

October 1651: An Act for increase of Shipping, and Encouragement of the Navigation of this Nation.

Pages 559-562

[Acts and Ordinances of the Interregnum, 1642-1660](#). Originally published by His Majesty's Stationery Office, London, 1911.

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October, 1651

[9 October, 1651.]

No goods shall be imported from Asia, Africa, or America, but in English Ships.; Penalty.

For the Increase of the Shipping and the Encouragement of the Navigation of this Nation, which under the good Providence and Protection of God, is so great a means of the Welfare and Safety of this Commonwealth; Be it Enacted by this present Parliament, and the Authority thereof, That from and after the First day of December, One thousand six hundred fifty and one, and from thence forwards, no Goods or Commodities whatsoever, of the Growth, Production or Manufacture of Asia, Africa or America, or of any part thereof; or of any Islands belonging to them, or any of them, or which are described or laid down in the usual Maps or Cards of those places, as well of the English Plantations as others, shall be Imported or brought into this Commonwealth of England, or into Ireland, or any other Lands, Islands, Plantations or Territories to this Commonwealth belonging, or in their Possession, in any other Ship or Ships, Vessel or Vessels whatsoever, but onely in such as do truly and without fraud belong onely to the People of this Commonwealth, or the Plantations thereof, as the Proprietors or right Owners thereof; and whereof the Master and Mariners are also for the most part of them, of the People of this Commonwealth, under the penalty of the forfeiture and loss of all the Goods that shall be Imported contrary to this Act; as also of the Ship (with all her Tackle, Guns and Apparel) in which the said Goods or Commodities shall be so brought in and Imported; the one moyety to the use of the Commonwealth, and the other moyety to the use and behoof of any person or persons who shall seize the said Goods or Commodities, and shall prosecute the same in any Court of Record within this Commonwealth.

The like for Europe, with Exception.

And it is further Enacted by the Authority aforesaid, That no Goods or Commodities of the Growth, Production or Manufacture of Europe, or of any part thereof, shall after the First day of December, One thousand six hundred fifty and one, be imported or brought into this Commonwealth of England, or into Ireland, or any other Lands, Islands, Plantations or Territories to this Commonwealth belonging, or in their possession, in any Ship or Ships, Vessel or Vessels whatsoever, but in such as do truly and without fraud belong onely to the people of this Commonwealth, as the true Owners and Proprietors thereof, and in no other, except onely such Foreign Ships and Vessels as do truly and properly belong to the people of that Countrey or Place, of which the said Goods are the Growth, Production or Manufacture; or to such Ports where the said Goods can onely be, or most usually are first shipped for Transportation; And that under the same penalty of forfeiture and loss expressed in the former Branch of this Act, the said Forfeitures to be recovered and employed as is therein expressed.

Goods of Foreign growth, how and by whom to be shipped.

And it is further Enacted by the Authority aforesaid, That no Goods or Commodities that are of Foreign Growth, Production or Manufacture, and which are to be brought into this Commonwealth, in Shipping belonging to the People thereof, shall be by them Shipped or brought from any other place or places, Countrey or Countreys, but onely from those of their said Growth, Production or Manufacture; or from those Ports where the said Goods and Commodities can onely, or are; or usually have been first shipped for Transportation; and from none other Places or Countreys, under the same penalty of forfeiture and loss expressed in the first Branch of this Act, the said Forfeitures to be recovered and employed as is therein expressed.

No Salt-fish or oyl to be imported but in English Vessels.

And it is further Enacted by the Authority aforesaid, That no sort of Cod-fish, Ling, Herring, Pilchard, or any other kinde of salted Fish, usually fished for and caught by the people of this Nation; nor any Oyl made, or

that shall be made of any kinde of Fish whatsoever; nor any Whale-fins, or Whale-bones, shall from henceforth be Imported into this Commonwealth, or into Ireland, or any other Lands, Islands, Plantations, or Territories thereto belonging, or in their possession, but onely such as shall be caught in Vessels that do or shall truly and properly belong to the people of this Nation, as Proprietors and Right Owners thereof: And the said Fish to be cured, and the Oyl aforesaid made by the people of this Commonwealth, under the penalty and loss expressed in the said first Branch of this present Act; the said Forfeit to be recovered and employed as is there expressed.

No salt Fish to be exported but in English Vessels.

And it is further Enacted by the Authority aforesaid, That no sort of Cod, Ling, Herring, Pilchard, or any other kinde of Salted Fish whatsoever, which shall be caught and cured by the people of this Commonwealth, shall be from and after the First day of February, One thousand six hundred fifty three, exported from any place or places belonging to this Commonwealth, in any other Ship or Ships, Vessel or Vessels, save onely in such as do truly and properly appertain to the people of this Commonwealth, as Right Owners; and whereof the Master and Mariners are for the most part of them English, under the penalty and loss expressed in the said first Branch of this present Act; the said Forfeit to be recovered and employed as is there expressed.

Provided always, That this Act, nor any thing therein contained, extend not, or be meant to restrain the Importation of any of the Commodities of the Straights or Levant Seas, loaden in the Shipping of this Nation as aforesaid, at the usual Ports or places for lading of them heretofore, within the said Straights or Levant Seas, though the said Commodities be not of the very Growth of the said places.

Commodities of the Straights or Levant Seas excepted.

Provided also, That this Act nor any thing therein contained, extend not, nor be meant to restrain the Importing of any East-India Commodities loaden in the Shipping of this Nation, at the usual Port or places for Lading of them heretofore in any part of those Seas, to the Southward and Eastward of Cabo Bona Esperanza, although the said Ports be not the very places of their Growth.

East-India Commodities excepted

Provided also, That it shall and may be lawful to and for any of the People of this Commonwealth, in Vessels or Ships to them belonging, and whereof the Master and Mariners are of this Nation as aforesaid, to load and bring in from any of the Ports of Spain and Portugal, all sorts of Goods or Commodities that have come from, or any way belonged unto the Plantations or Dominions of either of them respectively.

Goods from any Port of Spain or Portugal may be imported.; Penalty for any stranger to carry any fish, wares, &c. from one English Port to another.

Be it also further Enacted by the authority aforesaid, That from henceforth it shall not be lawful to any person or persons whatsoever, to load or cause to be loaden and carried in any Bottom or Bottoms, Ship or Ships, Vessel or Vessels whatsoever, whereof any Stranger or Strangers born (unless such as be Denizens or Naturalized) be Owners, part Owners, or Master, any Fish, Victual, Wares, or things of what kinde or nature soever the same shall be, from one Port or Creek of this Commonwealth, to another Port or Creek of the same, under penalty to every one that shall offend contrary to the true meaning of this Branch of this present Act, to forfeit all the Goods that shall be so laden or carried, as also the Ship upon which they shall be so laden or carried, the same Forfeit to be recovered and employed as directed in the first Branch of this present Act.

This Act not to extend to Bullion or prize-goods,

Lastly, That this Act nor any thing therein contained, extend not to Bullion, nor yet to any Goods taken, or that shall be taken by way of Reprizal by any Ship or Ships, having Commission from this Commonwealth.

nor to Silk or Silk-Wares brought by Land from Italy.

¶ Provided, That this Act, or any thing therein contained, shall not extend, nor be construed to extend to any Silk or Silk-wares which shall be brought by Land from any parts of Italy, and there bought with the proceed of English Commodities, sold either for Money or in Barter; but that it shall and may be lawful for any of the People of this Commonwealth to ship the same in English Vessels from Ostend, Newport, Rotterdam, Middleburgh, Amsterdam, or any Ports thereabouts; the Owners and Proprietors first making Oath by themselves, or other credible Witness, before the Commissioners of the Customs for the time being, or their Deputies, or one of the Barons of the Exchequer, that the Goods aforesaid were so bought for his or their own proper accompt in Italy.

Charles II, 1660: An Act for the Encourageing and increasing of Shipping and Navigation.

Pages 246-250

[Statutes of the Realm: Volume 5, 1628-80](#). Originally published by Great Britain Record Commission, s.l, 1819.

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'Charles II, 1660: An Act for the Encourageing and increasing of Shipping and Navigation.', in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l, 1819), pp. 246-250. *British History Online* <http://www.british-history.ac.uk/statutes-realm/vol5/pp246-250> [accessed 22 July 2021].

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 - III. Goods of Africa, Asia, or America not to be imported but in English Ships, and manned as aforesaid.
 - IV. Goods of foreign Growth or Manufacture to be imported only from the Places of their said Growth, &c.
 - V. All Ling, Stock Fish, &c. Oil, &c. Whalefins, &c. imported, not caught in Vessels of the Proprietors themselves, &c. shall pay double Aliens Custom.
 - VI. No Goods to be carried from one Port of England to another in the Vessel of any Alien.
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 - XVII. The Duty payable upon Goods in French Ships, and on their taking in and setting on Shore Passengers.
 - XVIII. Sugars, Tobacco, &c. of the Growth of America, Asia, or Africa, to be shipped only to English Dominions.
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Footnotes

No Goods shall be imported to or exported from Asia, Africa, or America, but in English Ships, and Master and Three-fourths of Mariners English.; Penalty.; Admirals, &c. empowered to seize and bring in as Prize all Ships offending.; Proceedings in case of Condemnation.

FOR the increase of Shipping and incouragement of the Navigation of this Nation, wherin under the good providence and protection of God the Wealth Safety and Strength of this Kingdome is soe much concerned Bee it Enacted by the Kings most Excellent Majesty and by the Lords and Co[m]mons in this present Parliament, assembled and the Authoritie therof That from and after the First day of December One thousand six hundred and sixty and from thence forward noe Goods or Commodities whatsoever shall be Imported into or Exported out of any Lands Islelands Plantations or Territories to his Majesty belonging or in his possession or which may hereafter belong unto or be in the possession of His Majesty His Heires and Successors in Asia Africa or America in any other Ship or Ships Vessell or Vessells whatsoever but in such Ships or Vessells as doe truely and without fraude belong onely to the people of England or Ireland Dominion of Wales or Towne of Berwicke upon Tweede, or are of the built of, and belonging to any of the said Lands Islands Plantations or Territories as the Proprietors and right Owners therof and wherof the Master and three fourthes of the Marriners at least are English under the penalty of the Forfeiture and Losse of all the Goods and Commodityes which shall be Imported into, or Exported out of, any the aforesaid places in any other Ship or Vessell, as alsoe of the Ship or Vessell with all its Guns Furniture Tackle Ammunition and Apparell, one third part thereof to his Majesty his Heires and Successors, one third

part to the Governour of such Land Plantation Island or Territory where such default shall be committed in case the said Ship or Goods be there seized, or otherwise that third part alsoe to his Majesty his Heires and Successors, and the other third part to him or them who shall Seize Informe or sue for the same in any Court of Record by Bill Information Plaint or other Action wherin noe Essoigne Protection or Wager of Law shall be allowed, And all Admiralls and other Commanders at Sea of any the Ships of War or other Ship haveing Co[m]mission from His Majesty or from his Heires or Successors are hereby authorized and strictly required to seize and bring in as prize all such Ships or Vessells as shall have offended contrary hereunto and deliver them to the Court of Admiralty there to be proceeded against and in case of condemnation one moyety of such Forfeitures shall be to the use of such Admiralls or Commanders and their Companies to be divided and proportioned amongst them according to the Rules and Orders of the Sea in [cases (fn. 1)] of Ships taken prize, and the other moyety to the use of his Majesty his Heires and Successors.

II. Aliens exercising the Occupation of Merchants or Factors in Plantations. Penalty.

Governors of Plantations to take Oath to perform the aforementioned Clauses.; Neglecting so to do, removed.

