

MARYLAND GAZETTE.

T H U R S D A Y, M A R C H 24, 1785.

F R A N C E.

ARRET of the king's council of state, concerning foreign commerce with the French islands in America, of the 30th of August, 1784.

(Extracted from the records of the council of state)

HE king ever diligent to conciliate the increase and growth of his American colonies, with the general extension of the trade of his kingdom, has never lost sight of the means which might contribute to the prosperity of his possessions beyond the seas without diminishing the advantages due to the metropolis from their establishments—but the principles to be adopted to attain this end produced difficulties, which could alone be surmounted in proportion as experience should show what alteration might be proper in this important branch of administration. By the state his majesty had laid before him of those which have hitherto taken place, he has discovered, that it had become necessary, from time to time, to moderate the rigorous regulations first adopted in pursuance of the letters patent of the month of Oct. 1727, the stipulation whereof entirely deterred foreigners from holding any part in the trade of the colonies; and that in order to maintain a just equilibrium between these interests, which ought mutually to promote each other, a variety of modifications of those severe regulations had, from time to time, become indispensably adopted.

Considering also, that the present circumstances of things require further indulgences, his majesty has resolved, that in adopting them it would be needful to increase the number of free ports in the French islands, and leeward islands, to make a better choice thereof, and to open them only to such parts where they may be under the eye of government and of the national trade, in order to prevent destructive illicit commerce, or to punish it with the greater severity; that to his majesty having provided for the necessities of his colonies, the infractors of his laws might be the more inexcusable. To accomplish all which purposes, after having heard the report made in council on this subject. The king being present in council, his majesty has ordained, and does ordain as follows, viz.

Article I. That in the island of St. Lucia, the only free port therein heretofore appointed, shall continue such, viz. the Carenage of that island, and three new ones shall be opened for the Windward Islands, viz. one at St. Pierre for Martinique, one at Pointe a Petre for Gaudalope and its dependencies, and one at Scarborough for Tobago. Three new ones shall also be opened for Hispaniola, one at Cape Francois, one at Port-au-Prince, and one at Caye St. Louis, that heretofore existing at St. Nicholas in the same island, to be henceforth shut and abolished.

Article II. His majesty permits for a time, and shall it shall please him to order otherwise, all foreign ships of the burthen, at least, of sixty tons, loaded with only lumber of all kinds, dye-wood, coal, the cattle of all kinds, salted beef, but no pork, cod and other salted fish, rice, Indian corn, vegetables, and tanned hides, furs, rosin, pitch and tar, to proceed and trade therewith at the free ports mentioned in the preceding article.

Article III. Foreign ships who shall sail to the said free ports, either to carry there the articles allowed in the preceding article, or in ballast to load for account of foreigners, shall only be permitted to take away melasses, taffia or manufactures imported from France.

Article IV. All merchandise, the importation or exportation whereof is permitted foreigners in the said free ports, shall be subject to the local duties existing in each colony, and shall pay over and above one per centum on the value.

Article V. Exclusive of the duty of one per cent. mentioned in the preceding article, salted beef, cod and salted fish shall pay three livres per quintal duty, and the proceeds of the said three livres shall be applied as a fund, out of which premiums or bounties shall be paid on the importation of cod and salted fish from the French fisheries.

Article VI. Foreign salted provisions which shall be brought into the colonies by French vessels sailing directly from some port of the kingdom, shall not be subject to the payment of the duties mentioned in the two preceding articles.

Article VII. In each free port a number of officers shall be appointed to see that no other merchandises shall be imported or exported than those mentioned in the second and third articles of this arret; and in order that, no doubt may exist as to their exactness, his majesty authorizes the French merchants and captains of ships residing in each of the said free ports,

to name from among them commissaries who shall report all neglects or abuses they may discover, and shall attend when they may see proper at any inspections which may take place on foreign vessels arriving or sailing.

Article VIII. Captains of foreign ships, who may proceed to the said free ports, shall be held on pain of confiscation of their vessels and cargoes and a fine of one thousand livres over and above, to keep off and give signals of their arrival, that immediately two officers may be sent on board and a guard, if possible, to prevent any thing being landed until after the vessel has been inspected. If the said captains arrive in the morning they shall in all the day, or if they arrive at night they shall the next morning, make an exact entry, as well in his majesty's custom-house as in the register's office of the admiralty (where they shall perform all the usual formalities,) of the species and quantity of the merchandise of which their cargo is composed; they shall present their bills of loading and charter parties, and shall not proceed to unload but with the care of the office and in the presence of two officers, who shall inspect the said merchandise and make due report of their attending at the discharge of the vessel. In like manner, when the said vessels shall leave the said free ports, they shall not take in any cargo without first making a similar declaration in the presence of the same number of officers, obtaining the same declaration in due form of their attendance at the loading of the said vessel, and a permit from the board for her departure.

Article IX. If at the time of the inspecting of the said vessels, during or previous to the loading or unloading of the same, there should be found on board any such foreign ships arriving in the said free ports, or sailing therefrom, any merchandise, other than that of which the importation and exportation are permitted by the 2d and 3d articles, the officers making such inspection shall make a due statement thereof, and shall immediately deliver the same into the register's office of the admiralty, where the attorney-general of his majesty shall immediately demand of the officers of that court, the seizure of both vessel and cargo, the confiscation whereof shall be by them decreed, together with a fine of one thousand livres: provided always, that liberty be allowed to appeal to the council or other superior tribunal of the district.

