

Townshend Act

THE
Statutes at Large,
FROM
MAGNA CHARTA
To the END of the
Eleventh Parliament of GREAT BRITAIN.
Anno 1761.

CONTINUED.

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CAMBRIDGE,
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for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1767.

CUM PRIVILEGIO.

An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the colonies and plantations.

WHEREAS it is expedient that a revenue should be raised in your Majesty's dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and the support of civil government, in such provinces where it shall be found necessary; and towards further defraying the expenses of defending, protecting, and securing, the said dominions; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, have therefore resolved to give and grant unto your Majesty the several rates and duties herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice of the lords spiritual and temporal, and commons,

in this present parliament assembled, and by the authority of the same, That from and after the twentieth day of November, one thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, for and upon the respective goods herein after mentioned, which shall be imported from Great Britain into any colony or plantation in America which now is, or hereafter may be, under the dominion of his Majesty, his heirs, or successors, the several rates and duties following; that is to say,

For every hundred weight avoirdupois of crown, plate, flint, and white glass, four shillings and eight pence.

For every hundred weight avoirdupois of green glass, one shilling and two pence.

For every hundred weight avoirdupois of red lead, two shillings.

For every hundred weight avoirdupois of white lead, two shillings. For every hundred weight avoirdupois of painters colours, two shillings.

For every pound weight avoirdupois of tea, three pence.

For every ream of paper, usually called or known by the name of Atlas Fine, twelve shillings.

For every ream of paper called Atlas Ordinary, six shillings.

For every ream of paper called Bastard, or Double Copy, one shilling and six pence.

For every single ream of blue paper for sugar bakers, ten pence halfpenny

For every ream of paper called Blue Royal, one shilling and six pence.

For every bundle of brown paper containing forty quires, not made in Great Britain, six pence.

For every ream of paper called Brown Cap, not made in Great Britain, nine pence.

For every ream of paper called Brown Large Cap, made in Great Britain, four pence halfpenny.

For every ream of paper called Small Ordinary Brown, made in Great Britain, three pence.

For every bundle, containing forty quires, of paper called Whited Brown, made in Great Britain, four pence halfpenny.

For every ream of cartridge paper, one shilling and one penny halfpenny.

For every ream of paper called Chancery Double, one shilling and six pence.

For every ream of paper called Genoa Crown Fine, one shilling and one penny halfpenny.

For every ream of paper called Genoa Crown Second, nine pence.

For every ream of paper called German Crown, nine pence.

For every ream of paper called Fine Printing Crown, nine pence.

For every ream of paper called Second Ordinary Printing Crown, six pence three farthings.

For every ream of paper called Crown Fine, made in Great Britain, nine pence.

For every ream of paper called Crown Second, made in Great Britain, six pence three farthings.

For every ream of paper called Demy Fine, not made in Great Britain, three shillings.

For every ream of paper called Demy Second, not made in Great Britain, one shilling and four pence halfpenny.

For every ream of paper called Demy Fine, made in Great Britain, one shilling and one penny halfpenny.

For every ream of paper called Demy Second, made in Great Britain, nine pence.

For every ream of paper called Demy Printing, one shilling and three pence.

For every ream of paper called Genoa Demy Fine, one shilling and six pence. For every ream of paper called Genoa Demy Second, one shilling and one penny halfpenny.

For every ream of paper called German Demy, one shilling and one penny halfpenny.

For every ream of paper called Elephant Fine, six shillings.

For every ream of paper called Elephant Ordinary, two shillings and five pence farthing.

For every ream of paper called Genoa Fools Cap Fine, one shilling and one penny halfpenny.

For every ream of paper called Genoa Fools Cap Second, nine pence.

For every ream of paper called German Fools Cap, nine pence.

For every ream of paper called Fine Printing Fools Cap, nine pence.

For every ream of paper called Second Ordinary Printing Fools Cap, six pence three farthings.

For every ream of any other paper called Fools Cap Fine, not made in Great Britain, one shilling and ten pence halfpenny.

For every ream of any other paper called Fools Cap Fine Second, not made in Great Britain, one shilling

and six pence.

For every ream of paper Fools Cap Fine, made in Great Britain, nine pence.

For every ream of paper called Fools Cap Second, made in Great Britain, six pence three farthings.

For every ream of paper called Imperial Fine, twelve shillings.

For every ream of paper called Second Writing Imperial, eight shillings and three pence.

For every ream of paper called German Lombard, nine pence.

For every ream of paper called Medium Fine, four shillings and six pence.

For every ream of paper called Genoa Medium, one shilling and ten pence halfpenny.

For every ream of paper called Second Writing Medium, three shillings.

For every ream of painted paper, not made in Great Britain, six shillings.

For every ream of paper called Fine Large Post, one shilling and ten pence halfpenny.

For every ream of paper called Small Post, one shilling and one penny halfpenny.

For every ream of paper called Fine Genoa Pot, six pence three farthings.

For every ream of paper called Second Genoa Pot, six pence three farthings.