And be it Enacted that noe Alien or person not borne within the Allegiance of Our Sovereigne Lord the King his Heires and Successors or Naturalized or made a free Denizen shall from and after the First day of February which shall be in the yeare of our Lord One thousand six hundred sixty one exercise the Trade or Occupation of a Merchant or Factor in any the said places upon paine of the forfeiture and losse of all his Goods and Chattels, or which are in his possession, one third to his Majesty his Heires and Successors, one third to the Governour of the Plantation where such person shall soe offend, and the other third to him or them that shall informe or sue for the same in any of his Majestyes Courts in the Plantation where such offence shall be committed, And all Governours of the said Lands Islands Plantations or Territories and every of them are hereby strictly required and commanded and all who hereafter shall be made Governours of any such Islands Plantations or Territories by his Majesty his Heires or Successors shall before their entrance into their Government take a solemne Oath to doe their utmost that every the aforementioned clauses and all the matters and things therein contained be punctually and bona fide observed according to the true intent and meaning thereof. And upon complaint and prooffe made before his Majesty his Heires or Successors, or such as shall be by him or them therunto authorized and appointed that any the said Governours have beene willingly and wittingly negligent in doing their Duty accordingly, that the said Governour soe offending shall be removed from his Government.

III. Goods of Africa, Asia, or America not to be imported but in English Ships, and manned as aforesaid.

Penalty

And it is further Enacted by the Authority aforesaid that noe Goods or Commodities whatsoever of the growth production or manufacture of Africa Asia or America or of any part thereof, or which are discribed or laid downe in the usuall Maps or Cards of those places be Imported into England Ireland or Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede in any other Ship or Ships Vessell or Vessels whatsoever, but in such as doe truly and without fraude belong onely to the people of England or Ireland, Dominion of Wales or Towne of Berwicke upon Tweede or of the Lands Islands Plantations or Territories in Asia Africa or America to his Majesty belonging as the proprietors and right owners thereof, and wherof the Master and three fourthes at least of the Mariners are English under the penalty of the forfeiture of all such Goods and Commodities, and of the Ship or Vessell in which they were Imported with all her Guns Tackle Furniture Ammunition and Apparell, one moyety to his Majesty his Heires and Successors, and the other moyety to him or them whoe shall Seize Informe or Sue for the same in any Court of Record by Bill Information Plaint or other Action wherin noe Essoigne Protection or Wager in Law shall be allowed.

IV. Goods of foreign Growth or Manufacture to be imported only from the Places of their said Growth, &c.

or from those Ports where they have been usually first shipped.; Penalty.

And it is further Enacted by the Authority aforesaid that noe Goods or Commodities that are of forraigne growth production or manufacture and which are to be brought into England Ireland, Wales, the Islands of Guernsey & Jersey or Towne of Berwicke upon Tweede in English built shiping, or other shiping belonging to some of the aforesaid places, and navigated by English Mariners as abovesaid, shall be shipped or brought from any other place or Places, Country or Countries but onely from those of their said Growth Production or Manufacture, or from those Ports where the said Goods and Commodities can onely or are or usually have beene first shipped for transportation and from none other Places or Countryes under the penalty of the forfeiture of all such of the aforesaid Goods as shall be Imported from any other place or Country contrary to the true intent and meaning hereof, as alsoe of the ship in which they were imported

with all her Guns Furniture Ammunition Tackle and Apparel, one Moyety to His Majesty His Heires and Successors and the other Moyety to him or them that shall seize informe or sue for the same in any Court of Record to be recovered as is before exprest,

V. All Ling, Stock Fish, &c. Oil, &c. Whalefins, &c. imported, not caught in Vessels of the Proprietors themselves, &c. shall pay double Aliens Custom.

And it is further Enacted by the Authority aforesaid That any sort of Ling Stockefish Pilchard, or any other kinde of dryed or salted fish usually fished for and caught by the people of England Ireland Wales or Towne of Berwicke upon Tweede, or any sort of Codfish or Herring, or any Oyle or Blubber made or that shall be made of any kinde of Fish whatsoever, or any Whale fines or Whale bones which shall be imported into England Ireland Wales or Towne of Berwicke upon Tweede not haveing beene caught in Vessels truly and properly belonging therunto as Proprietors and right Owners therof and the said Fish cured saved or dryed, and the Oyle and Blubber aforesaid (which shall be accompted and pay as oyle) not made by the people thereof, and shall be imported into England Ireland or Wales or Towne of Berwicke upon Tweede shall pay double Aliens custome.

VI. No Goods to be carried from one Port of England to another in the Vessel of any Alien.

Exception.; Penalty.

And be it further Enacted by the Authority aforesaid That from henceforth it shall not be lawfull to any person or persons whatsoever to Load or cause to be Loaden and carryed in any Bottome or Bottomes Ship or Ships Vessell or Vessels whatsoever wherof any Stranger or Strangers borne (unlesse such as [shall (fn. 2)] bee Denizens or Naturalized) be Owners part Owners or Master and wherof three Fourthes of the Mariners at least shall not be English any Fish Victuall Wares Goods Commodities or [Goods (fn. 3)] of what kinde or Nature soever the same shall be from one Port or Creeke of England Ireland Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede to another Port or Creeke of the same or of any of them under penalty for every one that shall offend contrary to the true meaning of this branch of this present Act to forfeit all such goods as shall be loaden and carryed in any such Ship or Vessell together with the Ship or Vessell and all her Guns Ammunition Tackle Furniture and Apparel, one moyety to His Majesty His Heires and Successors and the other moyety to him or them that shall Informe Seize or Sue for the same in any Court of Record to be recovered in manner aforesaid.

VII. Abatement, &c. in the Book of Rates allowed only where the Master and Three Fourths of the Mariners be English.

And it is further Enacted by the Authority aforesaid That where any Ease Abatement or Priviledge is given in the Booke of Rates to goods or Commodities imported or exported in English built Shiping that is to say shiping built in England Ireland Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede, or in any the Lands Islands Dominions or Territories to His Majesty in Africa Asia or America belonging or in his possession, That [it (fn. 4)] is alwayes to be understood and provided that the Master and three fourthes of the Mariners, of the said Ships at least be alsoe English, And that where it is required that the Master and three Fourths, of the Mariners be English that the true intent and meaning therof is that they should be such dureing the whole Voyage unlesse in case of Sicknesse Death or being taken Prisoners in the Voyage to be proved by the Oath of the Master or other cheife Officer of such Ships.

VIII. Goods of the Growth or Manufacture of Muscovy or Russia, and of the Turkish Empire, and other Goods herein mentioned, to be imported in English Ships, and manned as aforesaid.

Exception.; Penalty

And it is further Enacted by the Authority aforesaid That noe Goods or Commodities of the Growth Production or Manufacture of Muscovy or of any the Countryes Dominions or Territories to the Great Duke or Emporer of Muscovia or Russia belonging, As alsoe that noe sorts of Masts Timber or boards noe forraigne Salt Pitch Tar Rozin Hemepe or Flax Raizins Figs Prunes Olive Oyles noe [sort (fn. 5)] of Corne or Graine Sugar Pot-ashes Wines Vinegar or Spirits called Aqua-vite or Brandy Wine shall from and after the First day of Aprill which shall be in the yeare of our Lord One thousand six hundred sixty one be imported into England Ireland Wales or Towne of Berwicke upon Tweede in any Ship or Ships Vessel or Vessels whatsoever but in such as doe truly and without fraude belong to the people therof or of some of them as the true Owners and proprietors therof, and wherof the Master and Three Fourths of the Mariners at least are English, and that noe Currants, nor Commodities of the growth production or Manufacture of any the Countryes Islands Dominions or Territories to the Othoman or Turkish Empire belonging shall from

and after the first day of September which shall be in the yeare of our Lord One thousand six hundred sixty one be imported into any the forementioned places in any Ship or Vessel, but which is of English built and navigated as aforesaid and in noe other, except onely such forraigne ships and vessels as are of the built of that Country or place of which the said Goods are the growth production or Manufacture respectively, or of such Port where the said Goods can onely be or most usually are first shiped for transportation, and wherof the Master and three Fourths of the Mariners at least are of the said Country [and (fn. 6)] place under the penalty and forfeiture of Ship and Goods to be disposed and recovered as in the foregoing Clause.

IX. What Goods deemed Aliens' Goods, and pay Aliens' Duties.

Provided always and bee it hereby Enacted by the Authority aforesaid That for the prevention of the great frauds dayly used in colouring and concealing of Aliens Goods all Wines of the growth of France or Germany which [from & (fn. 7)] after the twentyeth day of October One thousand six hundred sixty shall be Imported into any the Ports or places aforesaid in any other Ship or Vessel then which doth truely and without fraude belong to England Ireland Wales or Towne of Berwicke upon Tweede and navigated with the Marriners therof as aforesaid shall be deemed Aliens goods and pay all Strangers Customes and dutyes to His Majestye His Heires and Successors, as alsoe to the Towne or Port into which they shall be imported, And that all sorts of Masts Timber or Boards, as alsoe all forraigne Salt Pitch Tar Rozin Hempt Flax Raizins Figs Prunes Olive Oyles all sorts of Corne or Grane, Sugar Pot-ashes Spirits commonly called Brandy Wine or Aqua vite Wines of the growth of Spaine the Islands of the Canaries or Portugall Madera or Westerne Islands and all goods of the growth Production or Manufacture of Muscovia or Russia which from and after the first day of April which shall be in the yeare of our Lord One thousand six hundred sixty one shall be imported into any of the aforesaid places in any other then such shiping, and soe navigated and all Currants and Turkey Commodities which from and after the first day of September One thousand six hundred sixty one shall be Imported into any the places aforesaid in any other then English built shiping and Navigated as aforesaid shall be deemed Aliens Goods and pay accordingly to his Majesty his Heires and Successors and to the Towne or Port into which they shall be imported.

X. In what Case and by what Means Foreign-built Ships shall be deemed English Ships.

Oath of Purchase of such Ship for a valuable Consideration, and other Particulars.; On Oath taken, Certificate under Hand and Seal of Officer.; Officer to keep Register of Certificates, and return Duplicates to Customs in London.

And for prevention of all Frauds which may be used in colouring or buying of Forraigne Ships Be it Enacted by the Authority aforesaid And it is hereby Enacted That from and after the first day of April which shall be in the yeare of our Lord One thousand six hundred sixty one noe Foraine built ship or Vessel whatsoever shall be deemed or passe as a ship to England Ireland Wales or Towne of Berwicke or any of them belonging or enjoy the benefit or priviledge of such a Ship or Vessel, until such time that he or they claiming the said Ship or Vessel to be theirs shall make appeare to the cheife Officer or Officers of the Customes in the Port next to the place of his or their aboade that he or they are not Aliens, and shall have taken an Oath before such cheife Officer or Officers who are hereby Authorised to administer the same, That such Ship or Vessel was bona fide and without fraude by him or them bought for a valueable consideration expressing the summe as alsoe the time place and persons from whom it was bought and who are his Partowners (if he have any) all which Partowners shall be lyeable to take the said Oath before the cheife Officer or Officers of the Custome house of the Port next to the place of their aboade, and that noe Forainer directly or indirectly hath any part interest or share therein, and that upon such Oath he or they shall receive a Certificate under the Hand or Seale of the said cheife Officer or Officers of the Port where such Person or Persons soe making Oath doe reside, wherby such Ship or Vessel may for the future passe and be deemed as a Ship belonging to the said Port and enjoy the priviledge of such a Ship or Vessel, And the said Officer or Officers shall keepe a Register of all such Certificates as he or they shall soe give and returne a Duplicate therof to the cheife Officers of the Customes at London for such as shall be granted in England Wales and Berwicke and to the cheife Officers of the Customes at Dublin for such as shall be given in Ireland, together with the Names of the person or persons from whom such Ship was bought and the summe of money which was paid for her as alsoe the Names of all such persons who are part owners of her if any such be.

