

widening some part of the high-street and market-place; for lighting and watching; for regulating the footways in, and removing nuisances, obstructions, and annoyances from the said town.—[May 19, 1795.]

Commissioners for purchasing land for the scite of the new market-house, &c. Reservation to the lord of the manor for his rights. Appeal.

C A P. LXXX.

An act to make further provision respecting ships and effects come into this kingdom to take the benefit of his Majesty's orders in council of the sixteenth and twenty-first days of January one thousand seven hundred and ninety-five; and to provide for the disposal of other ships and effects detained in, or brought into, the ports of this kingdom.—[May 22, 1795.]

WHEREAS by an act, passed in the present session of parliament, Preamble.
intituled, An act for rendering effectual his Majesty's 35 Geo. 3. c.
order in council of the sixteenth and twenty-first days of January 15.
one thousand seven hundred and ninety-five, respecting the admission of the effects mentioned in the said orders into the ports of this country to be warehoused; and for indemnifying all persons who have acted in consequence of such orders; it is, amongst other things, enacted, that it shall and may be lawful for any person or persons to import or bring into any of the ports of this kingdom any goods, wares, or merchandize and effects whatsoever, belonging to any of the subjects of the United Provinces, or to any persons who, before the nineteenth day of January last, were inhabitants of the United Provinces, or belonging to any subject of his Majesty, or to any subject of any country in amity with his Majesty, coming from any part of the United Provinces, and also any like goods, wares, merchandize, and effects, from any part of Europe, Asia, Africa, or America, in amity with his Majesty, in vessels belonging to any subject of the United Provinces, or to any persons who, before the nineteenth day of January last, were inhabitants of the said United Provinces, or to any subject of his Majesty, or of any country in amity with his Majesty, and bound to any port of the United Provinces; and that the same shall and may be landed in the presence of the proper officers of the customs, and secured in warehouses under the joint locks of his Majesty and of the proprietors thereof, at the risk and expence of the said proprietors, such warehouses to be approved by the commissioners of his Majesty's customs, or any four or more of them, in that part of Great Britain called England, and by the commissioners of his Majesty's customs in that part of Great Britain called Scotland, or any three or more of them respectively, or by the principal officers of the port where such goods shall be imported; and the said commissioners respectively are thereby authorized and required to make such regulations, and to give such directions as they might deem necessary for securing the said goods, wares, merchandize, and effects, for the benefit of the proprietors thereof, and for the security of the revenue, until further provisions should be made by parliament respecting the same: and whereas ships and vessels have

Proprietors of ships or goods brought into the kingdom in consequence of recited act, &c. may enter them, and dispose of the goods : duties to be paid on such goods for home consumption.

Tobacco warehoused, not to be exported except in packages of 450 lb.

Ships arriving with tobacco at a port not enumerated

have come or may hereafter come into the ports of this kingdom, to take the benefit of the said recited act, or of the said orders in council, with goods, wares, merchandize, and effects, which are now or may hereafter be secured in warehouses as before mentioned; and it is expedient that provision should be made to enable the proprietors of such ships or vessels, goods, wares, merchandize, and effects, to sell, re-export, or otherwise dispose of 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 it shall and may be lawful for every such proprietor or proprietors, importer or importers, or their respective agent or agents, to enter all such ships and vessels, and also to enter all such goods, wares, merchandize, and effects, so imported and warehoused, and to take the same out of such warehouse in order either to re-export the same, or to sell or make use thereof, upon payment of the several and respective duties, and subject to the conditions, rules, regulations, and restrictions, herein-after mentioned.

II. And be it further enacted, That upon all goods, wares, merchandize, and effects, imported or brought into this kingdom, to take the benefit of the said recited act, or of the said orders in council, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, in ready money, without any discount or abatement whatever, upon taking the same out of warehouse for home consumption, the several duties herein-after mentioned, and that the same shall be in lieu of any duties now payable by law thereupon; (that is to say), For all naval and military stores, timber, and iron, so imported or brought into this kingdom, there shall be paid respectively the lowest custom duty that is now by law payable on naval and military stores, timber and iron respectively, when imported from the northern countries of *Europe*; for all tobacco unmanufactured there shall be paid the same duties of customs and excise as are payable for tobacco duly and regularly imported from the *British* plantations, or from the united states of *America*; provided, that if the tobacco shall not be of the growth of the *British* plantations, or of the united states of *America*, the same shall, if taken out of the warehouse for home consumption, be chargeable and charged with the same duties as such tobacco would be liable to on importation from other countries, agreeable to an act, passed in the twenty-ninth year of the reign of his present Majesty, intituled, *An act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof*: and, in order to prevent frauds in the exportation of tobacco so warehoused, no tobacco shall be shipped for exportation except in packages containing four hundred and fifty pounds weight nett in each package.

III. And be it further enacted by the authority aforesaid, That if any ship or vessel, laden wholly or in part with tobacco, shall have arrived or shall arrive at any port of this kingdom, not being, according

According to law, a port enumerated for the importation of tobacco, such ship or vessel shall proceed to one of the enumerated ports where such tobacco may be legally imported and warehoused.

for importation, to proceed to one.

