

1725.

No 267.

An Act to prevent clandestine Trade.

WHEREAS *French, Dutch, Spaniards,* and other Foreigners, pretending to be drove into this Island by Strefs of Weather, or other Difabilities, have been received, provided, and furnished as Persons in such Condition ought to have been by the Law of Nations, and the Treaties now subsisting between His Majesty and the several Princes and States in Amity with Him: And whereas such Foreigners have so far abused the Indulgence granted them, that, when they have gone out of the Harbours of this Island, they have, in some outward Creeks or Bays, sold Part of their Cargoes to the Inhabitants of this Island, who either carried the Goods so bought to the *Spanish Coast*, or landed and retailed them in this Island, whereby the several Laws and Statutes made for the Encouragement of the *British* Trade and Navigation have been eluded, His Majesty defrauded of the Customs and Duties due on Commodities of Foreign Growth, to the great Discouragement of the Trading Part of His Majesty's Subjects of this Island, and Diminution of the *British* Trade; and for that thereby great Sums of its current Cash is carried away into Foreign Parts, and out of His Majesty's Dominions: We, Your Majesty's most dutiful and loyal Subjects, the Council and Assembly of this Your Majesty's Island of *Jamaica*, for the Prevention of the many pernicious and evil Consequences that may befall this Island by the said Practices (if not timely prevented) most humbly beseech your Majesty that it may be enacted, and be it enacted by the Governor, Council, and Assembly of this Your Majesty's Island of *Jamaica*, and it is hereby enacted by the Authority of the same, That the Master of every *French, Dutch,* and other Foreign Ship or Vessel that shall come into any Port, Harbour, or Bay in this Island on Pretence of being drove in by Strefs of Weather, want of Provisions, or other Difabilities whatsoever, shall, within twenty four Hours after such his coming into any such Port, Harbour, or Bay in this Island, wait upon the Governor, or Commander in chief for the Time being, and discover upon Oath the real Truth and Occasion of such his coming in, and his necessary Wants, and the true and exact Quantities of Money, Bullion, Goods, Wares, and Merchandizes he hath on board his said Ship or Vessel, under the Penalty of the Forfeiture of such Ship or Vessel.

Masters of Foreign Vessels drove on this Island by Strefs of Weather, to deliver to the Governor an Account of their Cargoes upon Oath, &c.

Necessaries to be sold them at the cheapest Rates.

No greater Part of their Cargoes to be sold, than what is requisite to supply them with Necessaries.

II. WHICH Oath the Governor, or Commander in chief for the Time being, is hereby impowered to administer; and to order and direct the naval Officer for the Time being immediately, and without Delay, to supply him with such Necessaries as he shall have Occasion for, at the best and cheapest Rates and Prices the same are to be sold for in this Island, and in no other Manner whatsoever, for which the said Master shall pay out of the Money he hath on board (if any) and if he hath no Money, then out of such Part of his Cargo as shall be sufficient to answer such his necessary Occasions.

III. AND be it further enacted by the Authority aforesaid, That no such *French, Dutch,* or other Foreigner, if he hath not Money to purchase such Necessaries as he shall really want, or any Part of it, shall sell or dispose of any more Goods, Wares, or Merchandize, than to supply what Necessaries he shall want over and above the Amount of his Money, and that by Leave of the Governor for the Time being, and at publick Outcry, first fixing up three Days Notice in the most noted Places of the three Towns of *St. Jago de la Vega, Port-Royal,* and *Kingston*, under the Penalty of the Forfeiture of such Ship or Vessel, and Cargo.