XI. Officers of the Customs allowing Privilege to any Foreign-built Ship until Certificate or Proof, &c.

Governors of Plantations, &c. suffering Foreign built Ships to load, &c. without Certificate; Penalty

And be it further Enacted by the Authority aforesaid That if any [Officers (fn. 8)] of the Customes shall from and after the ((fn. 9)) first day of April allow the priviledge of being a Ship or Vessel to England Ireland

Wales or Towne of Berwicke or any of them belonging to any Forraigne built Ship or Vessel, untill such Certificate be before them produced, or such Proove and Oath taken before them or if any Officer of the Customes shall allow the priviledge of an English built ship or other Ship to any the aforesaid places belonging to any English or Forraigne built Ship coming into any Port and making Entry of any Goods untill Examination whether the Master and three Fourths of the Mariners be English, or shall allow to any Forraigne built Ship bringing in the Commodities of the Growth of the Country where it was built the priviledge by this Act to such Ship given untill Examination and Proove whether it be a ship of the built of that Country, and that the Master and three Fourths of the Mariners are of that Country, or if any Person who is or shall be made Governour of any Lands Islands Plantations or Territories in Africa Asia or America by his Majesty His Heires or Successors shall suffer any Forraigne built Ship or Vessel to load or unload any Goods or Commodities within the Precincts of their Governments untill such Certificate be produced before them, or such as shall be by them appointed to view the same, and Examination whether the Master and three Fourths of the Mariners at least be English, that for the first offence such Officer of the Customes and Governours shall be put out of their places Offices or Governments.

XII. Proviso for Goods of the Streights or Levant.

Provided alwayes That this Act or any thing therein contained extend not, or be meant to restraine and prohibite the Importation of any the Commodities of the Straights or Levant Seas loaden in English built shipping & whereof the Master & three Fourths of the Mariners at least are English from the usuall Ports or Places for lading of them heretofore within the said Straights or Levant Seas though the said Commodities be not of the very growth of the said places,

XIII. Proviso for Importation of East India Commodities as to Growth.

Provided alsoe That this Act or any thing therein contained extend not or be meant to restraine the Importing of any East India Commodities loaden in English built shipping, and whereof the Master and three Fourths of the Mariners at least are English from the usuall place or places for lading of them in any part of those Seas to the South-Ward and Eastward of Cabo bona Esperanza although the Ports be not the very places of their growth.

XIV. Proviso for Goods imported from Spain, Portugal, Azores, Madeira, or Canary Islands.

Provided alsoe That it shall and may be lawful to and for any [of (fn. 10)] the people of England Ireland Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede in Vessels or Ships to them belonging, and whereof the Master and three Fourths of the Mariners at least are English to load and bring in from any of the Ports of Spaine or Portugall, or Western Islands commonly called Azores or Madera or Canary Islands all sorts of Goods or Commodities of the Growth Production or Manufacture of the Plantations or Dominions of either of them respectively.

XV. Proviso for Bullion, and Goods taken by way of Reprisal.

Provided That this Act or any thing therein contained extend not to Bullion nor yet to any Goods taken or (fn. 11) that shall be bona fide taken by way of Reprisal by any Ship or Ships belonging to England Ireland or Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede and whereof the Master and three Fourths of the Mariners at least are English having Commission from His Majestie his Heires [and (fn. 12)] Successors.

XVI. Proviso concerning Corn, Salt, and Fish of Scotland;

and for Seal Oil of Russia.

Provided alwayes That this Act, or any thing therein contained shall not extend or be construed to extend to lay Aliens duties upon any Corne of the growth of Scotland, or to any Salt made in Scotland, nor to any Fish caught saved and cured by the People of Scotland, and Imported directly from Scotland in Scotch built Ships, and whereof the Master and three Fourths of the Mariners are of His Majestyes Subjects, nor to any Seale Oyle of Russia Imported from thence into England Ireland Wales or Towne of Berwicke upon Tweede in shipping bona fide to some of the said places belonging, and whereof the Master and three Fourths of the Mariners at least are English.

XVII. The Duty payable upon Goods in French Ships, and on their taking in and setting on Shore Passengers.

How long to continue.

Provided alsoe and it is hereby Enacted That every Ship or Vessell belonging to any the Subjects of the French King which from and after the twentyeth day of October in the yeare of our Lord One thousand six hundred [& (fn. 13)] sixty shall come into any Port Creeke Harbour or Roade of England Ireland Wales or Towne of Berwicke upon Tweede, and shall there [laid (fn. 14)] or unlade any goods or Commodities, or take in or sett on shore any Passengers shall pay to the Collector of His Majesties Customes in such Port Creeke Harbour or Roade for every Tun of which the said Ship or Vessell is of burthen to be computed by such Officer of the Customes as shall be therunto appointed the summe of five shillings currant money of England, And that noe such Ship or Vessell be suffered to depart out of such Port Creeke Harbour or Roade untill the said Duty be fully paid, And that this Duty shall continue to be collected leavyed and paid for such time as a certaine Duty of Fifty Solls per Tun lately imposed by the French King or any part thereof shall continue to be Collected upon the shiping of England lading in France and three moneths after and noe longer.

XVIII. Sugars, Tobacco, &c. of the Growth of America, Asia, or Africa, to be shipped only to English Dominions.

Penalty.

And it is further Enacted by the Authority aforesaid That from and after the first day of April which shall be in the yeare of our Lord One thousand six hundred sixty one noe Sugars Tobaccho Cotton Wool Indicoes Ginger Fustick or other dyeing wood of the Growth Production or Manufacture of any English Plantations in America Asia or Africa shall be shipped carried conveyed or transported from any of the said English Plantations to any Land Island Territory Dominion Port or place whatsoever other then to such ((fn. 15)) English Plantations as doe belong to His Majesty His Heires and Successors or to the Kingdome of England or Ireland or Principallity of Wales or Towne of Berwicke upon Tweede there to be laid on shore under the penalty of the Forfeiture of the said Goods or the full value thereof, as alsoe of the Ship with all her Guns Tackle Apparel Ammunition and Furniture, the one moyety to the Kings Majesty His Heires and Successors, and the other moyety to him or them that shall seize informe or sue for the same in any Court of Record by Bil Plaint or Information wherin noe Essoyne Protection or Wager of Law shall be allowed.

XIX. Ships sailing from England, Ireland, or Wales to English Plantations, bound.

according to Tonnage with Sureties, to bring Goods there loaded into England, &c.; Ships coming from any other Port to the Plantations, Governours to take such Bond, or Certificate that such Bond has been given in England; Penalty; Governours to return Bonds taken Twice yearly to Customs in London.

And be it further Enacted by the Authoritie aforesaid That for every Ship or Vessel which from and after the [five and twentyeth (fn. 16)] day of December in the yeare of our Lord One thousand six hundred and sixty shall set saile out of, or from England Ireland Wales or Towne of Berwicke upon Tweede for any English Plantation in America Asia[or (fn. 17)] Africa sufficient bond shall be given with one surety to the cheife Officers of the Custome house, of such Port or place from whence the said Ship shall set saile to the value of one thousand pounds if the ship be of lesse burthen then one hundred Tuns, and of the su[m]me of two thousand pounds if the Ship [shal (fn. 17)] be of greater burthen, That in case the said Ship or Vessel shall loade any of the said Co[m]modities at any of the said English Plantations, that the same Commodities shall be by the said ship brought to some Port of England Ireland Wales, or to the Port or Towne of Berwicke upon Tweede and shall there unload and put on shore the same, the danger of the Seas onely excepted, And for all ships coming from any other Port or Place to any of the aforesaid plantations who by this Act are permitted to trade there, that the Governour of such English plantation shall before the said Ship or Vessel be permitted to loade on board any of the said Co[m]modities take Bond in manner and to the value aforesaid for each respective Ship or Vessel, That such Ship or Vessel shall carry all the aforesaid Goods that shall be laden on board in the said ship to some other of His Majestyes English Plantations, or to England Ireland Wales or Towne of Berwicke upon Tweede, And that every ship or vessel [that (fn. 18)] shall loade or take on board any of the aforesaid Goods until such Bond given to the said Governour or Certificate produced from the Officers of any Custome house of England Ireland Wales or of the Towne of Berwicke that such bond have beene there duely given, shall be forfeited with all her Guns Tackle Apparel and Furniture to be employed and recovered in manner [as (fn. 17)] aforesaid, And the said Governours and every of them shall twice in every yeare after the first day of January One thousand six hundred [and (fn. 19)] sixty returne true Copyes of all such Bonds by him soe taken to the cheife Officers of the Custome in London.

Footnotes

- 1. Case O.
- 2. O. omits.
- 3. Things O.

- 4. interlined on the Roll.
- 5. sorts O.
- 6. or O.
- 7. interlined on the Roll.
- 8. Officer O.
- 9. said O.
- 10. interlined on the Roll.
- 11. or O.
- 12. or O.
- 13. O. omits.
- 14. lade O.
- 15. other O.
- 16. 25th O.
- 17. interlined on the Roll.
- 18. which O.
- 19. O. omits.

Charles II, 1663: An Act for the Encouragement of Trade

Pages 449-452

[Statutes of the Realm: Volume 5, 1628-80](#). Originally published by Great Britain Record Commission, s.l, 1819.

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Reasons for passing this Act.

Prices at which Corn may be exported; paying Rates for the same as under 12 Car. II. c. 4.

Forasmuch as the encouraging of Tillage ought to be in an especial manner regarded and endeavoured and the surest and effectuaest meanes of promoting and advanceing any Trade Occupation or Mistery being by rendring it profittable to the users thereof, And great quantities of Land within this Kingdome for the present lyeing in a manner waste and yeilding litle which might thereby be improved to considerable Proffitt and Advantage (if sufficient encouragement were given for the laying out of cost and labour on the same) and thereby much more Corne produced, greater numbers of People Horses and Catle employed and other Land alsoe rendred more valueable Be it enacted by the Kings most Excellent Majestie with the Advice and Consent of the Lords Spirituall and Temporall and the Commons in this present Parliament assembled and by the Authoritie thereof, And it is hereby enacted That from and after the First day of September in the yeare of our Lord One thousand six hundred sixty and three and from thenceforward when the prices of Corne and Graine Winchester measure doe not exceed the rates hereafter following at the Havens or Places where the same shall be shipped or loaden (viz) The Quarter of Wheate Eight and forty Shillings, the Quarter of Barly or Malt Eight and twenty Shillings, The Quarter of Bucke wheate Eight and twenty shillings, The Quarter of Oates Thirteene Shillings and fower pence, The Quarter of Rye Two and Thirty Shillings The Quarter of Pease or Beanes Two and Thirty Shillings currant English Money That then it shall be lawfull for all and every person and persons to shipp load carry and transport any of the said Corns or Graines from the Havens or Places where they shall be of such Prices unto any parts

beyond the Seas as Merchandice, Any Law Statute or Usage to the contrary notwithstanding paying such Rates for the same and none other as are to be paid when the same might have been transported by one Act passed this present Parliament entitled A Subsidy granted to the King of Tonnage and Poundage,

II. Certain Prices at which Custom and Poundage to be paid.

And it is hereby further enacted by the Authority aforesaid That when the prices of the aforesaid Cornes and Graines doe not exceede the Rates above mentioned respectively Winchester Measure at the Haven or Place into which any of them shall be imported from any [parts (fn. 1)] beyond the Seas there shall be paid for the Custome and Poundage of every Quarter of Wheate five shillings and fower pence, and for every Quarter of Rye fower shillings, and for every Quarter of Barley or Malt two shillings and eight pence, and for every Quarter of Bucke wheate two shillings, and for every Quarter of Oates one shilling fower pence, and for every Quarter of Pease or Beanes fower shillings.