IV. And be it further enacted by the authority aforesaid, That all manufactured tobacco, except snuff, shall pay a further custom duty of sixpence *per* pound.

Duty on manufactured tobacco,

V. And be it further enacted by the authority aforesaid, That snuff, if taken out of the warehouse for home consumption, shall be chargeable and charged with the same duties of customs and excise as on a legal importation; but that no duty shall be required on snuff, if the same be exported from the warehouse within the space of six months from the time the same shall be lodged therein.

on snuff,

VI. And be it further enacted by the authority aforesaid, That for all materials for manufactures, so imported or brought into this kingdom, there shall be paid the lowest duties that are now by law payable on the importation of such materials for manufactures respectively in *British*-built ships.

on materials for manufactures,

VII. And be it further enacted, That for all sugar, coffee, and cocoa nuts, so imported or brought, there shall be paid the like duties as on foreign sugar, coffee, and cocoa nuts respectively.

on sugar, coffee, and cocoa nuts,

VIII. And be it further enacted, That for all wines and spirits so imported or brought into this kingdom, there shall be paid respectively the like duties of customs and excise to which the same may be liable by law on a legal importation.

and on wines and spirits.

IX. And be it further enacted, That, for all goods, wares, and merchandize, so imported or brought into this kingdom, being of the growth, produce, or manufacture of *India* or *China*, or other parts within the limits of the exclusive trade of the united company of merchants of *England* trading to the *East Indies*, there shall be paid the like respective duties that are now payable for goods, wares, and merchandize, of the like sorts imported into this kingdom by the said united company; and that on the exportation thereof respectively the same duties shall be paid, and the same drawbacks of duties and allowances shall be made, as the like sorts of goods, wares, and merchandize, are subject or would be entitled to respectively on the exportation thereof, if the same had been imported by the said united company; any thing in this act contained to the contrary notwithstanding.

For goods, &c. of the limits of the trade of the East India company, the like duties as paid by the company, and the like drawbacks to be allowed.

X. And be it further enacted by the authority aforesaid, That the several goods and merchandizes imported or brought into this kingdom, to take the benefit of the said recited act or orders in council, shall, on delivery out of any warehouse under the authority of this present act, either for consumption in this kingdom or for exportation, be first duly entered, and the same shall in all other respects be subject and liable to all and every the rules, regulations, and restrictions, as far as the same are applicable and can be put in execution, to which such goods and merchandize

Goods delivered out of warehouses to be entered, and liable to the laws of customs and excise.

merchandize respectively, on a legal importation or exportation, would be subject and liable, under any laws or law now in force relating to the revenue of customs or excise, the same as if all the clauses, powers, directions, and authorities, relating thereto, were particularly repeated and re-enacted in the body of this present act.

Articles of private persons not liable to duty, on certain conditions.

XI. And be it further enacted by the authority aforesaid, That no duty whatever shall be chargeable or charged on the following articles, belonging to private persons, so imported or brought into this kingdom; (that is to say), Wearing apparel, jewels, watches, and trinkets, plate, pictures, prints, and drawings, framed or unframed, china, or earthen ware, glass, framed or unframed, books, household furniture, useful or ornamental, or household linen; any law, custom, or usage, to the contrary notwithstanding: provided always, that it shall be proved to the satisfaction of the commissioners of the customs in that part of *Great Britain* called *England*, or any four or more of them, and of the commissioners of the customs in that part of *Great Britain* called *Scotland*, or any three or more of them, that such wearing apparel, jewels, watches, and trinkets, plate, pictures, prints, and drawings, framed or unframed, china, or earthen ware, glass, framed or unframed, books, or household furniture, useful or ornamental, and household linen, have been imported for private use, and not to be sold by way of merchandize, and that the owners thereof reside or intend to reside in this kingdom, and that such household linen is not new.

Prohibited goods, except specified articles of private persons, not to be delivered out of warehouses but for exportation, &c.

XII. And be it further enacted by the authority aforesaid, That no goods, wares, merchandize, or effects, which by law are prohibited to be used or consumed in this kingdom, other than the articles herein specified belonging to private persons, shall be delivered out of any warehouse in pursuance of this act, but for exportation only, nor for exportation, until security is given in such manner, and in such penalty, for the due exportation thereof as is now by law required on the exportation of such sorts of goods from this kingdom.

Enumerated warehoused goods, except from East India warehouses, may be exported duty free, as also articles not herein enumerated, and may be delivered for home consumption on payment of duty.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to export, from any warehouse in which the same shall or may be so lodged, any of the goods, wares, merchandize, or effects, herein enumerated, except such as are hereby directed to be lodged in the warehouses of the *East India* company, without payment of any duty whatever; and that all articles not herein enumerated, which may legally be imported into this kingdom, or which may not be absolutely but circumstantially prohibited, may in like manner be delivered by virtue of this act for exportation, without payment of any duty, or for use or consumption in this kingdom, for payment of such duties as are respectively due for the same on a legal importation into this kingdom, in *British*-built ships.