IV. AND

IV. AND all and every Person or Persons who shall purchase any Goods, Wares, or other Merchandizes, of or from any such *French, Dutch,* or other Foreigner, other than as aforesaid, or land or bring them or any of them ashore in this Island, and all and every Person or Persons who shall be aiding and assisting to the bringing on Shore any Goods, Wares, or Merchandizes so bought or purchased, shall, for every such Offence, respectively forfeit the Sum of Five Hundred Pounds, and the Goods so bought or landed, and be committed upon the Oath of any one Person to Goal, there to remain in safe Custody until he shall find good and sufficient Security; which Forfeiture of Money shall be recovered, upon the Oath of any one Person, by Action of Debt, Bill, Plaint, or Information in the Supream Court of Judicature within this Island, wherein no Essoign, Protection, Injunction, Wager of Law, or *Non vult ulterius prosequi* shall be entered or allowed.

1725.

Persons buying or bringing on Shore the Goods of Foreigners, to forfeit 500 l. and the Goods.

V. AND every Person and Persons who shall discover any Purchaser of such Goods, Wares, and Merchandizes, or other Person that shall be concerned in aiding or assisting in the landing or bringing on Shore of the same, shall have three-fourth Parts of the said Forfeiture of the said Five Hundred Pounds (the Whole in four equal Parts to be divided) and if any concerned in the buying, landing, or bringing on Shore such Goods, Wares, or Merchandizes, shall discover the same, he shall not only, as an Encouragement for such Discovery, have the said three-fourths of the said Forfeiture of Money, but shall and is hereby acquitted, discharged, and indemnified from all Forfeitures and Imprisonment he may be otherwise subject to by this Act; any Law, Custom, or Usage to the contrary notwithstanding.

Discovering such Purchases, to have three-fourths.

VI. AND be it further enacted by the Authority aforesaid, That every *Frenchman*, or other Foreigner, now in this Island, or that hereafter shall arrive, shall, within thirty Days from and after the first Day of *June* next, repair to the *Custos*, or chief Magistrate in Commission, in every Parish or Precinct of this Island, and give in a List of their Names, Trades, and Vocations, how long they have been in this Island, and where they belong to, or come from last, and when naturalized, under the Penalty of One Hundred Pounds current Money; which List shall be entered in a fair Book kept for that Purpose open for the Perusal of every Person demanding the same, without Fee or Reward; and that any *Frenchman*, or other Foreigner, not belonging to any Ship in any Port or Bay in this Island, who shall not give in his Name in Manner aforesaid, shall be committed to the Goal of *St. Jago de la Vega*, until an Opportunity offers of sending him, if a *Frenchman*, to *Hispaniola*, if a *Spaniard*, to *Porto Bello*, or any of the *Spanish Colonies*, or *Great Britain*, and if a *Dutchman*, to *Curaçoa*, or *Great Britain*, or to such other Place as he shall be inclinable to go to, unless he takes out Letters of Naturalization within thirty Days as aforesaid.

Foreigners to give in their Names, &c. to the *Custos* within 30 Days,

under the Penalty of 100 l.

VII. AND that every *French, Dutch, or Spanish* Ship, or other Vessel, which hereafter shall arrive in any Bay, Harbour, Port, or Creek of this Island, shall be subject to such Port-Charges, Visitations, Rules, and Orders, as the Ships or Vessels of His Majesty's Subjects trading hither are; and that no Foreigner whatsoever, or other Person than His Majesty's natural born Subjects, shall, without special Leave of the Governor, or Commander in chief of this Island for the Time being, under his Hand and Seal first had and obtained, enter into any of His Majesty's Fortifications in this Island.

Foreign Vessels subject to the same Rules as *English*.

Foreigners not to enter into any Fortifications without Leave.

VIII. AND to the Intent that no Person may plead Ignorance to this Act, be it enacted by the Authority aforesaid, That the Receiver-General do, within three Months after the passing of this Act, cause the same to be printed, the Charge of which shall be allowed him out of any Money unappropriated in his Hands; any Law, Custom, or Usage to the contrary notwithstanding.

This Act to be printed.

Jamaica. Acts of Assembly, passed in the island of
Jamaica; from 1681, to 1737, inclusive. Printed by John
Baskett, Printer to the King's Most Excellent Majesty,
MDCCXXXVIII. [1738] [1739]. Eighteenth Century
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