III. Prices at which Corn may be bought and laid up in Granaries, &c.

And it is hereby further enacted by the Authority aforesaid That when the prices of Corne or Graine Winchester Measure doe not exceede the Rates following at the Markets Havens or Places where the same shall be bought (viz) The Quarter of Wheate Eight and forty shillings, the Quarter of Rye Two and thirty shillings, the Quarter of Barley or Malt Eight and twenty shillings, the Quarter of Bucke Wheate Eight and twenty shillings, the Quarter of Oates thirteene shillings ((fn. 2)) fower pence, the Quarter of Pease or Beanes Two and thirty shillings That then it shall be lawfull for all and every person and persons (not forestalling nor selling the same in the [same (fn. 3)] Market within three Moneths after the buying thereof) to buy in open Market, and to lay up and keepe in his [and (fn. 4)] their Graineries or Houses, and to sell againe such Corne or Graine of the kinds aforesaid as without fraude and coven shall have beene bought at or under the prices before expressed without incurring any penaltie; Any Law Statute or Usage to the contrary notwithstanding,

IV. For maintaining a greater Correspondence and Kindness between this Kingdom and the Plantations,

no Manufacture of Europe to be imported into any Plantation (Tangier excepted), but what shall be shipped in England in English built Shipping, pursuant to 14 (13 & 14) Car. II. c. 11.; and English manned, and carried directly to the said Plantations; Penalty; how to be disposed of.

And in regard His Majesties Plantations beyond the Seas are inhabited and peopled by His Subjects of this His Kingdome of England, For the maintaining a greater correspondence and kindnesse betweene them and keepinge them in a firmer dependance upon it, and rendring them yet more beneficiall and advantagious unto it in the farther Employment and Encrease of English Shipping and Seamen, vent of English Woollen and other Manufactures and Commodities rendring the Navigation to and from the same more safe and cheape, and makeing this Kingdome a Staple not onely of the Commodities of those Plantations but alsoe of the Commodities of other Countreyes and Places for the supplying of them, and it being the usage of other Nations to keepe their [Plantations (fn. 5)] Trade to themselves, Be it enacted and it is hereby enacted That from and after the Five and twentyeth day of March One thousand six hundred sixtie fower noe Commoditie of the Growth Production or Manufacture of Europe shall be imported into any Land Island Plantation Colony Territory or Place to His Majestie belonging, or which shall [belong hereafter (fn. 6)] unto, or be in the Possession of His Majestie His Heircs and Successors in Asia Africa or America (Tangier onely excepted) but what shall be bona fide and without fraude laden and shipped in England Wales [and (fn. 4)] the Towne of Berwicke upon Tweede and in English built Shipping, or which were bona fide bought before the first day of October One thousand six hundred sixtie and two and had such Certificate thereof as is directed in one Act passed the last Sessions of this present Parliament entitled An Act for preventing Frauds and regulating Abuses in His Majesties Customes, and whereof the Master and three Fourthes of the Marriners at least are English, and which shall be carryed directly thence to the said Lands Islands Plantations Colonyes Territories or Places, and from noe other place or places whatsoever Any Law Statute or Usage to the contrary notwithstanding, under the Penaltie of the losse of all such Commodities of the Growth Production or Manufacture of Europe as shall be imported into any of them from any other Place whatsoever by Land or Water, and if by Water, of the Ship, or Vessell alsoe in which they were imported with all her Guns Tackle Furniture Ammunition and Apparell, one third parte to His Majestie His Heires and Successors, one third part to the Governour of such Land Island Plantation Colony Territory or Place into which such Goods were imported if the said Shipp, Vessell or Goods be there seised, or informed against and sued for, or otherwise that Third part alsoe to His Majestie His Heires and Successors, and the other Third parte to him or them who shall seise informe or sue for the same in any of His Majesties Courts in such of the said Lands Islands Colonies Plantations Territories or Places where the Offence was committed, or in any Court of Record in England by Bill, Information Plaint or other Action wherein noe Essoyne Protection or Wager in Law shall be allowed

V. Proviso for shipping Salt for the Fisheries, Madeira Wines, Wines of the Western Isles, Servants and Horses and Victuals of Scotland and Ireland.

Provided alwayes and be it hereby enacted by the Authoritie aforesaid That it shall and may be lawfull to shipp and lade in such Shippes, and soe navigated as in the foregoing Clause is sett downe and expressed in any part of Europe Salt for the Fisheries of New England and New found land, and to shipp and lade in the Medera's Wines of the Growth thereof, and to shipp and lade in the Westerne Islands or Azores Wines of the Growth of the said Islands, and to shipp [or (fn. 7)] take in Servants or Horses in Scotland or Ireland, and to shipp or lade in Scotland all sortes of Victuall of the Growth or Production of Scotland; and to shipp or lade in Ireland all sortes of Victuall of the Growth or Production of Ireland, and the same to transport into any of the said Lands Islands Plantations Colonyes Territories or Places, Any thing in the foregoing Clause in the contrary in any wise notwithstanding.

VI. Persons importing into the Plantations to deliver to the Governor an Account of their Names and of the Goods imported.

No Ship to unlade till the Master has produced a Certificate of Name and Built of Ship, and the Name of the Commander, &c.; and delivered an Inventory of the Lading and the Place of Growth; Penalty.; Governors of Plantations, (Tangier excepted) before their Entrance upon Office, to take an Oath to observe this Act; Penalty. Offending after Oath taken turned out; Incapacity; Penalty £1,000.

And for the better prevention of Fraudes Be it enacted and it is hereby enacted That from and after the Five and twentyeth day of March One thousand six hundred sixty and fower every person or persons importing by land any Goods or Commodities whatsoever into any the said Lands Islands Plantations Colonies Territories or Places shall deliver to the Governour of such Land Island Plantation Colony Territory or Place, or to such Person or Officer as shall be by him thereunto authorized and appointed within fower and twenty hours after such Importation his and their Names and Surnames and a true Inventory and Particular of all such Goods or Commodities, And noe Shipp or Vessell comeing to any such Land Island Plantation Colony Territory or Place shall lade or unlade any Goods or Commodities whatsoever untill the Master or Commander of such Shipp or Vessell shall first have made knowne to the Governour of such Land Isleland Plantation Colony Territory or Place or such other Person or Officer as shall be by him thereunto authorized and appointed the arrivall of the said Shipp or Vessell with her name, and the name and surname of her Master or Commander, and have shewen to him that she is an English built Shipp, or made good by produceing such Certificate as abovesaid that she is a Shipp or Vessell bona fide belonging to England Wales or the Towne of Berwicke and navigated with an English Master and three fourth parts of the Marriners at least Englishmen and have delivered to such Governour or other Person or Officer a true and perfect Inventory or Invoice of her Ladeing together with the place or places in which the said Goods were laden or taken into the said Shipp or Vessell under the paine of the losse of the Shipp or Vessell with all her Guns Am[m]munition Tackle Furniture and Apparell and of all such Goods of the Growth Production or Manufacture of Europe as were not bona fide laden and taken in, in England Wales or the Towne of Berwicke to be recovered and divided in manner aforesaid, And all such as are Governours or Comanders of any the said Lands Islands Plantations Colonyes Territoryes or Places (Tangier onely excepted) shall before the Five and twentyeth day of March One thousand six hundred sixtie and fower and all such as shall hereafter be made Governours or Commanders of any of them shall before their entrance upon the execution of such trust or charge take a Solemne Oath before such person or persons as shall be authorized by His Majestie His Heires and Successors to administer the same to doe their utmost within their respective Governments or Commands to cause to be well and truly observed what is in this Act enacted in relation to the Trade of such Lands Islands Plantations Colonyes Territoryes and Places under the penaltie of being removed out of their respective Governments and Commands. And if any of them shall be found after the takeing of such Oath to have wittingly and willingly offended contrary to what is by this Act required of them, that they shall for such Offence be turned out of their Governments, and be incapable of the Government of any other Land Island Plantation or Colony, and moreover forfeite the summe of One thousand pounds lawfull money. of England, the one moyety to His Majestie His Heires and Successors and the other moyetie to him or them that shall informe or sue for the same in any of His Majesties Courts in any of the said Plantations or in any Court of Record in England wherein noe Essoigne Protection or Wager in Law shall be allowed.

VII. Officer of the Customs in England giving Warrant or suffering Plantation Goods herein mentioned to be carried to any other Country, without having first been landed in England;

Forfeiture of Place, and Penalty.

And it is hereby further enacted That if any Officer of the Customes in England Wales or Towne of Berwicke upon Tweede shall give any Warrant for or suffer any Sugar, Tobaccho, Ginger, Cotton, Wooll, Indico Speckle Wood or Jamaica Wood Fusticke or other Dying Wood of the growth of any of the said

Lands Islands Colonies Plantations Territories or Places to be carried into any other Country or Place whatsoever untill they have been first unladen bona fide and putt on shore in some Port or Haven in England or Wales or in the Towne of Berwicke, that every such Officer for such Offence shall forfeite his Country or Place the one moyety to His Majestie His Heires and Successors and the other moyety to him or them that shall informe or sue for the same in any Court of Record in England or Wales wherein noe Essoigne Protection or Wager in Law shall be allowed,

VIII. Proviso for lading Sea-coales on Payment of Duty, and being navigated according to Act, and giving Security for landing.

And for the better encouragement of the said Plantations and the increase of the Shipping and Navigation of this Kingdome Be it enacted and it is hereby enacted by the authority aforesaid That from and after the Five and twentyeth day of March One thousand six hundred sixtie and fower it shall and may be lawfull out of any Port of England or Wales or out of the Towne of Berwicke to shipp and lade Sea coales for any part of them paying for the Chalder Newcastle measure one shilling eight pence, and for the Chalder London measure one shilling and noe more in full of all Custome and Poundage for the same, Any Law Statute or Prohibition to the contrary in any wise notwithstanding. Provided that such Sea-coales be shipped in such Shipping and soe navigated as abovesaid, And that good security be given to the Officers of the Customes in such Port in which they are shipped for the landing them in the said Plantations and not elsewhere.

IX. For the Purpose of keeping in and increasing the Current Coin of this Kingdom, Foreign Coin or Bullion may be exported.

And forasmuch as severall considerable and advantagious [Trades (fn. 8)] cannot be conveniently driven and carried on without the Species of Money or Bullion, and that it is found by experience that they are carried in greatest abundance (as to a Common Market) to such places as give free liberty for exporting the same and the better to keepe in and encrease the current Coynes of this Kingdome Be it enacted and it is hereby enacted That from and after the First day of August One thousand six hundred sixtie and three it shall and may be lawfull to and for any person or persons whatsoever to export out of any Port of England or Wales in which there is a Customer or Collector or out of the Towne of Berwicke all sortes of Forreigne Coyne or Bullion of Gold or Silver first makeing entry thereof in such Custome house respectively without paying any Duty Custome Poundage or Fee for the same Any Law Statute or Usage to the contrary notwithstanding,

X. Recital that by bringing fatted Cattle the Rents of Lands have fallen.

For every Head of great Cattle, except of Scotland, imported after the 1st July and before 20th December; and of great Cattle of Scotland imported after 24th August and before 20th Dec. 20s. to the King, 10s. to Informer, 10s. to the Poor.

And lastly whereas a very great part of the richest and best Land of this Kingdome is, and cannot soe well be otherwise employed and made use of as in the Feeding and Fattening of Catle, And that by the comeing in of late of vast numbers of Catle already fatted such lands are in many places much fallen and like dayly to fall more in their Rents and Values and in consequence other Lands alsoe to the great prejudice detriment and impoverishment of this Kingdome Be it further enacted by the Authoritie aforesaid and it is hereby enacted That for every head of great Catle (excepte such as are of the breed of Scotland) that shall be imported or brought into England Wales or the Towne of Berwicke upon Tweede after the First day of July and before the Twentyeth day of December in any yeare, And for every head of great Catle of the breed of Scotland that shall be imported ((fn. 9)) into England Wales or the Towne of Berwicke after the Fower and twentyeth day of August and before the Twentyeth day of December in any yeare there shall be paid to His Majestie His Heires and Successors the summe of twenty shillings, And the summe of ten shillings to him or them that shall informe or seise the same, And the summe of tenn shillings to the Poore of the Parish where such Seisure or Information shall be made to be recovered and leavyed by Bill Plaint or other Action wherein noe Essoigne Protection or Wager in Law shall be allowed.