No spirits to be exported in casks containing less than

XIV. Provided always nevertheless, and be it enacted, That no spirits shall be so exported from any such warehouse, in any cask or vessel which shall contain less than one hundred gallons, or

on board any ship or vessel of less burthen than one hundred tons, nor unless all and singular the rules, regulations, restrictions, and provisions, by law in force for the exportation of rum or spirits of the growth, production, or manufacture, of the *Bri-* sugar plantations, from the warehouses in which the same shall have been lodged or deposited under and by virtue of the laws now in force, shall have been fully complied with, in respect of the exportation of spirits under or by virtue of this act; and all and singular the said rules, regulations, restrictions, and provisions, together with all fines, penalties, and forfeitures, for any breach thereof respectively, shall be used, applied, and put in execution, on such exportation of spirits, under or by virtue of this act.

100 gallons,
or in ships
under 100
tons, &c.

XV. And be it further enacted, That upon the due exportation of any of the goods, wares, merchandize, and effects, before mentioned, which shall have paid any of the respective duties herein imposed, there shall be allowed and paid the respective drawbacks to which such goods, wares, merchandize, and effects, would be entitled if duly exported, after a regular importation, and under the like conditions, rules, regulations, restrictions, penalties, and forfeitures.

On exporta-
tion of goods,
drawbacks to
be allowed.

XVI. And be it further enacted by the authority aforesaid, That all goods and effects so warehoused shall and may be sold by auction, free of the duty imposed by law on goods and effects sold by auction; provided nevertheless, that nothing in this act contained shall extend, or be deemed or construed to extend, to authorize the sale of any such goods or effects free of the said duty, unless on the first sale of such goods or effects, by or for the account of the original owner, by whom the same were so lodged in such warehouse, and unless such sale shall be made within twelve months next after the time when such goods or effects shall have been so lodged in such warehouse.

Goods ware-
housed may
be sold free of
auction duty,
on account of
the original
owner.

XVII. And be it further enacted, That all monies arising from duties imposed by this act shall be appropriated and applied in such and the like manner, and to such and the like uses and purposes, as the duties now payable by law on goods, wares, and merchandize, of the like sorts are directed by law to be appropriated and applied.

Duties to be
applied as
those on the
like sorts of
goods are
applicable.

XVIII. And be it further enacted, That if the owner or owners, proprietor or proprietors of any ship or vessel, which shall have brought or shall bring into this kingdom, any goods, wares, or merchandize, to be warehoused, to take the benefit of the said act, or the said orders in council, being a subject or subjects of the said *United Provinces*, or having been an inhabitant or inhabitants thereof before the nineteenth day of *January* one thousand seven hundred and ninety-five, shall come into this kingdom with intent to reside herein, and shall go before some justice of the peace, sheriff depute or substitute, or the principal magistrate of some city or town of this kingdom, or before the principal officer of his Majesty's customs in some port of this kingdom, and shall take the oath of allegiance to his Majesty, and

Vessels owned
by inhabitants
of the United
Provinces be-
fore Jan. 19,
1795, who
shall come to
reside in the
kingdom, or
purchased of
them by Bri-
tish subjects,
may be regis-
tered for the
European
trade, on cer-
tain condi-
tions, &c.

Anno regni tricesimo quinto GEORGII III. c. 80. [1795.
and shall obtain a certificate of his having taken such oath, which
oath and certificate such justice of the peace, sheriff depute or
substitute, magistrate and officer respectively, are hereby autho-
rised and required to administer and give, on payment of no
greater fee than two shillings; or if any such ship or vessel shall
be purchased and owned by any *British* subject or subjects, either
wholly or jointly with any of the persons herein-before described,
who shall have qualified themselves in manner herein-before
mentioned, it shall and may be lawful for his Majesty, by and
with the advice of his privy council, to order such ship or vessel
so owned to be registered, and to have a certificate of foreign
ships registry for the *European* trade only; and every such ship
or vessel may, during the time that the owner or owners, pro-
prietor or proprietors, shall continue to have his or their resi-
dence in his Majesty's *European* dominions, be legally used and
employed in the foreign *European* trade of this kingdom, and in
no other, and such conditions shall be expressed in the certificate
of registry of every such ship or vessel: provided always, that
the owner or owners, proprietor or proprietors, shall prove in the
manner directed in an act, passed in the twenty-sixth year of his
Majesty's reign, intituled, *An act for the further increase and en-
couragement of shipping and navigation*, by taking the oath here-
unto annexed, instead of the oath required by the said act, that
he or they is or are the sole owner or owners, or that he or they,
and some other person or persons qualified in manner herein-
before directed, or some *British* subject or subjects of this king-
dom, are the sole owner or owners of such ship or vessel, and
shall also conform to all the other regulations respecting registry
contained in the said last mentioned act; provided always, that
for all such ships and vessels, with their tackle, apparel, sails,
and furniture, they shall be paid, for each and every one hundred
pounds of their value, the sum of five pounds and ten shillings.

5l. 10s. per
cent. of the
value of such
vessels to be
paid.

Oath to be
taken by own-
ers to be in
the following
form.