Article X. French merchants, whether of the kingdom, or French colonies or islands, who shall be desirous to engage in the importation of the foreign wares allowed of by the 2d article, or in the exportation to foreign ports of the merchandise permitted in the 3d article to be exported, shall be subjected to the like precautions, formalities and inspections ordained for the ships of foreigners; they shall suffer the like penalties in case of contraband, and pay the same duties, excepting only the duty of one per cent. mentioned in the 4th article, from which they shall be exempted.

Article XI. All captains and owners of French ships, fitted either from the ports of this kingdom, or from those of the French colonies, who may be desirous to sail from the said colonies to the American coast, or even to St. Pierre and Miquelon, shall only be permitted to proceed from one of the free ports, under penalty of confiscation of vessel and cargo, and one thousand livres fine; the said captains or owners shall as usual be bound to take out the prescribed permission of the governor and intendant, and the passport of the admiral, all of which shall be recorded in the admiralty; they shall, moreover, produce all the necessary documents, and submit to all the inspections that may be requisite to ascertain the contents of their cargoes, which shall alone consist of melasses, taffia, and manufactures of France, in like manner as if they were foreigners.

Article XII. Clearances for foreign ports shall not be delivered unless for those where his majesty has consuls, vice consuls or agents, to whom they shall be presented at their arrival and departure, to be by the said consuls examined and attested, and by the captains to be produced on their return to France or the colonies.

Article XIII. French ships which may have sailed from any of the free ports for the American coast, or even for St. Pierre and Miquelon, or such as may have sailed from any port of the kingdom, and have touched at a foreign port, or even at the said islands of St. Pierre and Miquelon, shall not, under pain of confiscation of vessel and cargo, and of one thousand livres fine, return to the said French islands or colonies, unless after first stopping at one of the free ports, in order to be subjected there to the like inspections and visits that foreign ships are exposed to;

they shall be held to make the same declarations and undergo the same formalities, and shall only bring with them the same merchandise, the importation whereof is permitted: after undergoing the said visits and inspections, they shall obtain proper discharges, certificates whereof being delivered to the captains or supercargoes by the directions of his majesty's board of customs, they shall be at liberty to proceed to such port or harbour of the colony as they may see fit.

Article XIV. French vessels fitted either from the French islands or some port of the kingdom, who may have touched at a foreign port, or at St. Pierre and Miquelon, and who may enter one of the free ports, shall be held under pain of the like confiscation and fine, to hoist at three leagues distant such flag or signal, as the admiral shall direct, in order that at the time of their arrival officers from his majesty's customs may be sent on board.

Article XV. His majesty orders that under the same penalties, foreign ships which have been permitted for a limited time, to introduce cargoes of blacks into the different admiralty ports of the Windward Islands, shall in future not be permitted to bring them to any other ports than the Careage, St. Pierre, Pointe a Petre and Scarborough, in this respect repealing the arret of council of the 28th of June, 1783, which in all other matters shall continue to be executed according to the form and tenor thereof.

Article XVI. The proceeds of the confiscations and penalties decreed, shall belong totally to the officers of his majesty's board of customs, who may have effected or caused the seizure. As to vessels taken in contraband trade by the ships or guarda costas of his majesty, the same shall belong to the commanders, officers and crews of the ships so capturing— deducting only the costs of suit, one tenth for the admiral, and six deniers on every livre for the benefit of the invalids of the marine service. When there shall have been any informants, one third of the proceeds shall go to their profit.

Article XVII. His majesty forbids expressly, all French subjects to lend their names to simulated papers for foreign ships, under the pain of three thousand livres fine, to be applied to the benefit of the hospitals of the place where it happens, exclusive of the forfeiture of the vessel, already ordained by the various regulations made on the subject of navigation. His majesty enjoins his attorneys in the admiralty courts, to take all necessary steps to prosecute those who may contravene this order, on pain of being themselves made answerable in case of neglect.

Article XVIII. His majesty reserves to himself the right, if it shall hereafter be thought proper, to open a free port for Cayenne and French Guyane, after the expiration of the time fixed by the arret of his council, for the general liberty of trade of that colony, dated 15th May last. Provided always, that until the expiration of that term, foreign or French vessels, which may have touched at any port or harbour of Cayenne or French Guyane, shall not go to any other than the free ports of the Windward or Leeward Islands, on the same conditions, precautions, rules and penalties, mentioned in the preceding 13th and 14th articles.

Article XIX. Moreover the stipulations mentioned in the letters patent of the month of October, 1727, and the ordonnance and regulations subsequently made, respecting the foreign trade of the French islands and colonies, shall exist in full force and virtue, unless when they are repealed by the present arret.

His majesty orders Monsieur le duc de Penthiere, admiral of France, and all governors, lieutenant-generals, commanders, intendants, commissary-generals, ordonnateurs, and all others whom it may appertain, each for his own jurisdiction, to see to the execution of this arret. His majesty also orders all councils and superior tribunals of the French colonies in America, to proceed to the recording the same, that it may be read, published, and set up wherever it may be necessary.

Done at the king's council of state, his majesty being present, held at Versailles the 30th day of Aug. 1784.

(Signed) LE CROIX MARCHEL DE CASTRIES.

By the duc de Penthiere, admiral of France— Seeing the above arret of council to us addressed, and every other part of the same: We command all those over whom our jurisdiction extends, and order all officers of the admiralty of the French colonies and islands, each for his own department to see it duly executed, and conform to the parts thereof belonging to them respectively. We command the of-

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