XI. And for every Sheep imported, to the King 10s.

And moreover That there shall be paid to His Majestie His Heires and Successors for every Sheepe which shall be imported into England Wales or the Towne of Berwicke aforesaid after the First day of August and before the Twentyeth day of December in any yeare the summe of Ten shillings of lawfull money of England to be recovered and leavyed in manner aforesaid.

XII. Commencement of Act as to such Importations.

Provided alwayes That this Act in soe far as it relates to great Cattle or Sheepe shall not take place till the First day of July One thousand six hundred sixtie and fower, nor continue longer then the end of the First Session of the next Parliament.

XIII. Regulation as to Importation of Fresh Herring, Fresh Cod, &c.

Penalty.

And for the Encouragement of the Herring and North Sea [Island (fn. 10)] and Westmony Fisheryes Be it enacted and it is hereby enacted by the authoritie aforesaid That from and after the First day of August which shall be in the yeare of our Lord One thousand six hundred sixtie and fower noe Fresh Herring Fresh Codd or Haddock Coal fish or Gull fish shall be imported into England Wales or the Towne of Berwicke but in English built Shippes or Vessells, or in Shippes or Vessells bona fide belonging to England Wales or the Towne of Berwicke and haveing such Certificate thereof as is abovesaid, And whereof the Master and three Fourthes at ((fn. 11)) least of the Mariners are English, and which hath beene fished caught and taken in such Shippes or Vessells and soe navigated, and not being bought or had of any Strangers borne or out of any Strangers Bottomes under the paine of the forfeiture of all such Herring Codd Haddock Coal fish or Gull fish imported contrary to the true intent and meaning hereof, and of the Shipp or Vessell in which it was imported, one moiety of which forfeitures shall be to His Majestie His Heires and Successors and the other moyetie to him or them that shall informe seise or sue for the same to be recovered by Bill Plaint or other Action wherein noe Essoigne Protection or Wager in Law shall be allowed,

XIV. Duties on certain Sorts of salted and dried Fish imported.

And be it further enacted, and it is hereby enacted by the Authoritie aforesaid That for the following sortes or kinds of salted or dryed Fish which from and after the [said (fn. 8)] First day of August shall be imported into England Wales or the Towne of Berwicke in any other Shipp or Vessell then what is English built or belonging to England Wales or Towne of Berwicke and haveing such Certificate thereof as abovesaid and whereof the Master and three Fourthes of the Marriners at least are English and not haveing beene fished and caught in such Shippes or Vessells and soe navigated there shall be paid by way of Custome and Impost the severall summes of money herein after perticularly mentioned (that is to say)

For Cod-fish the Barrell five shillings

For Cod fish, the Last containing twelve Barrell Three pounds,

For Cod fish the hundred containing sixscore Ten shillings

For Coale fish the hundred containing sixscore five shillings,

For Lings the hundred containing sixscore One pound,

For White Herrings the Last containing twelve Barrells One pound sixteene shillings,

For Haddocks the Barrell Two shillings,

For Gull fish the Barrell Two shillings,

XV. Recital that the growing and making of Tobacco in England increases, notwithstanding 12 Car. II. c.34.in consequence of the smallness of the Penalties.

Sowing Tobacco, further Penalty; how to be disposed of.

And forasmuch as planting and makeing Tobaccho within this Kingdome of England doth continue and increase to the apparent losse of His said Majestie in His Customes the discouragement of the English Plantations in the parts beyond the Seas and prejudice of this Kingdome in generall notwithstanding an Act of Parliament made in the Twelfth yeare of His said Majesties Raigne for prevention thereof entituled An Act for prohibiting, the planting setting or sowing of Tobacco in England and Ireland, And forasmuch as it is found by experience that the reason why the said planting and makeing of Tobaccho doth continue is That the penalties prescribed and appointed by that Law are soe litle as have neither power or effect over the transgressors thereof For remedy therefore of soe great an evill Bee it enacted by the Authoritie aforesaid That all and every the person and persons whatsoever that doe, or shall at any time hereafter sett plant or sow any Tobaccho in Seed, Plant or otherwise in or upon any Ground Field Earth or place within the Kingdome of England Dominion of Wales Islands of Guernsie and Jersie or Towne of Berwicke upon Tweede or Kingdome of Ireland shall over and above the Penaltie of the said Act for that purpose ordained for every such offence forfeite and pay the summe of Ten pounds for every Rod or Pole of Ground that he or they shall soe plant sett or sow with Tobaccho and soe proportionably for a greater or lesser quantity of

ground one third part thereof to the Kings Majestie, one other third part thereof to the use of the Poore of such respective Parish or Parishes wherein such Tobaccho shall be soe planted sett or sowed and the other third part thereof to him or them that shall sue for the same to be recovered by Action of Debt Bill Plaint or Information in any of His said Majesties Courts of Record at Westminster wherein noe Essoigne Protection or Wager of Law shall be allowed

XVI. Resisting Execution of Act,

Imprisonment, over and above the former Penalties.

And it is hereby further enacted That in case any person or persons shall resist or make forceable opposition against any person or persons in the due and through Execution of the said Act of the Twelfth of His said Majesties Raigne that he she or they soe resisting and makeing forceable opposition shall over and above the Penalties therein mentioned for such Offences be committed to the common Goale of the County where such Offence shall be committed there to remaine without Baile or Mainprize untill he she or they have entred into a Recognizance to His Majestie His Heires and Successors with two sufficient Sureties of Ten pounds penaltie not to doe or committ the like offence againe.

XVII. Proviso for Physic Gardens of the Universities, &c.

Provided alwayes That this Act nor any thing therein contained shall extend to the hindrance or prejudice of planting Tobaccho in any Phisicke Garden of either of the Universities or any other private Garden for Surgery soe as the quantity soe planted exceede not the halfe of one Pole in any one place or Garden,

XVIII. Proviso for Importation of Cattle and Corn from the Isle of Man.

Provided alsoe and be it enacted That it shall and may be lawfull to import Catle of the breed of the Isle of Man not exceeding six hundred in any one yeare And Corne of the growth of that Island out of that Island into England soe as the said Catle be landed at Chester Liverpoole or Wirewater, Any thing in this Act to the contrary thereof in any wise notwithstanding.

Footnotes

- 1. Part O.
- 2. and O.
- 3. interlined on the Roll.
- 4. or O.
- 5. Plantation O.
- 6. hereafter belong O.
- 7. and O.
- 8. interlined on the Roll.
- 9. or brought O.
- 10. Iseland O.
- 11. the O.

Charles II, 1672: An Act for the encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade.

Pages 792-793

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'Charles II, 1672: An Act for the encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade.', in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l, 1819), pp. 792-793. *British History Online* <http://www.british-history.ac.uk/statutes-realm/vol5/pp792-793> [accessed 22 July 2021].

In this section

- **Reasons for passing this Act.**
 - II. Natives and Foreigners may trade to Greenland, and import Oil, &c. without paying Duty for such Goods imported by English Ships; if by Shipping of the Colonies, then the several Rates therein mentioned.
 - III. Liberty given to have one Moiety of Harpiniers and one Moiety of English Mariners in an English Vessel, without paying further Duty.
 - IV. English-built Ships taking the Benefit of this Act to proceed from England to Greenland, and victualled accordingly.
 - V. Recital of 12 C. II. c.18. ? 18.
 - VI. Duty to be levied by Commissioners of the Customs in England.
 - VII. If Party have not ready Money, Commissioners may take a Proportion of the Commodities.
 - VIII. Free Trade to Sweden, Denmark, and Norway.
 - IX. Natives may be admitted into the Eastland Company, paying 40s.

[Footnotes](#)

Reasons for passing this Act.

Forasmuch as the Whale-fishing is a very considerable and profitable Trade, giving employments to great numbers of Seamen and Shipping; And whereas neighbouring Nations doe yearly make great advantage thereby, not onely supplying themselves with that sort of Oyle and Finns, but vending into other parts great quantities thereof and particularly into this Kingdome, where the said Trade is in a manner quite decayed and lost; For remedy thereof and encouragement of such as shall be willing to employ themselves and their Estates in this Trade Bee it enacted by the Kings most excellent Majestie by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parliament assembled and by the authoritie of the same That it shall and may be lawfull for all his Majestyes Subjects of this his Realme of England and Wales and Towne of Berwicke upon Tweede and for every other person or persons of what Nation soever resideing and inhabiting here dureing the time of such their Residence freely to trade into and from Greenland and those Seas, and [there (fn. 1)] to take Whales and all other sorts of Fish, and to import in this Kingdome all sorts of Oyle, Blubber and Finns thereof, and to use and exercise all other Trade to and from Greenland and those parts.

II. Natives and Foreigners may trade to Greenland, and import Oil, &c. without paying Duty for such Goods imported by English Ships; if by Shipping of the Colonies, then the several Rates therein mentioned.

And for the further encouraging of the said Trade Bee it enacted by the authoritie aforesaid That it shall be lawfull for any person or persons Native or Forreigner to importe Train-oyle or Blubber of Greenland and parts adjacent, and those Seas or of Newfoundland or of any other his Majestyes Colonies and Plantations made of Fish or of any other Creature liveing in the Seas, and Whale finns caught in any Shippes or Vessells truly and properly belonging to England or Wales or Towne of Berwicke upon Tweede and imported in such Shippes without paying any Custome or other Duty for the same;

And for the Tunn of such Oyle taken by any Shipping belonging to any of his Majestyes Colonies and Plantations and imported in such Shipping there shall be paid the summe of six shillings;

And for every Tunn of Whale-finns taken and imported in such Shipping the summe of fifty shillings.

And for the Tunn of such Oyle taken by the said shipping, but imported in shipping belonging to England Wales or the Towne of Berwicke upon Tweede the summe of three shillings,.

And for every Tunn of Whale-fins taken and imported in such shipping the summe of five and twenty shillings,

And for the Tunne of all such Oyle and Blubber of Forreigne Fishing the summe of nine pounds,

And for every Tunne of Whale-finns of Forreigne Fishing the summe of eighteene pounds and noe more.

III. Liberty given to have one Moiety of Harpiniers and one Moiety of English Mariners in an English Vessel, without paying further Duty.

And in regard there are at present great want of Harpinieres and Seamen skilled and exercised in the Trade of Whale-fishing Bee it further enacted by the authoritie aforesaid That it shall and may be lawfull for any Shipp or Vessell truly belonging to England Wales or the Towne of Berwicke upon Tweede, and whereof the Master shall bee an English man and inhabiting within the places aforesaid from and after the first of May which shall be in the yeare of our Lord One thousand six hundred seaventy and three and untill the five and twentyeth [Day (fn. 2)] of March which shall be in the yeare of our Lord One thousand six hundred eighty and three employed for the catching of Whales dureing such Voyage to bee navigated with one moyety of the Harpinieres, and one moyety of the rest of the Marriners onely English, and yet to pay noe further or other Custome for the Oyle, Blubber or Finns caught and imported in such Shipp or Vessell, then if such Shipp or Vessell had bene navigated with three fourths of the Marriners English, Any Law, Statute or Usage to the contrary in any wise notwithstanding.

IV. English-built Ships taking the Benefit of this Act to proceed from England to Greenland, and victualled accordingly.

Provided alwayes, and it is hereby further enacted by the authoritie aforesaid That noe English built Shipp or other Shipp or Vessell belonging to England, Wales or the Towne of Berwicke upon Tweede importing Whale oyle or Blubber or other Fish, Oyle or Whale-finns of Greenland or those Seas shall enjoy any benefitt or priviledge by this Act unlesse such Shipp or Vessell did proceede on her Voyage for Greenland and those Seas from England or Wales or the Towne of Berwicke upon Tweede, and was victualled for the said Voyage in some of those places to be attested by the Collector of the Port where the said Shipp or Vessell was victualled.