XIX. And be it further enacted, That the oath before di-
rected to be taken by the owner or owners, proprietor or pro-
prietors, of any such ship or vessel, shall be in the form and
manner following, as far as the same is applicable to each or
either of them :

I A. B. of [place of residence and occupation] do make oath,
That the ship or vessel [name] of [port or place] wherof
[master's name] is at present master, being [kind of built, bur-
then, &c. as described in the certificate of the surveying officer]
was [when and where built, and when and where it came into
this kingdom]; and that I the said A. B. [and the other owners
names and occupations, if any, and where they respectively re-
side, viz. town, place, parish, and county, or if member of
and resident in any factory in foreign parts, or in any foreign
town or city, being an agent for or partner in any house or co-
partnership actually carrying on trade in *Great Britain or Ireland*,
the name of such factory, foreign town, or city, and the names of
such

such house or copartnerhip] *am* [or *are*] *sole owner* [or *owners*] of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and [if a British subject] that I the said A. B. [and the said other owners, if any] *am* [or *are*] truly and bona fide a subject [or subjects] of Great Britain; and that I the said A. B. have not (nor have any of the other owners, to the best of my knowledge and belief) taken the oath of allegiance to any foreign state whatever [except under the terms of some capitulation, describing the particulars thereof] or that since my taking [or his or their taking] the oath of allegiance to [naming the foreign states respectively to which he or any of the said owners shall have taken the same], and prior to the passing of an act in the twenty-sixth year of the reign of King George the Third, intituled, An act for the further encrease and encouragement of shipping and navigation, I have [or he or they hath or have] become a subject [or subjects] of Great Britain [either by his Majesty's letters patent as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization respectively] or [as the case may be] I have [or he or they hath or have] become a denizen [or denizens, or naturalized subject or subjects, as the case may be] of Great Britain, by his Majesty's letters patent, or by an act of parliament passed since the first day of January one thousand seven hundred and eighty-six [naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts of naturalization have passed respectively]; or [if not a British subject] that I A. B. [and the other owner, if any] being a subject or subjects of the United Provinces [or having been an inhabitant or inhabitants thereof before the nineteenth day of January one thousand seven hundred and ninety-five] and now resident in this kingdom [describing the particulars thereof, as to place and date] have [or, he or they hath or have] taken the oath of fidelity and allegiance to his majesty the King of Great Britain [describing the time when, the place where, and before whom taken]; and that a foreigner, not having complied with the conditions above-mentioned, directly or indirectly hath any share, or part or interest in the said ship or vessel.

XX. And whereas goods, wares, merchandize, and effects belonging to any of the subjects of the United Provinces, or to any persons who, before the nineteenth day of January one thousand seven hundred and ninety-five, were inhabitants of the United Provinces, or belonging to any subject or subjects of his Majesty, may have been imported for security, and permitted to be warehoused in this kingdom previous to the said order in council, or may have been carried for security to Hamburgh, or to some other port of Germany, or of the Baltic or east country; and the owner or owners, or proprietor or proprietors thereof, may be desirous to take the same out of such warehouse in this kingdom, or to bring the same, or parts thereof, into this kingdom; be it enacted, That, within the space of six calendar months after the

Within six
months after
passing this

act, goods
may be taken
out of ware-
houses, or im-
ported from
Hamburgh,
&c.

passing of this act, it shall and may be lawful for every owner or owners, proprietor or proprietors, of such goods, wares, merchandize, and effects, who have or shall come to reside in this kingdom, and shall take the oath of allegiance in manner hereinbefore mentioned, to take the same out of such warehouse or warehouses, if the same shall have been warehoused, or to import the same from *Hamburgh*, or from any other port of *Germany*, or of the *Baltic* or east country respectively, in vessels belonging to any subject of the *United Provinces*, or to any persons who, before the nineteenth day of *January* last, were inhabitants of the said *United Provinces*, or to any subject of his Majesty, or of any country in amity with his Majesty, from whence the same shall be brought, and to lodge the same in warehouses, as directed by the said act, and to take the same out of such warehouses for home consumption, or for exportation, upon payment of the several and respective duties, and subject in either case to the conditions, rules, regulations, and restrictions, penalties, and forfeitures, herein-mentioned; provided always, that it shall be proved by such owner or owners, proprietor or proprietors, to the satisfaction of the commissioners of the customs, or any four or more of them, in that part of *Great Britain* called *England*, and of the commissioners of the customs, or any three or more of them, in that part of *Great Britain* called *Scotland* respectively, and the said goods, wares, merchandizes, and effects so imported from *Hamburgh*, or from any other port of *Germany*, or of the *Baltic* or east country, were actually so carried from the said *United Provinces* to some of those places, and are the property of the persons herein qualified and authorised to import the same.

His Majesty in
council may
appoint com-
missioners to
take the care
of ships and
cargoes which
may be detain-
ed or brought
into the king-
dom.

Claims not to
be prosecuted
except as here-
in provided.

