases where costs by the laws of this realm are given to defendants.

Saving to Margaret Cage her annuity for life.

XI. Saving also unto *Margaret Cage*, widow, her executors, administrators, and assigns, out of all monies arising to the said company by this act, and the other profits and income of the said company, one annuity granted unto her, under the common seal of the said company, for her life, and all arrears thereof, with interest.

C A P. XXVII.

An act for the encouragement of the trade to America.

6 Annæ, c. 37.

WHEREAS by an act of parliament made in the sixth year of her Majesty's reign, intituled, An act for the encouragement of the trade to America; it is, among other things, enacted, That the flag-officers, commanders, and other officers and seamen of any ship or vessel of war in her Majesty's pay or service, and the owner or owners of any private ship of war, authorized and appointed by commission or commissions according to the said act, during the present war, to attack, surprize, seize, and take any ship, or other private ship or ships of war, or vessels, goods, ammunition, arms, stores of war, or merchandizes, belonging to, or possessed by any of her Majesty's enemies, in any sea, creek, haven, or river in America, (except as therein is excepted) shall have the sole interest and property of and in all and every such ship, vessel, goods, and merchandizes, being first adjudged lawful prize, in any of her Majesty's courts of admiralty, and subject to the customs and duties payable to her Majesty, as if the same had been first imported to any part of Great Britain, and from thence exported, for and in respect of all such goods and merchandizes, to be divided and disposed of as in the said act is directed; in pursuance of which act several bonds and other securities have been given for the payment of such customs and duties for prize goods and merchandizes taken in America, and adjudged to be lawful prize; but by experience it is found that the subjecting such prize goods and merchandizes taken in America, to such customs and duties, as if the same had been imported into any part of Great Britain, and from thence exported, hath been very prejudicial to her Majesty's plantations and colonies, and hath, in a great measure, prevented

vented the importation thereof into these plantations and colonies; be it therefore enacted, &c.

After 1 June, 1711, all prize goods, &c. taken in America, shall be liable to duties. See 10 Annæ, c. 22.

II. *And whereas several bonds and other securities have been obtained at Jamaica, for the payment of duties chargeable by virtue of the said clause in the act of the sixth year of her Majesty's reign, upon cocoa, sugars, indico, snuff, tobacco, piemento, and other commodities of the growth of America, which are usually afterwards imported into this kingdom, and pay the full duties here; and also for wines and brandies which are seldom sent from Great Britain, which may reasonably be discharged of the said British duties, because the said several commodities are, upon their importation into Jamaica, liable to pay large customs towards the support of that government; be it therefore, &c.*

All bonds, &c. at Jamaica, to which captors are liable for duties on cocoa, sugar, &c. shall not be prosecuted till the end of the next sessions of parliament. The tenor, &c. of the said bonds, &c. to be certified to the commissioners of the customs in England, who shall make report thereof to the commons in next parliament. All prize goods imported into Great Britain, made liable to the same duties as if they had not been prize.

C A P. XXVIII.

An act to dissolve the present, and prevent the future combination of coal-owners, lightermen, masters of ships, and others, to advance the price of coals, in prejudice of the navigation, trade, and manufactures of this kingdom, and for the further encouragement of the coal-trade.

WHEREAS the cities of London and Westminster, and other places, are chiefly supplied with coals brought by sea from the counties of Durham, Northumberland, and town and county of Newcastle upon Tine, and the having the same at cheap and reasonable prices, tends greatly to the improvement of the manufactures and increase of the trade and navigation of this kingdom, by breeding and employing many thousands of skilful mariners for the service of her Majesty, and defence of the realm, and to the relief of the poor; and for that end, and for the better advancing of the duties upon coals granted to her Majesty for the carrying on the present war against the common enemy, it is necessary the same should not be monopolized, but that the coal trade should be free and open, and that all prejudices, hindrances, and obstructions, that may any ways affect the said trade, should be removed, prevented, and hindered; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That all and every contract or contracts, covenants or agreements, whether the same be in writing or not in writing, and whether heretofore made or entred into, or hereafter to be made or entred into, by or between any coal-owners, lightermen, fitters, masters, Contracts between coal owners, &c. for engrossing coals, &c. illegal.