V. Recital of 12 C. II. c.18. ? 18.

22 & 23 Car. II. c.26 ? 8.; If Bond shall not be given to bring Plantation Goods to England

And whereas by one Act passed in this present Parlyament in the twelfth yeare of your Majestyes Raigne entituled An Act for (fn. 3) encouragement of Shipping and Navigation, and by severall other Lawes passed since that time it is permitted to shipp, carry, convey and transport Sugar, Tobacco, Cotton-wooll, Indicoe, Ginger, Fusticke and all other Dying wood of the Growth, Production and Manufacture of any of your Majestyes Plantations in America, Asia or Africa from the places of their Growth Production and Manufacture to any other of your Majestyes Plantations in those Parts (Tangier onely excepted) and that without paying of Custome for the same either at the ladeing or unladeing of the said Commodities by meanes whereof the Trade and Navigation in those Commodities from one Plantation to another is greatly increased, and the Inhabitants of diverse of those Colonies not contenting themselves with being supplied with those Commodities for their owne use free from all Customes (while the Subjects of this your Kingdome of England have paid great Customes and Impositions for what of them hath bene spent here) but contrary to the express Letter of the aforesaid Lawes have brought into diverse parts of Europe great quantities thereof, and doe alsoe [dayly (fn. 4)] vend great quantities thereof to the shipping of other Nations who bring them into diverse parts of Europe to the great hurt and diminution of your Majestyes Customes and of the Trade and Navigation of this your Kingdome; For the prevention thereof Wee your Majestyes Commons in Parliament [assembled (fn. 4)] doe pray that it may be enacted And bee it enacted by the King's most excellent Majestie by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parlyament assembled and by authoritie of the same That from and after the first day of September which shall bee in the yeare of our Lord One thousand six hundred seaventy and three If any Shipp or Vessell which by Law may trade in any of your Majestyes Plantations shall come to any of them to shipp and take on board any of the aforesaid Commodities, and that Bond shall not be first given with one sufficient Surety to bring the same to England or Wales or the Towne of Berwicke upon Tweede and to noe other place, and there to unloade and putt the same on shoare (the danger of the Seas onely excepted) that there shall be answered and paid to your Majestie your Heires and Successors for soe much of the said Commodities as shall be laded and putt on board such Shipp or Vessell these following Rates and Dutyes, That is to say

there shall be paid the following Duties.

For Sugar White the hundred Weight containing one hundred and twelve pounds five shillings;

And Browne Sugar and Muscavadoes the hundred weight containing one hundred and twelve pounds one shilling [and (fn. 4)] six pence;

For Tobacco the pound one penny;

For Cotton-wooll the pound one halfe-penny;

For Indicoe the pound, two pence;

For Ginger the hundred weight containing one hundred and twelve pounds one shilling;

For Logwood the hundred Weight containing one hundred and twelve pounds, five pounds;

For Fusticke and all other Dying-wood the hundred Weight containing one hundred and twelve pounds six pence;

Penalty.

And alsoe for every pound of Cacao-nutts one penny, to be leavyed, collected and paid at such places, and to such Collectors and other Officers as shall be appointed in the respective Plantations to collect, leavy and receive the same before the lading thereof, and under such Penalties both to the Officers and upon the Goods as for non-payment of, or defrauding his Majestie of his Customes in England.

VI. Duty to be levied by Commissioners of the Customs in England.

And for the better collection of the severall Rates and Dutyes aforesaid imposed by this Act, Bee it enacted and it is hereby further enacted by the authoritie aforesaid That this whole busines shall bee ordered and mannged, and the severall Dutyes hereby imposed shall be caused to be leavyed by the Commissioners of the Customes in England, now and for the time being by and under the authoritie and directions of the Lord Treasurer of England or Commissioners of the Treasury for the Time, being.

VII. If Party have not ready Money, Commissioners may take a Proportion of the Commodities.

And in case any person or persons lyable by this Law to pay any of the Duties aforementioned, shall not have moneyes wherewith to answere and pay the same Bee it further enacted by the authoritie aforesaid That the Officers appointed to collect the same shall accept instead of such moneyes such a proporation of the Commodities to be shipped as shall amount to the Value thereof according to the currant Rate of the said Commodities in such Plantation respectively.

VIII. Free Trade to Sweden, Denmark, and Norway.

((fn. 5)) For encouragement of the Eastland Trade Bee it enacted by the Kings most excellent Majestie by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parlyament assembled and by the authority of the same That it shall and may be lawfull to and for every Person and persons Native or Forreigner from and after the first day of May which shall be in the yeare of our Lord One thousand six hundred seaventy and three at all times to have free liberty to trade into and from Sweden, Denmarke and Norway; Any thing in the Charter of the Governour, Assistants and Fellowship of Merchants of Eastland, or any other Charter, Grant, Act or any thing else heretofore made or done, or hereafter to be done to the contrary in any wise notwithstanding.

IX. Natives may be admitted into the Eastland Company, paying 40s.

And it is hereby further enacted by the authoritie aforesaid That whatsoever person or persons Subjects of this Realme shall desire to be admitted into the said Fellowship of Merchants of Eastland, That every such person shall bee admitted into the said Fellowship paying for his Admission the summe of forty shillings and noe more.

Footnotes

- 1. their O.
- 2. O. omits.
- 3. the O.
- 4. interlined on the Roll.
- 5. & O.

William III, 1695-6: An Act for preventing Frauds and regulating Abuses in the Plantation Trade [Chapter XXII. Rot. Parl. 7 & 8 Gul. III. pt.5.nu.8.]

Pages 103-107

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'William III, 1695-6: An Act for preventing Frauds and regulating Abuses in the Plantation Trade [Chapter XXII. Rot. Parl. 7 & 8 Gul. III. pt.5.nu.8.], in *Statutes of the Realm: Volume 7, 1695-1701*, ed. John Raithby (s.l, 1820), pp. 103-107. *British History Online* <http://www.british-history.ac.uk/statutes-realm/vol7/pp103-107> [accessed 22 July 2021].

In this section

- [Recital that notwithstanding](#)
 - [II. Proviso for Exportation and Importation in certain Prize Ships; and for Masts, &c in certain Foreign-built Ships.](#)
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 - [VIII. Laws, &c. in force in the Plantations repugnant to the aforesaid Laws or to this Act, or to future Laws, declared void.](#)
 - [IX. Recital that Frauds have been committed in the Plantation Trade by false Certificates of Security, and of having discharged Lading, &c.](#)
 - [X. The Treasury and Commissioners of the Customs may appoint Officers in Ports, &c. of Islands, &c; In all Actions Jury to be Natives of England or Ireland, or born in the Plantations.](#)
 - [XI. Places of Trust in Courts of Law or Treasury to be held by Natives of England, Ireland, or Plantations.](#)
 - [XII. Recital of 22 & 23 Car. II. c. 26. § 6.](#)
 - [XIII. Recital that several Ships had been unduly discharged in Scotland and Ireland.](#)
 - [XIV. Proviso for Ships driven by Stress of Weather, &c. into Ireland.](#)
 - [XV. Persons claiming Right in American Islands, &c. not to alien but to natural born Subjects without Licence from the King in Council.](#)
 - [XVI. No Ship deemed British or Plantation-built until registered as herein mentioned.](#)
 - [XVII. Proviso for special Registry of Prize Ships.](#)
 - [XVIII. Exemption of Fishing Boats, &c. from Necessity of Registry.](#)
 - [XIX. On changing the Name of registered Ship, Register de novo.](#)

[Footnotes](#)

Recital that notwithstanding

12 Car. II. c. 18; 15 Car. II. c. 7; 22 & 23 Car. II. c. 26; 25 Car. II. c. 7; great Abuses are committed; No Plantation Goods to be exported or imported or carried from one Plantation to another, but in Ships built and owned in England, Ireland, or Plantations, and navigated as herein mentioned; Proviso for Prize Ships, and for certain Foreign-built Ships, on Forfeiture of Ship and Goods.

Whereas notwithstanding divers Acts made for the Encouragement of the Navigation of this Kingdome and for the better secureing and regulating the Plantation Trade more especially one Act of Parliament made in the Twelfth year of the Reigne of the late King Charles the Second intituled An Act for increasing of Shipping and Navigation another Act made in the Fifteenth year of the Reigne of His said late Majesty intituled An Act for the Incouragement of Trade another Act made in the Two and twentieth and Three and twentieth yeares of His said late Majesties Reigne intituled An Act to prevent the planting of Tobacco in England and for regulating the Plantation Trade another Act made in Twenty-fifth year of the Reigne of His said late Majesty intituled An Act for the Incouragement of the Greenland and Eastland Trades and for the better secureing the Plantation Trades great Abuses are daily committed to the prejudice of the English Navigation and the losse of a great part of the Plantation Trade to this Kingdome by the Artifice and

Cunning of ill disposed Persons. For Remedy thereof for the future bee itt enacted and itt is hereby enacted and ordained by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spirituall and Temporall and Commons in Parliament assembled and by the Authority of the same That after the Five and twentieth Day of March One thousand six hundred ninety eight noe Goods or Merchandizes whatsoever shall bee imported into or exported out of any Colony or Plantation to His Majesty in Asia Africa or America belonging or in his Possession or which may hereafter belong unto or bee in the Possession of His Majesty His Heires or Successors or shall bee laden in or carried from any One Port or Place in the said Colonies or Plantations to any other Port or Place in the same, the Kingdome of England Dominion of Wales or Towne of Berwick upon Tweed in any Shipp or Bottome but what is or shall bee of the Built of England or of the Built of Ireland or the said Colonies or Plantations and wholly owned by the People thereof or any of them and navigated with the Masters and Three Fourths of the Mariners of the said Places onely (except such Shippes onely as are or shall bee taken Prize and Condemnation thereof made in one of the Courts of Admiralty in England Ireland or the said Colonies or Plantations [to bee navigated by the Master and Three Fourths of the Mariners English or of the said Plantations as aforesaid and whereof the Property doth belong to English Men (fn. 1)] And alsoe except for the space of Three Yeares such Foreigne built Shippes as shall bee employed by the Commissioners of His Majesties Navy for the tyme being or upon Contract with them in bringing onely Masts Timber and other Navall Stores for the Kings Service from His Majesties Colonies or Plantations to this Kingdome to bee navigated as aforesaid and whereof the Property doth belong to English Men) under paine of Forfeiture of Shipp and Goods one third part whereof to bee to the use of His Majesty His Heires and Successors one third part to the Governor of the said Colonies or Plantations and the other third part to the Person who shall informe and sue for the same by Bill Plaint or Information in any of His Majesties Courts of Record att Westminster or in any Court in His Majesties Plantations where such Offence shall bee committed.

II. Proviso for Exportation and Importation in certain Prize Ships; and for Masts, & in certain Foreign-built Ships.

[And bee it further enacted by the Authority aforesaid That (from and after the said Five and twentieth Day of March) Goods or Merchandizes may bee exported or imported to and from this Kingdome the Colonies Plantations and Places aforesaid in any such Shippes as are or shall bee taken as Prize and whereof Condemnation shall bee made in one of the Courts of Admiralty aforesaid and shall bee navigated as aforesaid by the Master Three fourths of the Mariners English and whereof the property shall belong to English Men and alsoe Masts Tymber and other Navall Stores for His Majesties Service for the space of Three Yeares may bee imported from His Majesties Colonies or Plantations to this Kingdome in such Foreigne built Shippes as shall bee employed by the Commissioners of the Navy for the tyme being or by Contract with them Any Law or Statute to the contrary notwithstanding (fn. 1)]

III. Recital of 12 Car. II. c. 18. § 2.

Governors, &c. of Plantations to take Oaths to observe Acts for securing Plantation Trade; before whom such Oath to be taken; neglecting to take such Oath or neglect in their Duty; Removal and Penalty £1,000.