XXI. *And whereas several ships and vessels belonging to the subjects or inhabitants of the United Provinces, and also other ships and vessels, having on board goods, wares, merchandize, and effects belonging to such subjects, have been or may be hereafter detained in, or brought into the ports of this kingdom: and whereas such cargoes, and such ships and vessels, may perish or be greatly injured, if some provision is not made respecting the same:* be it further enacted, That it shall and may be lawful for his Majesty, by and with the advice of his privy council, from time to time to grant a commission or commissions, under the great seal of *Great Britain*, to three or more persons, authorising them to take such ships and cargoes into their possession, and under their care, and to manage, sell, or otherwise dispose of the same to the best advantage, according to such instructions as they shall from time to time receive from his Majesty, with the advice of his privy council; subject nevertheless, in respect of goods, wares, and merchandize hereby directed to be brought into the warehouses of the *East India* company, to the special provisions in this act contained.

XXII. And be it further enacted, That it shall not be lawful for any person to prosecute any claim, or maintain any suit or action respecting any such ship or cargo, except in the manner herein specially provided,

XXIII. And

XXIII. And be it further enacted, That in case any claim shall be made before the said commissioners, of any such ship or vessel, or of any such goods, wares, merchandize, or effects, or of any part or parts thereof, as the property of the subjects of his Majesty, or of any country in amity with his Majesty, and not of the people of the said *United Provinces*, it shall and may be lawful for the said commissioners, if they shall be satisfied of the justice of the said claim, with the licence of his Majesty's most honourable privy council, to order such ships or vessels, or such goods, wares, merchandize, or effects, or any part or parts thereof, to be forthwith released, upon such terms and conditions as shall appear to them to be equitable, and which shall be agreed upon between them and the respective parties, or to remit such claim to the judge of the high court of admiralty, who shall decree restitution to such claimant as shall appear to be entitled thereto, and shall decide all questions of freight, average, and other charges to which the property claimed shall be legally subject or entitled; and the said judge shall direct payment of all such freight, average, and other charges, to be made to the registrar of the said court of admiralty, which registrar shall receive the same, and within twenty days after his receipt thereof pay it over to the said commissioners, or to any agent appointed by them for that purpose, without any fee, poundage, charge, or deduction whatever: and in cases where the property of the people of the said *United States* shall appear to be subject to charges of the like nature, due and owing to the subjects of his Majesty, or of any country in amity with his Majesty, whose property has been restored, with such legal charges attendant thereon, by the decree of the court of admiralty, the said commissioners shall, on receiving from the registrar of the said court a copy of the said decree, with the amount of the said charges, forthwith pay, or cause to be paid, the said amount to the parties entitled thereto.

For settling
claims of ships
and goods, &c.
before the
commission-
ers.

XXIV. And be it further enacted, That if any claim of any such ship or vessel, or of any such goods, wares, merchandize, or effects, or of any part or parts thereof, as the property of the subjects of his Majesty, or of any country in amity with his Majesty, and not of the people of the said *United Provinces*, shall be made in the said high court of admiralty, the said claim not having been made before the said commissioners, it shall and may be lawful to the said judge, and he is hereby directed also to proceed in the said claims, and direct restitution and payments of freight, averages, and other charges to be made, in like manner as if the said claim had in pursuance of this act been remitted to him by the said commissioners.

For settling
claims made
in the high
court of ad-
miralty.

XXV. And be it further enacted, That in case any such ship, vessel, or any such goods, wares, merchandize, or effects, or any part or parts thereof, shall be claimed as the property of the subjects of his Majesty, or of any country in amity with his Majesty, and not of the people of the said *United Provinces*, and not herein-before mentioned, the said commissioners shall forbear proceeding to a sale of such ships, vessels, goods, wares, merchandize, or effects, or such part or parts thereof, until such claim

Commission-
ers not to sell
ships, &c.
claimed as the
property of
British sub-
jects, &c. till
claims be de-
cided.

claim shall be decided, unless they shall receive directions from the said court of admiralty to proceed therein.

Vessels and goods sold, liable to duty, and entitled to drawback, &c.

Proceeds to be paid into the bank.

Regulations respecting goods, &c. of the limits of the trade of the East India company:

the company may purchase such goods;

XXVI. And be further enacted, That if any of the said ships or vessels, goods, wares, merchandize, or effects, shall be sold under the authority aforesaid, they shall be respectively liable to the duties, and entitled to the drawbacks, and subject to the conditions, rules, regulations, and restrictions, penalties, and forfeitures, before mentioned; and the said commissioners shall, and they are hereby authorised and required to cause the duties, and the expences of the sale, in the first place, to be paid out of the proceeds of such sale; and after such payment shall (except in cases where it is otherwise provided by this act) cause the proceeds of such sale to be paid into the bank of *England*, there to remain, subject to such orders as his Majesty, with the advice of his privy council, may from time to time think fit to give thereupon; or in case such proceeds shall arise from a sale made under the directions of the high court of admiralty, as herein-before provided, then subject to such orders as the said court shall make concerning the same, or such part thereof, for which a claim shall have been made and adjudged by the said court.

