Anno tricesimo

Georgii II. Regis.

An Act to indemnify Persons who have been guilty of the unlawful importing, landing, or running of prohibited, uncustomed, or other Goods or Merchandize, upon certain Terms therein mentioned.



WHEREAS there is a great Want of Seamen for the compleatly manning of His Majesty's Royal Navy: And whereas there are many Sailors, Mariners, and other Sea-faring Persons, Subjects of His Majesty, at this Time in Parts beyond the Seas, and in several of the Gaols of this Kingdom, on Account of sundry Offences by them committed in Breach of the Laws of the Customs and Excise; and likewise several Persons who have been or may be charged with Riding with Fire-arms, contrary to the Acts passed in the Eighth Year of the Reign of his late Majesty King George the First, and the Ninth Year of His present Majesty, as well as other Acts now in Force, and who have neglected to take the Benefit of the late Act of Indemnity, and are capable, and may be inclined, or by Grace and Clemency, induced to serve on Board His Majesty's Ships of War, provided they were Preamble.

certain of their being indemnified for their several Offences, and past Misdemeanors; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who before the First Day of May, One thousand seven hundred and fifty seven, shall have been guilty of illegal running, landing, unshipping, concealing, receiving, or carrying any Wool, prohibited Goods, Wares, or Merchandizes, or any Foreign Goods, liable to the Payment of the Duties of Customs or Excise, the same Duties not having been paid or secured, or of aiding or assisting therein; or shall have been armed with Fire-arms, or other offensive Arms or Weapons, in order to be aiding or assisting any such Offenders, or have been guilty of rescuing such Goods, Wares, or Merchandizes as aforesaid, where Duties had not been paid or secured, after Seizure from the Officers of the Customs or Excise, or of any Act or Matter whatsoever whereby Persons may be deemed and taken to be Runners of Foreign Goods and Commodities, within the Intent and Meaning of any Law now in Force; or of hindering, opposing, obstructing, wounding, or beating any Officer or Officers of the Customs or Excise, in the Execution of his or their Office or Duty, or of aiding or assisting therein, shall be, and are by the Authority of this present Act, acquitted, indemnified, released, and discharged, against the King's Majesty, his Heirs, and Successors, and any Officer or Officers of the Customs or Excise, and every of them, and all and every other Person or Persons, of and from all and every the said Offences, concerning which no Suit, Information, or Indictment, shall have been commenced, filed, or found, or Composition made, before the said First Day of May, One thousand seven hundred and fifty seven, upon the following Terms and Conditions; that is to say, That he do before he shall be apprehended or prosecuted for the same, and before the First Day of December, One thousand seven hundred and fifty seven, enter himself with some Commission Officer of his Majesty's Fleet to serve as a Common Sailor in the said Fleet, and do for Three Years at least from the Time of such Entry, unless he shall be sooner duly discharged from the Service, actually and bona fide serve and do Duty as such, in the said Fleet; and shall also before the said First Day of December, One thousand seven hundred and fifty seven, register his Name, Employment, and usual Place of Abode,

Smugglers, Runners of Goods, and other Offenders herein described, are indemnified from all such Offences committed before 1 *May*, 1757,

provided, before they are apprehended or prosecuted, and before 1 *December* next, they enter, and serve on board the Navy,

and register their Names, &c. with the Clerk of the Peace,

above, with the Clerk of the Peace of the County, Riding, or Division, where he resides, in a Book which is hereby directed to be kept by the said Clerk, among the Records of the Sessions for the said County, Riding, or Division, for this Purpose; and shall sign such Register, signifying that he claims the Benefit of this Act, and that he has entered himself with a certain Commission Officer by Name, of His Majesty's Fleet, to serve as a Common Sailor; which Entry shall be made in the following Form, and sign such Entry claiming the Benefit of the Act;

A. B. of claims the Benefit of an Act of the Thirtieth Year of the Reign of His Majesty King *George* the Second, and has entered himself with a Commission Officer of His Majesty's Fleet, and has registered his Name in the Book kept by the Clerk of the Peace of this County, Riding, or Division, this Day of pursuant to the Directions of the said Act. of which this is to be the Form.

For which Entry or Register there shall be paid to the Clerk of the Peace of such County, Riding, or Division, One Shilling, and no more; and that the said Clerk of the Peace shall immediately after the said First Day of May, One thousand seven hundred and fifty seven, from time to time, transmit to the Commissioners of the Customs and Excise, an exact Account of all the Persons who have by such Entry or Register as aforesaid, intitled themselves to claim the Benefit of this Act. Clerk's Fee thereupon, 1 s. who is to transmit an Account of the Claimants to the Commissioners of the Customs and Excise.

Provided always, and be it enacted by the Authority aforesaid, That every Person who shall make such Entry, and claim the Benefit of this present Act, as aforesaid, and shall afterwards be guilty of, or commit any of the like Offences, as those herein before mentioned, or hereby intended to be acquitted, released, or discharged; or shall at any Time after desert from the said Service, or within the said Three Years unduly procure his Discharge therefrom, shall be subject and liable to be prosecuted, not only for or in respect of such new Offence, but shall also be subject and liable to all the same Pains, Penalties, and Forfeitures, as he would have incurred, or been subject or liable to, in case this Indemnity had never been given; any thing herein contained to the contrary notwithstanding. The said Persons being guilty of the like Offences afterwards, or deserting, or unduly procuring their Discharge, liable to Prosecution for the former, as well as such new Offences.

Provided also, That if any Officer of His Majesty's Navy shall by false Muster or Certificate, or in Consideration of a Gratuity of any Kind, or by any other Officer permitting any such Person to avoid actual Service, forfeits 500 *l.*

collusive or evasive Ways or Means whatsoever, suffer or permit such Person to avoid the actual Service as aforesaid, such Person shall not only lose the Benefit of this Act, but every such Officer shall suffer the Penalty of Five hundred Pounds.

and such Person loses the Benefit of the Act.

Persons so entering themselves are disabled from bringing any Action against the King's Officers, &c. for Offences intended to be discharged by this Act.

Provided also, and be it enacted by the Authority aforesaid, That no Person who shall have made such Entry with the Clerk of the Peace as aforesaid, or receive or be intitled to any Benefit or Advantage by virtue of this present Act of Indemnity, shall be capable of maintaining any Action brought, or to be brought by him, against any Officer of His Majesty's Customs or Excise, or against any Person or Persons who shall or may have been aiding or assisting to any Officer for or concerning any Matter, Cause, or Thing, done or committed by such Officer, or by any Person or Persons aiding and assisting him on Occasion, or for any other Matter or Thing by this Act intended to be acquitted, indemnified, released, and discharged; but such Claim is and shall be deemed an absolute Discharge and Release to such Officer, who may plead the General Issue, and give a Copy of such Claim, so as aforesaid entered with the said Clerk of the Peace, and this Act, in Evidence, on such Action or Prosecution.

General Issue.

Prohibition of Suits against Persons entering themselves.

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Person who shall duly enter himself to serve as a Common Sailor in His Majesty's Fleet for the Term of Three Years at least, in pursuance of this Act, shall, during such Term of Three Years (unless he shall within such Space of Time desert or withdraw from such Service) be liable to be apprehended or imprisoned, or to be sued or prosecuted in any Manner whatsoever, for or on account of any of the Offences intended to be released by this Act.

FINIS.