And whereas by One Clause in the said Act passed in the Twelfth Yeare of the Reigne of the late King Charles the Second intituled An Act for the encourageing and increaseing of Shipping and Navigation all Governours of His Majesties Colonies or Plantations in Asia Africa or America are required to take a solemne Oath to doe their utmost that every the Clauses therein before mencoined and all the Matters and Things therein contained shall bee punctually and bona fide observed according to the true intent and meaneing thereof soe that the said Governours are not strictly obliged by that Oath to putt in Execution the subsequent Clauses of the said Act although some of the Clauses following are of great Importance and tend greatly to the Security of the Plantation Trade And whereas divers other good Lawes have bene made for the better regulating and secureing the Plantation Trade since the said last mentioned Act bee itt further enacted by the Authority aforesaid That all the present Governours or Commanders in Chiefe of any English Colonies or Plantations shall before the Five and twentieth Day of March One thousand six hundred ninety seaven and all who hereafter shall bee made Governours or Commanders in Chiefe of the said Colonies or Plantations or any of them before their Entrance into their Government shall take a solemne Oath to doe their utmost that all the Clauses Matters and Things contained in the before recited Acts of Parliament heretofore passed and now in force relating to the said Colonies and Plantations and that all and every the Clauses contained in this present Act bee punctually and bona fide observed according to the true intent and meaneing thereof (which Oath shall bee taken before such Person or Persons as shall bee appointed by His Majesty His Heires and Successors who are hereby authorized to administer the same) soe farr as appertaines unto the said Governours or Co[m]manders in Chiefe respectively And upon Complaint and Prooffe made before His Majesty His Heires and Successors or such as shall bee by him or them thereunto authorized and appointed by the Oath of Two or more credible Witnesses That any the said Governours or Commanders in Chiefe have neglected to take the said Oath att the Tymes aforesaid or have benee wittingly or willingly negligent in doeing their Duety accordingly the

said Governour soe neglecting or offending shall bee removed from his Government and forfeite the Summe of One thousand Pounds Sterling.

IV. Recital of 15 Car. II. c. 7.

Officers appointed by Governors to give Security to Commissioners of Customs in England for Performance of Duty; Disability; Governor liable until Security given and Appointment approved by Commissioners of Customs.

And whereas by the said Act of the Fifteenth of King Charles the Second intituled An Act for the encouragement of Trade the Governours of the Plantations are impowered to appoint an Officer for the Performance of certaine things in the said Act mentioned which said Officer is there commonly knowne by the Name of the Navall Officer And whereas through the Connivance or Negligence of the Persons soe appointed by the Governours of the said Plantations divers Frauds and Abuses are or have beene committed Bee itt therefore enacted by the Authority aforesaid That all and every the [s[ai]d (fn. 2)] Officers already appointed shall within Two Moneths after notice of this Act in the respective Plantations or as soone as conveniently [it may be (fn. 2)] give Security to the Commissioners of the Customes in England for the Tyme being or such as shall bee appointed by them for His Majesties Use for the true and faithfull Performance of their Duty And all and every Person or Persons who shall hereafter bee appointed to the said Office or Employment shall within Two Moneths or as soone as conveniently itt may bee after his or their Entrance upon the said Office or Employm[en]t. give sufficient Security to the Commissioners of the Customes as aforesaid for His Majesties Use for the true and faithfull Performance of his or there Duty And in Default thereof the Person or Persons neglecting or refusing to give such Security shall bee disabled to execute the said Office or Employment And until such Security given and the Person appointed to the said Office or Employment bee approved by the Commissioners of the Customes as aforesaid the respective Governour or Governours shall bee answerable for any the Offences Neglects or Misdemeanours of the [Person or (fn. 2)] Persons soe by him or them appointed.

V. Ships coming into and going out of Plantations, &c. subject to like Regulations as Ships in this Kingdom under 14 (13 & 14) Car. II. c. 11.

Power of Officers of Plantation Trade to visit and search Ships, take Entries, make Seizures, &c. as Powers of Officers of Customs in England under 14 (13 & 14) Car. II. c. 11; Wharfingers, &c. assisting in the rescue of Goods or in resisting Officers; Penalty; Assistance to be given to Officers; Officers subject to Penalties as Officers of Customs in England under 14 (13 & 14) Car. II. c. 11; In Actions against Officers, General Issue may be pleaded.

And for the more effectuall preventing of Frauds and regulating Abuses in the Plantation Trade in America Bee itt further enacted by the Authority [aforesaid (fn. 2)] That all Shippes coming into or going out of any of the said Plantations and lading or unlading any Goods or Commodities whether the same bee His Majesties Shippes of Warr or Merchants Shippes and the Masters and Commanders thereof and their Ladings shall bee subject and lyable to the same Rules Visitations Searches Penalties and Forfeitures as to the entring lading or discharginge their respective Shippes and Ladings as Shippes and their Ladings and the Commanders and Masters of Shippes are subject and lyable unto in this Kingdome by vertue of an Act of Parliament made in the Fourteenth Yeare of the Reigne of King Charles the Second intituled An Act for preventing Frauds and regulating Abuses in His Majesties Customes And that the Officers for collecting and manageing His Majesties Revenue and inspecting the Plantation Trade in any of the said Plantations shall have the same Powers and Authorities for visiting and searching of Shippes and takeing their Entries and for seizing and secureing or bringing on Shoare any of the Goods prohibited to bee imported or exported into or out of any the said Plantac[i]ons or for which any Duties are payable or ought to have beene paid by any of the before menc[i]oned Acts as are provided for the Officers of the Customes in England by the said last mentioned Act made in the Fourteenth Yeare of the Reigne of King Charles the Second and alsoe to enter Houses or Warehouses to search for and seize any such Goods And that all the Wharfingers and Owners of Keys and Wharfes or any Lightermen Bargemen Watermen Porters or other Persons assisting in the Conveyance Concealement or Rescue of any of the said Goods or in the hindering or resistance of any of the said Officers in the performance of their Duty and the Boates Barges Lighters or other Vessells employed in the Conveyance of such Goods shall bee subject to the like Paines and Penalties as are provided by the same Act made in the Fourteenth Yeare of the Reigne of King Charles the Second in relation to prohibited or uncustomed Goods in this Kingdome And that the like Assistance shall bee given to the said Officers in the Execution of their Office as by the said last mentioned Act is provided for the Officers in England And alsoe that the said Officers shall bee subject to the same Penalties and Forfeitures for any Corruptions Frauds Connivances or Concealements in violation of any the before mentioned Lawes as any Officers of the Customes in England are lyable to by vertue of the said last mentioned Act And also that in case any Officer or Officers in the Plantations shall bee sued or molested for any thing done in the Execution of their Office the said Officer shall and may plead the Generall Issue and shall give this or other Custome Acts in Evidence and the Judge to allow thereof, have

and enjoy the like Priviledges and Advantages as are allowed by Law to the Officers of His Majesties Customes in England.

VI. How Penalties not particularly mentioned, disposed of; How recovered.

Onus probandi on Owner; Claimer reputed to be the Owner.

And itt is hereby further enacted That all the Penalties and Forfeitures before mentioned not in this Act particularly disposed of shall bee One third Part to the Use of His Majesty His Heires and Successors and One third Part to the Governour of the Colony or Plantation where the Offence shall bee committed and the other Third Part to such Person or Persons as shall sue for the same To bee recovered in any of His Majesties Courts att Westminster or [in the Kingdome of Ireland or in the Court of Admiralty held in His Majesties Plantations respectively where such Offence shall bee committed att the Pleasure of the Officer or Informer or in any other Plantation belonging to any Subject of England (fn. 3)] wherein noe Essoigne Protection or Wager of Law shall bee allowed And that where any Question shall arise concerning the Importation or Exportation of any Goods into or out of the said Plantations in such Case the Proove shall lye upon the Owner or Claymer, and the Claymer shall bee reputed the Importer or Owner thereof.

VII. Recital that in some of the American Plantations Doubts had arisen as to the Construction of 25 Car. II.c.7. §2.

notwithstanding Payment of the Duties therein mentioned, no Goods to be laden till Security given as required by 12 Car. II. c. 18. § 19; 22 & 23 Car. II. c. 26. § 6.

And whereas in some of His Majesties American Plantations a Doubt or Misconstruction has arisen upon the before mentioned Act made in the Five and twentieth Yeare of the Reigne of King Charles the Second whereby certaine Duties are laid upon the Commodities therein enumerated (which by Law may bee transported from one Plantation to another for the Supply of each others Wants) as if the same were by the Payment of those Duties in one Plantation discharged from giveing the Securities intended by the aforesaid Acts made in the Twelfth Two and twentieth and Three and twentieth Yeares of the Reigne of King Charles the Second and consequently bee att liberty to goe to any Foreigne Markett in Europe without comeing to England Wales or Berwick Itt is hereby further enacted and declared That notwithstanding the Payment of the aforesaid Duties in any of the said Plantations none of the said Goods shall bee shipt or laden on Board untill such Security shall bee given as is required by the said Acts made in the Twelfth Two and twentieth and Three and twentieth Yeares of the Reigne of King Charles the Second to carry the same to England Wales or Berwick or to some other of His Majesties Plantations and soe toties quoties as any of the said Goods shall bee brought to bee reshipt or laden in any of the said Plantations under the Penalty and Forfeiture of Shipp and Goods to bee divided and disposed of as aforesaid

VIII. Laws, &c. in force in the Plantations repugnant to the aforesaid Laws or to this Act, or to future Laws, declared void.

And itt is further enacted and declared by the Authority aforesaid That all Lawes By-lawes Usages or Customes att this tyme or which hereafter shall bee in practice or endeavoured or pretended to bee in force or practice in any of the said Plantations which are in any wise repugnant to the before mentioned Lawes or any of them soe far as they doe relate to the said Plantations or any of them or which are wayes repugnant to this present Act or to any other Law hereafter to bee made in this Kingdome soe farr as such Law shall relate to and mention the said Plantations are illegall null and void to all Intents and Purposes whatsoever.

IX. Recital that Frauds have been committed in the Plantation Trade by false Certificates of Security, and of having discharged Lading, &c.

Where Governor of Plantation has reasonable Suspicion of false Certificates, &c; Proceedings; Counterfeiting Certificate, Cocket, &c. or using the same; Penalty £500, and Certificate, &c. invalid.

And whereas great Frauds and Abuses have beene committed by Scotch men and others in the Plantation Trade by obtruding false and counterfeite Certificates upon the Governour and Officers in the Plantations appointed by His Majesties Commissioners of the Customes in England of haveing given Security in this Kingdome to bring the Ladings of Plantation Goods to England Wales or Towne of Berwick upon Tweed as alsoe Certificates of haveing discharged their lading of Plantation Goods in this Kingdome pursuant to Securities taken in the Plantation and also Cocketts or Certificates of haveing taken in their Ladings of European Goods in England Wales or Berwick by meanes whereof they may carry the Goods of Scotland and other Places of Europe without shipping or lading the same in England Wales or Berwick to His Majesties Plantations and also carry the Goods of the Plantations directly to Scotland or to any Markett in

Europe without bringing the same into England Wales or Towne of Berwick upon Tweed Itt is hereby further enacted That in such Cases where the Governour or Officers appointed by the Commissioners of the Customes in the Plantations shall have reasonable ground of Suspition that such Certificates are false or counterfeit (that is to say) that the Certificate of having given Security in England is false In such Case the Governour or Officers appointed by the Commissioners of the Customes shall require and take sufficient Security there for the Discharge of the Plantation lading in England Wales or Towne of Berwick upon Tweed And in such Case where there shall bee Cause to suspect that the Certificates of having discharged her Lading of Plantation Goods in this Kingdome is false or counterfeit the Governour or Officers aforesaid shall not cancell or vacate the Security given in the Plantation untill hee or they shall bee informed from the Commissioners of the Customes in England that the Matter of the said Certificate is true And if any Person or Persons shall counterfeit rase or falsify any Cockett Certificate Returne or Permit for any Vessell or Goods or shall knowingly or willingly make use thereof such Person or Persons shall forfeite the Summe of Five hundred Pounds to bee recovered and disposed of as aforesaid and the Cockett Certificate Returne or Permit soe counterfeited rased or falsified shall be invalid and of noe effect.