XXVII. And be it further enacted, That all goods, wares, and merchandize, of the growth, product, or manufacture of *India* or *China*, or other parts within the limits of the exclusive trade of the united company of merchants of *England* trading to the *East Indies*, so imported or brought into this kingdom, or detained in the ports thereof as aforesaid, shall be brought into the port of *London*, and lodged and secured in the warehouses of the said united company, under the order of the directors of the said united company; and the said goods, wares, and merchandize, so lodged and secured, being duly entered, shall from time to time upon requisition made for that purpose by the proprietors or owners thereof, or by the commissioners to be appointed by virtue of this act, respectively be exposed to sale, and sold at the publick sales of the said company, by order of the court of directors of the said company for the time being, either for home consumption, or for exportation to some of his Majesty's *European* dominions, or for the purpose of exporting the same to any country not being a part of his Majesty's *European* dominions, shall be expressed and specified in any such requisition respectively, under and subject to such rules, regulations, conditions, and restrictions, as the goods, wares, or merchandize of the like sort, imported by the said united company, may by law be sold, and to such other rules and regulations, and to such agreements, as may be made by the proprietors or owners thereof, or by the said commissioners respectively, and the said court of directors.

XXVIII. Provided always, and it is hereby declared, That nothing in this act contained shall extend to preclude the said united company from becoming the purchasers of any of the said goods, wares, or merchandize, or to hinder the said owners or proprietors, or the said commissioners, to be appointed by the authority of this act respectively, from contracting with the said united

united company for the sale to them of any of such goods, wares, or merchandize; but it shall and may be lawful for the said united company to purchase the same of and from the said owners and proprietors, or the said commissioners respectively, and for the said owners and proprietors, and commissioners, to sell the same to the said united company; any thing herein, or in any other act or acts, contained to the contrary notwithstanding.

XXIX. And be it further enacted, That on all goods, wares, and shall be or merchandize, so imported or brought into this kingdom, or entitled to 5 per cent. on detained in the ports thereof, and sold at the publick sales of the such as are said united company, the said company shall be entitled to receive, sold at their and shall be paid, out of the proceeds of the sales thereof, for and sales. in respect of the landing, cartage, warehousing, charges of sale, and other charges thereon, an allowance, not exceeding the rate of five pounds *per centum* on the gross sale amount thereof severally and respectively.

XXX. And be it further enacted, That if the commissioners On goods required to be to be appointed by virtue of this act shall make any requisition sold for consumption in for the sale of any of the goods, wares, or merchandize, deposited in his Majesty's European consumption within any of his Majesty's *European* dominions, it shall and may be lawful for the said commissioners to contract further allowance to be with the said directors for a further allowance out of the proceeds made the company, or they of the sales thereof, by way of compensation in respect thereof; and if the said commissioners, or if any of the said owners or may forbear proprietors, making any the like requisition for the sale of any of to sell them, the said goods, wares, or merchandize for consumption as aforesaid, &c. shall decline to agree with the said directors for the making of such further allowance as aforesaid, it shall and may be lawful for the said directors to forbear to sell the goods, wares, or merchandize in any such requisition expressed or specified, unless for exportation to some place or places not being within any of his Majesty's *European* dominions; any thing herein contained to the contrary notwithstanding.

XXXI. Provided always, and it is hereby enacted and declared, That nothing contained in this act shall be construed to compel Company not compelled to the court of directors of the said united company to expose to sale for home consumption any tea which, according to the practice that hath of late times obtained in the sales of the company's own tea, would not have been deemed fit and proper to be sold by them for home consumption; but that in respect to all such tea as on an examination thereof shall appear to the said directors, either on account of any damage it may have received, or by reason of its condition or quality, to be unfit for sale for home consumption, or as on the shew or publick exhibition thereof shall or may be objected to by brokers or dealers in tea, as being unfit for sale for home consumption, the said directors shall, and they are hereby required to forbear to expose any of such tea to sale for home consumption, or for any other purpose than for exportation only to some country or place not being within his Majesty's

Accounts of
proceeds of
sale to be
settled.

jefty's *European* dominions; any thing herein-before contained to the contrary notwithstanding.

XXXII. And be it further enacted, That, from time to time, when and as often as the proceeds of each respective sale shall have been paid into the treasury of the said united company, the said directors shall cause a perfect account of the particulars of such sale to be delivered to the said owners and proprietors, or to the said commissioners respectively; which said owners and proprietors, or commissioners, shall, and they are hereby authorised and required respectively, to adjust and settle every such account with the proper officer or officers of the said company, and the same, being so settled and adjusted, to allow thereof by signing or attesting the same, and that such allowance shall be valid and effectual in law.

Proceeds of
goods pur-
chased by the
company, or
sold at their
sales at
the owners
request, to be
accounted for
to them;
and of goods
sold to them
by the com-
missioners, or
at their re-
quest, to be
carried to ac-
count, with 4l.
per cent. in-
terest, &c.