For every ream of other paper called Superfine Pot, not made in Great Britain, one shilling and six pence.

For every ream of other paper called Second Fine Pot, not made in Great Britain, one shilling and one penny halfpenny.

For every ream of paper called Ordinary Pot, not made in Great Britain, six pence three farthings.

For every ream of paper called Fine Pot, made in Great Britain, nine pence. For every ream of paper called Second Pot, made in Great Britain, four pence halfpenny.

For every ream of paper called Super Royal Fine, nine shillings.

For every ream of paper called Royal Fine, six shillings.

For every ream of paper called Fine Holland Royal, two shillings and five pence farthing.

For every ream of paper called Fine Holland Second, one shilling and six pence.

For every ream of paper called Second Fine Holland Royal, one shilling and six pence.

For every ream of paper called Ordinary Royal, nine pence.

For every ream of paper called Genoa Royal, two shillings and five pence farthing.

For every ream of paper called Second Writing Royal, four shillings and one penny halfpenny.

For every ream of paper called Second Writing Super Royal, six shillings.

For every hundred weight avoirdupois of paste-boards, mill-boards, and scale-boards, not made in Great Britain, three shillings and nine pence.

For every hundred weight avoirdupois of paste-boards, mill-boards, and scale-boards, made in Great Britain, two shillings and three pence.

And for and upon all paper which shall be printed, painted, or stained, in Great Britain, to serve for hangings or other uses, three farthings for every yard square, over and above the duties payable for such paper by this act, if the same had not been printed, painted, or stained; and after those rates respectively for any greater or less quantity.

II. And it is hereby further enacted by the authority aforesaid, That all other paper (not being particularly rated and charged in this act) shall pay the several and respective duties that are charged by this act, upon such paper as is nearest above in size and goodness to such unrated paper.

III. And be it declared and enacted by the authority aforesaid, That a ream of paper, chargeable by this act, shall be understood to consist of twenty quires, and each quire of twenty four sheets.

IV. And it is hereby further enacted by the authority aforesaid, That the said rates and duties, charged by this act upon goods imported into any British American colony or plantation, shall be deemed, and are hereby declared to be, sterling money of Great Britain; and shall be collected, recovered, and paid to the amount of the value which such nominal sums bear in Great Britain; and that such monies may be received and taken, according to the proportion and value of five shillings and six pence the ounce in silver; and shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as any other duties, now payable to his Majesty upon goods imported into the said colonies or plantations, may be raised, levied, collected, paid, and recovered, by any act or acts of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated, and again enacted, in the body of this present act: and that all the monies that shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be applied, in the first place, in such manner as is herein after mentioned, in making a more certain and adequate provision for the charge of the administration of justice, and the support of civil government, in such of the said colonies and plantations where it shall be found necessary; and that the residue of such duties shall be paid into the

receipt of his Majesty's exchequer, and shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs, or successors; and shall be there reserved, to be from time to time disposed of by parliament towards defraying the necessary expences of defending, protecting, and securing, the British colonies and plantations in America.

V. And be it further enacted by the authority aforesaid, That his Majesty and his successors shall be, and are hereby, impowered, from time to time, by any warrant or warrants under his or their royal sign manual or sign manuals, countersigned by the high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause such monies to be applied, out of the produce of the duties granted by this act, as his Majesty, or his successors, shall think proper or necessary, for defraying the charges of the administration of justice, and the support of the civil government, within all or any of the said colonies or plantations.

VI. And whereas the allowing a drawback of all the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts, the growth of the British dominions in America, may be a means of encouraging the growth of coffee and cocoa in the said dominions; be it therefore enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, upon the exportation of any coffee or cocoa nuts, of the growth or produce of any British colony or plantation in America, from this kingdom as merchandize, the whole duties of customs, payable upon the importation of such coffee or cocoa nuts, shall be drawn back and repaid; in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance, payable out of the duties of customs upon the exportation of such coffee or cocoa nuts, was, could, or might be paid, before the passing of this act; any law, custom, or usage, to the contrary notwithstanding.

VII. And it is hereby further enacted by the authority aforesaid, That no drawback shall be allowed for any china earthenware sold, after the passing of this act, at the sale of the united company of merchants of England trading to the East Indies, which shall be entered for exportation from Great Britain to any part of America; any law, custom, or usage, to the contrary notwithstanding.

VIII. And it is hereby further enacted by the authority aforesaid, That if any china earthen ware sold, after the passing of this act, at the sale of the said united company, shall be entered for exportation to any part of America as china earthen ware that had been sold at the sale of the said company before that time; or, if any china earthen ware shall be entered for exportation to any parts beyond the seas, other than to some part of America, in order to obtain any drawback thereon, and the said china earthen ware shall nevertheless be carried to any part of America, and landed there contrary to the true intent and meaning of this act; that then, in each and every such case, the drawback shall be forfeited; and the merchant or other person making such entry, and the master or person taking the charge of the ship or vessel on board which the said goods shall be laden for exportation, shall forfeit double the amount of the drawback paid, or to be paid, for the same, and also treble the value of the said goods; one moiety to and for the use of his Majesty, his heirs, and successors; and the other moiety to such officer of the customs as shall sue for the same; to be prosecuted, sued for, and recovered, in such manner and form, and by the same rules and regulations, as other penalties inflicted for offences against any laws relating

to the customs may be prosecuted, sued for, and recovered, by any act or acts of parliament now in force.