X. The Treasury and Commissioners of the Customs may appoint Officers in Ports, &c. of Islands, &c; In all Actions Jury to be Natives of England or Ireland, or born in the Plantations.

Where Offences to be laid.

[And for the better executing the severall Acts of Parliament relating to the Plantation Trade bee itt enacted by the Authority aforesaid That the Lord Treasurer Commissioners of the Treasury and the Commissioners of the Customes in England for the tyme being shall and may constitute and appoint such and soe many Officers of the Customes in any City Towne River Port Harbour or Creeke of or belonging to any of the Islands Tracts of Land and Proprieties when and as often as to them shall seeme needfull (fn. 4)] Bee itt further also enacted That upon any Actions Suites and Informations that shall bee brought commenced or entred in the said Plantations upon any Law or Statute concerning His Majesties Duties or Shippes or Goods to bee forfeited by reason of any unlawfull Importations or Exportations there shall not bee any Jury but of such onely as are Natives of England or Ireland or are borne in His Majesties said Plantations And also that upon all such Actions Suits and Informations the Offences may bee laid or alleadged to bee in any Colony Province County Precinct or Division of any of the said Plantac[i]ons where such Offences are alleadged to bee committed att the pleasure of the Officer or Informer.

XI. Places of Trust in Courts of Law or Treasury to be held by Natives of England, Ireland, or Plantations.

[Provided alwayes, That all Places of Trust in the Courts of Law or what relates to the Treasury of the said Islands shall from the making of this Act bee in the Hands of the Native borne Subjects of England or Ireland or of the said Islands. (fn. 4).]

XII. Recital of 22 & 23 Car. II. c. 26. § 6.

What Description of Persons only are to be named as Sureties in the said Bonds; Condition of such Bonds.

And whereas by the said Act made in the Two and twentieth and Three and Twentieth Yeares of the Reigne of His said late Majesty King Charles the Second the Bonds required to bee given in the Plantations by virtue of the said Act for incuraging and increasing of Shipping and Navigation are altered and the word Ireland to bee left out of the Condition of all such Bonds And by the said Act itt is enacted and provided That for such Shippes or Vessells comeing from other Ports or Places to any of the said Plantations which by the said Act for encourageing and increase of Shipping were permitted to trade there the Governours of such English Plantations should before the said Shipp or Vessell should bee permitted to load on Board any of the Commodities in the said Act particularly mentioned, take Bond in Manner and to the Value mentioned and directed in the above mentioned Act for encourageing and increase of Shipping and Navigation for each respective Shipp or Vessell That such Shipp or Vessell shall carry all the aforesaid Goods that should bee laden on Board in the said Shipp to some other of His Majesties English Plantations or to England Wales or Towne of Berwick upon Tweed But because noe Provision hath hitherto beene made for the returneing and produceing Certificates within some reasonable limited tyme of the landing and dischargeing such Goods according to the Condition of the said Bonds and also because many tymes itt hath happened that the Sureties taken in the said Bonds have beene Persons not resident in the said Plantations but of uncertaine and unknowne Abodes, the said Bonds have proved ineffectuall to the good purposes intended by the said Acts Bee itt therefore enacted by the Authority aforesaid That in all such Bonds to bee hereafter given or taken in the said Plantations the Sureties therein named shall bee Persons of knowne Residence and Ability in the said Plantations for the Value mentioned in the said Bonds and that the Condition of the said Bonds shall bee within Eighteene Moneths after the Date thereof (the Danger of the Seas excepted) to produce Certificate of having landed and discharged

the Goods therein mentioned in one of His Majesties said Plantations or in England Wales or Berwick upon Tweed otherwise such Bond [or Copies thereof being attested under the Hand and Seale of the Governour or Commander in Chiefe to whom such Bonds were given shall bee in Force and allowed of in any Court in England Ireland or the Plantac[i]ons as if the Originall were produced in Court by the Prosecutor. (fn. 5)]

XIII. Recital that several Ships had been unduly discharged in Scotland and Ireland.

Plantation Goods not to be put on Shore in Scotland or Ireland, but on Condition herein mentioned; Penalty.

And whereas severall Shippes and Vessells laden with Tobacco Sugars and other Goods of the Growth and Product of His Majesties Plantations in America have beene discharged in severall Ports of the Kingdomes of Scotland and Ireland contrary to the Lawes and Statutes now in being under pretence that the said Shippes and [Vessells (fn. 6)] were driven in thither by Stresse of Weather or for want of Provisions and other Disabilities could not proceed on their Voyage For Remedy whereof Bee itt enacted by the Authority aforesaid That from and after the First Day of December One thousand six hundred ninety six itt shall not bee lawfull on any Pretence whatsoever to putt on Shoare in the said Kingdomes of Scotland or Ireland any Goods or Merchandize of the Growth or Product of any of His Majesties Plantations aforesaid unlesse the same have beene first landed in the Kingdome of England Dominion of Wales or Towne of Berwick upon Tweed and paid the Rates and Duties wherewith they are chargeable by Law under the Penalty of the Forfeiture of the Shipp and Goods Three fourths without Composition to His Majesty His Heires and Successors and the other Fourth to him or them that shall sue for the same

XIV. Proviso for Ships driven by Stress of Weather, &c. into Ireland.

Provided neverthelesse That if any Shipp or Vessel [laden (fn. 7)] as aforesaid shall by Stresse of Weather bee stranded or by reason of leakynesse or other Disability shall bee driven into any Port or Place within the Kingdome of Ireland and shall not bee able to proceed on her Voyage then and in such case onely the said Goods and Merchandizes may bee permitted to bee putt on Shoare but shall bee delivered into the Custody and Possession of the Collector or Cheife Officer of the Customes of such Port or Place where the said Shipp shall bee soe stranded or driven into there to remaine untill the said Goods and Merchandize shall att the Charge of the Owner thereof bee putt on Board some other Shipp or Vessel in order to bee transported and carried to some other Port or Place within the said Kingdome of England Dominion of Wales or Towne of Berwick upon Tweed the said Officer first takeing good and sufficient Security for the Delivery of the same according to the true Intent and Meaneing of this Act.

XV. Persons claiming Right in American Islands, &c. not to alien but to natural born Subjects without Licence from the King in Council.

Governors appointed by Proprietors to be approved by the King, and to take, the Oaths; Penalty.

[[And (fn. 8)] bee itt further enacted by the Authority aforesaid That all Persons and their Assignees claymeing any Right or [Property (fn. 9)] in any Islands or Tracts of Land upon the Continent of America by Charter or Letters Patents shall not att any tyme hereafter alien sell or dispose of any of the said Islands Tracts of Land or Proprieties other than to the Naturall Borne Subjects of England Ireland Dominion of Wales or Towne of Berwick upon Tweed without the License and Consent of His Majesty His Heires and Successors signified by His or Their Order in Councill first had and obtayned And all Governours nominated and appointed by any such Persons or Proprietors who shall bee intituled to make such Nominac[i]on shall bee allowed and approved of by His Majesty His Heires and Successors as aforesaid and shall take the Oaths enjoyned by this or any other Act to bee taken by the Governours or Commanders in Chiefe in other His Majesties Colonies and Plantations before their entring upon their respective Governments under the like Penalty His Majesties Governours and Commanders in Chiefe are by the said Acts lyable to. (fn. 5)]

XVI. No Ship deemed British or Plantation-built until registered as herein mentioned.

[(fn. 10) And for a more effectuell prevention of Frauds which may bee used to elude the Intention of this Act by colouring Foreigne Shippes under English Names Bee itt further enacted by the Authority aforesaid That from and after the Five and twentieth day of March which shall bee in the Yeare of our Lord One thousand six hundred ninety eight noe Shipp or Vessel whatsoever shall bee deemed or passe as a Shipp of the Built of England Ireland Wales Berwick Guernsey Jersey or of any of His Majesties Plantations in America soe as to bee qualified to trade to from or in any of the said Plantations untill the Person or Persons claymeing Property in such Shipp or Vessel shall register the same as followeth (that is to say) If the Shipp att the tyme of such Register doth belong to any Port in England Ireland Wales or to the Towne of Berwick upon Tweed then Prooffe shall bee made upon Oath of One or more of the Owners of such Shipp or Vessel before the Collector and Comptroller of His Majesties Customes in such Port or if att the tyme of such Register the Shipp belong to any of His Majesties Plantations in America or to the Islands of

Guernsey or Jersey then the like Proofs to be made before the Governour together with the Principall Officer of His Majesties Revenue residing on such Plantation or Island which Oath the said Governours and Officers of the Customes respectively are hereby authorized to administer in the Tenour following (vizt)

Oath, of built of Ship, &c. on registering.

Jurat A°. B. That the Ship Name of Port (fn. 11) whereof Masters Name is at present Master being a Kind of Built of Burthen Tuns was built at Place where in the Year. Time when and that owners name of and of &c are at present Owners thereof and that noe Foreigner directly or indirectly hath any Share or Part or Interest therein.

Oath attested and registered to be delivered to the Master, and Duplicate of such Register transmitted to the Commissioners of Customs in London; Penalty on Ship not having made Proof of Built. Exception. Penalty on Ship not having made Proof of Built. Exception.

Which Oath being attested by the Governour or Custome Officer ((fn. 11)) who administered the same under their Hands and Seales shall after having been registered by them be delivered to the Master of the Shipp for the Security of her Navigation a Duplicate of which Register shall be immediately transmitted to the Commissioners of His Majesties Customes in the Port of London in order to be entered in a generall Register to be there kept for this purpose with Penalty upon any Shipp or Vessell trading to from or in any of His Majesties Plantations in America after the said Five and twentieth Day of March and not having made Proof of her Built and Property as is here directed that shee shall be lyable and shee is hereby made lyable to such Prosecution and Forfeiture as any Foreigne Shipp (except Prizes condemned in the High Court of Admiralty) would for trading with these Plantations by this Law be lyable to.

XVII. Proviso for special Registry of Prize Ships.

Provided alwayes That all such Shippes as have beene or shall be taken at Sea by Letters of Mart or Reprisall and Condemnation thereof made in the High Court of Admiralty of England as lawfull Prize shall be specially registered mentioning the capture and Condemnation instead of the Tyme and Place of Building with Proofs alsoe upon Oath that the entire Property is English before any such Prize shall be allowed the Priviledge of an English Built Shipp according to the Meaneing of this Act.

XVIII. Exemption of Fishing Boats, &c. from Necessity of Registry.

Provided also That nothing in this Act shall be construed to require the registering any Fisher-Boates Hoys Lighters Barges or any open Boates or other Vessells (though of English or Plantation Built) whose Navigation is confined to the Rivers or Coasts of the same Plantation or Place where they trade respectively but onely of such of them as crosse the Seas to or from any of the Lands Islands Places or Territories in this Act before recited or from one Plantation to another.

XIX. On changing the Name of registered Ship, Register de novo.

Sale to be endorsed on Certificate of Registry.

And be it further enacted by the Authority aforesaid That noe Shippes Name registered shall be afterwards changed without registering such Shipp de novo which is hereby required to be done upon any Transferr of Property to another Port and delivering upp the former Certificate to be cancelled under the same Penalties and in the like Method as is herein before directed And that in case any Alteration of Property in the same Port by the Sale of one or more Shares in any Shipp after registering thereof such Sale shall alwayes be acknowledged by Endorsement on the Certificate of the Register before Two Witnesses in order to prove that the entire Property in such Shipp remains to some of the Subjects of England if any Dispute arises concerning the same.]

Footnotes

- 1. annexed to the Original Act in a separate Schedule.
- 2. interlined on the Roll.
- 3. annexed to the Original Act in a separate Schedule.
- 4. annexed to the Original Act in a separate Schedule.
- 5. annexed to the Original Act in a separate Schedule.
- 6. interlined on the Roll.
- 7. loaden O.
- 8. O. omits.

- 9. Propriety O.
- 10. The following Clauses are annexed to the Original Act in a separate Schedule O.
- 11. respectively O.