XXXIII. And be it further enacted, That the net proceeds of all such of the said goods, wares, and merchandizes, as shall be purchased by the said company of and from the said owners and proprietors, or which, on the requisition of the said owners and proprietors, shall be sold at the publick sales of the said company, shall (after deducting the rates and allowances authorised by this act) be accounted for and paid by the said company to the said owners and proprietors entitled thereto respectively; and that the net proceeds of all such of the said goods, wares, and merchandize, as shall be sold to the said company by the commissioners to be appointed by virtue of this act, or which shall be sold at the said publick sales, on the requisition of the said commissioners, shall (after deducting the rates and allowances authorised by this act as aforesaid) be carried to an account to be raised in the books of the said united company, and placed to the credit of the said commissioners, and shall afterwards be subject to be issued, and shall be paid by the said company, pursuant to such orders as his Majesty, with the advice of his privy council, may from time to time think fit to give therein; together with interest for the same, after the rate of four pounds *per centum per annum*, until the payment thereof, such interest (as to the goods sold at the publick sales of the said company) to be computed from the time when full payment of the proceeds of each respective sale shall have been made, and in respect to such goods, wares, or merchandize, as shall be purchased by the said company, from the time to be stipulated for that purpose by and between the said commissioners and the directors of the said company.

Commission-
ers of customs
and excise
may direct the
delivery of
goods out of
the company's
warehouses
for exporta-
tion to places
without his
Majesty's Eu-
ropean domi-
nions.

XXXIV. Provided always, and be it further enacted, That it shall and may be lawful for the commissioners of his Majesty's customs and excise in *England* for the time being, from time to time, upon requisition to them made by the said owners or proprietors, or by the commissioners to be appointed by virtue of this act, severally and respectively to direct the delivery out of the warehouses of the said united company of any goods, wares, or merchandize deposited therein by virtue of this act, previous to any sale made thereof, in order to the exportation of the same to some place or places, not being a part of his Majesty's *European* dominions;

dominions; and that such goods, wares, or merchandize, shall accordingly be delivered out to be exported to such place or places, not being a part of his Majesty's *European* dominions, pursuant to the direction of the said commissioners of customs, under such or the like securities as are by law required to be given for the exportation of goods entitled to a drawback, and on payment being first made to the said united company of the charges which shall have been incurred by them in respect thereof, together with a reasonable satisfaction for the use of their warehouses, and that the unrated or *ad valorem* duties chargeable on the said goods, wares, and merchandize, shall in every such case be ascertained to the satisfaction of the commissioners of the customs, upon a fair estimate to be made of the true and real value thereof.

XXXV. And be it further enacted and declared, That the Parts of several clauses and enactments contained in an act of the thirty- 33 Geo. 3.
third year of his Majesty's reign, intituled, *An act for continuing in C. 52. to*
the East India company for a further term the possession of the British extend to this
territories in India, together with their exclusive trade, under certain act.
limitations; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said company; and for making provision for the good order and government of the towns of Calcutta, Madras, and Bombay; so far as the same provide for exempting the said united company from the claims of individuals in respect to any embezzlement, waste, loss, or damages of goods, wares, or merchandize therein specified; or as direct that the deeds of covenant, engagements, or securities, given to the said united company by their officers and servants, for the safe custody of the goods, wares, and merchandize, of the said company, shall extend to the custody and care of goods, wares, and merchandize, of individuals; or as render any such officers or servants liable to costs and damages at law for embezzlement, waste, losses, or damages, therein also specified, shall be, and are, by force and virtue of this act, extended, and shall be construed to extend, to all goods, wares, and merchandize, which, by this act, are placed in the possession, care or custody, of the said united company, or the directors of the said company, their officers or servants respectively, for the better protecting the same from spoil, embezzlement, or loss.

XXXVI. Provided always, and it is hereby further enacted and declared, That if any goods, wares, or merchandize, of the growth, production, or manufacture of *India* or *China*, or other parts within the limits of the exclusive trade of the said united company, imported or brought into this kingdom, or detained in the ports thereof as aforesaid, except such articles of wearing apparel, jewels, watches, trinkets, plate, pictures, prints, drawings, china, or earthen ware, glass framed or unframed, books, furniture, or linen, which shall be permitted to be imported for private use, without the payment of duties, according to the provisions of this act, shall be landed or unshipped, or taken from on board of any ship or vessel, otherwise than for the express purpose of bringing

Goods unlaw-
fully landed
may be seized.

Persons unlawfully landing goods, &c. liable to penalty.

Recovery and application of penalties.

Vessels detained, or brought into the kingdom, may be registered for the European trade.

bringing the same into the warehouses of the said united company, according to the provisions in this act contained, the good, wares, and merchandize, which shall be so landed, unshipped, or taken from on board of any such ship or vessel, and which shall not be duly brought and deposited in the said warehouses, according to the directions of this act, and the true intent and meaning thereof, shall be deemed to have been illicitly imported, and shall and may be seized, and shall be forfeited; and that all and every person and persons who shall have so unshipped or landed the same, or shall have acted therein, or procured the same to be so done, and all persons in whose custody any of such goods, wares, or merchandize, so unlawfully landed or unshipped, shall be found, shall be deemed and accounted to have unlawfully traded and trafficked therein, and shall be subject and liable to such several pains, penalties, and forfeitures, for unlawfully trading and trafficking to the *East Indies*, or other parts within the limits of the exclusive trade of the said united company, as are in that behalf provided or imposed by the aforesaid act, made in the thirty-third year of the reign of his present Majesty as aforesaid, or in any other act or acts in force for protecting and preserving to the said united company the benefits of their said exclusive trade; and that all penalties and forfeitures to be incurred as aforesaid shall and may be sued for, recovered, and applied, in the same or the like manner respectively as by the said act of the thirty-third year of his Majesty's reign, or by any other act or acts in force as aforesaid, is or are directed in respect of any seizures, penalties or forfeitures, to be made or incurred for any unlawfully trading or trafficking within the said parts or limits, contrary to the provisions thereof respectively.