IX. And for the more effectual preventing the clandestine running of goods in the British dominions in America, be it further enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, the master or other person having or taking the charge or command of every ship or vessel arriving in any British colony or plantation in America shall, before he proceeds with his vessel to the place of unlading, come directly to the custom house for the port or district where he arrives, and make a just and true entry, upon oath, before the collector and comptroller, or other principal officer of the customs there, of the burthen, contents, and lading of such ship or vessel, with the particular marks, numbers, qualities, and contents, of every parcel of goods therein laden, to the best of his knowledge; also where and in what port she took in her lading; of what country built; how manned; who was master during the voyage, and who are owners thereof; and whether any, and what goods, during the course of such voyage, had or had not been discharged out of such ship or vessel, and where: and the master or other person having or taking the charge or command of every ship or vessel, going out from any British colony or plantation in America, before he shall take in, or suffer to be taken into or laden on board any such ship or vessel, any goods, wares, or merchadizes, to be exported, shall, in like manner, enter and report outwards such ship or vessel, with her name and burthen, of what country built, and how manned, with the names of the master and owners thereof, and to what port or place he intends to pass or sail: and before he shall depart with such ship or vessel out of any such colony or plantation, he shall also bring and deliver unto the collector and comptroller, or other principal officer of the customs at the port or place where he shall lade, a content in writing, under his hand, of the name of every merchant, or other person who shall have laden, or put on board any such ship or vessel, any goods or merchandize, together with the marks and numbers of such goods or merchandize: and such master or person having or taking the charge or command of every such ship or vessel, either coming into , or going out of, any British colony or plantation as aforesaid, whether such ship or vessel shall be laden or in ballast, or otherwise, shall likewise publicly, in the open custom house, to the best of his knowledge, answer upon oath to such questions as shall be demanded of him by the collector and comptroller, or other principal officer of the customs for such port or place, concerning such ship or vessel, and the destination of her voyage, or concerning any goods or merchandize that shall or may be laden on board her, upon forfeiture of one hundred pound sterling money of Great Britain, for each and every default or neglect; to be sued for, prosecuted, recovered, and divided, in the same manner and form, by the same rules and regulations in all respects, as other pecuniary penalties, for offences against the laws relating to the customs or trade of his Majesty's colonies in America, may, by any act or acts of parliament now in force, be prosecuted, sued for, recovered, and divided.

X. And whereas by an act of parliament made in the fourteenth year of the reign of King Charles the Second, intituled, An act for preventing frauds, and regulating abuses, in his Majesty's customs, and several other acts now in force, it is lawful for any officer of his Majesty's customs, authorized by writ of assistance under the seal of his majesty's court or exchequer, to take a constable, headborough, or other public officer inhabiting near unto the place, and in the day-time to enter and go into any house, shop, cellar, warehouse, or room or other place, and, in case of resistance, to break open doors, chests,

trunks, and other package there, to seize, and from thence to bring, any kinds of goods or merchandize whatsoever prohibited or uncustomed, and to put and secure the same in his Majesty's store-house next to the place where such seizure shall be made: and whereas by an act made in the seventh and eighth years of the reign of King William the Third, intituled, An act for preventing frauds, and regulating abuses, in the plantation trade, it is, amongst other things, enacted, that the officers for collecting and managing his Majesty's revenue, and inspecting the plantation trade, in America, shall have the same powers and authorities to enter houses or warehouses, to search for and seize goods prohibited to be imported or exported into or out of any of the said plantations, or for which any duties are payable, or ought to have been paid; and that the like assistance shall be given to the said officers in the execution of their office, as, by the said recited act of the fourteenth year of King Charles the Second, is provided for the officers in England: but, no authority being expressly given by the said act, made in the seventh and eighth years of the reign of King William the Third, to any particular court to grant such writs of assistance for the officers of the customs in the said plantations, it is doubted whether such officers can legally enter houses and other places on land, to search for and seize goods, in the manner directed by the said recited acts: To obviate which doubts for the future, and in order to carry the intention of the said recited acts into effectual execution, be it enacted, and it is hereby enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, such writs of assistance, to authorize and empower the officer of his Majesty's customs to enter and go into any house, warehouse, shop, cellar, or other place, in the British colonies of plantations of America, to search for and seize prohibited or uncustomed goods, in the manner directed by the said recited acts, shall and may be granted by the said superior or supreme courts of justice having jurisdiction within such colony or plantation respectively.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced either in Great Britain or America, against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.