XXXVII. And be it further enacted, That if any ship or vessel so detained in, or brought into, this kingdom as aforesaid shall be wholly owned by any of the subjects or inhabitants of the *United Provinces* as before described, who shall have qualified themselves in manner herein-before mentioned, or by any subject or subjects of his Majesty, either wholly or jointly with any of the said persons, it shall and may be lawful for his Majesty, by and with the advice of his privy council, to order any such ship or vessel to be registered in the manner herein-before mentioned, and to have a certificate of foreign ship's registry for the *European* trade only, and to enjoy the privileges thereof in the same manner, and subject to the same conditions, rules, and regulations, and duties, as are herein-before mentioned respecting the registry of such ships and vessels belonging to subjects of the *United Provinces*, or to persons having been inhabitants thereof before the nineteenth day of *January* one thousand seven hundred and ninety-five, as shall have come into the ports of this kingdom to take the benefit of the act, or of the orders in council herein-before mentioned.

XXXVIII. And whereas, for the preservation of certain cargoes, or parts of cargoes, which were of a perishable nature on board certain ships or vessels brought into and detained in the ports of his Majesty's

jeſty's dominions, the ſame have under the ſpecial circumſtances of the caſe, been ordered to be ſold; be it enacted, That the commiſſioners to be appointed in manner herein-before directed ſhall and may give the ſame directions reſpecting the proceeds of ſuch ſale, and ſuch proceeds ſhall be ſubject to the ſame order, and be liable to the ſame claims, as if ſuch commiſſioners had taken ſuch cargoes into their poſſeſſion, and had cauſed ſale thereof to be made in purſuance of the authority given to them by this act; and that it ſhall not be lawful for any perſon to proſecute any claim, or maintain any ſuit or action reſpecting any ſuch cargoes, or parts of cargoes, or the proceeds thereof, except in the manner herein ſpecially provided.

Proceeds of cargoes of a perſhable nature, which have been ſold, to be ſubject to the order of the commiſſioners.

XXXIX. *And whereas certain ſhips and veſſels have, by ſpecial orders in council, been permitted, at the requeſt of the owners or proprietors thereof, under the ſpecial circumſtances of the caſe, to take the benefit of the ſaid recited act, and of the ſaid orders in council of the ſixteenth and twenty-ſiſt days of January laſt, upon declaration of ſuch ſhips or veſſels having been bound to ſome of the ports of the ſaid United Provinces, though ſufficient proof could not be made thereof: and whereas it is expedient that ſuch ſhips and veſſels, with their cargoes, ſhould be exempted from all forfeitures, and all perſons who have acted or ſhall act, in bringing in the ſame, or who have acted or who ſhall act in purſuance of or according to ſuch ſpecial orders, ought to be indemnified in the ſame manner as if ſuch ſhips and veſſels, with their cargoes, had been entitled to take the benefit of the ſaid orders in council of the ſixteenth and twenty-ſiſt days of January laſt, and in the ſame manner as perſons acting in purſuance of or according to the ſaid laſt-mentioned orders, have been exempted from forfeiture, and indemnified by the ſaid recited act: and whereas it is probable that the owners of other ſuch ſhips and veſſels may requeſt, under the ſpecial circumſtances of the caſe, to have the like permiſſion: be it further enacted, That it ſhall and may be lawful, at any time before the expiration of ſix calendar months after the paſſing of this act, to permit, by order in council, ſuch ſhips or veſſels, under ſuch ſpecial circumſtances, to take the benefit of the ſaid recited act, and of the ſaid orders in council of the ſixteenth and twenty-ſiſt days of January laſt; and all goods, wares, merchandize, and effects, brought in the ſame, ſhall be exempted from all forfeitures, and all perſons who have acted, or ſhall act in bringing in the ſame, or who have acted or who ſhall act in purſuance or according to any ſuch ſpecial order in council, ſhall be indemnified, and ſhall be releaſed and diſcharged in the ſame manner as is provided in the ſaid recited act, reſpecting ſhips and veſſels, and goods, wares, merchandize, and effects, brought in ſhips or veſſels entitled to the benefit of the ſaid orders in council of the ſixteenth and twenty-ſiſt days of January laſt; and that all ſuch ſhips and veſſels, and all goods, wares, merchandize, and effects, brought in the ſame, ſhall be admitted to the ſame privileges and advantages, as to importation, warehouſing, or exportation, and ſhall be liable to the payment of the ſame duties, and be entitled to the ſame drawbacks, and ſhall be ſubject to the ſame conditions, rules,*

Within fix months after the paſſing of this act, cargoes of ſhips permitted, by ſpecial order in council, to take the benefit of recited act, &c. exempted from forfeiture, &c.