ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

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CAP. XXXIII.

An Act to amend Two Acts, made in the Twenty-ſixth Year of King *George* the Second, and the Twenty-eighth Year of the Reign of His preſent Majeſty, reſpecting the Performance of Quarantine; for puniſhing Perſons acting contrary to any Order in Council, which may be made for laying any Embargo on Ships or Veſſels, or for prohibiting or regulating the Exportation of any Goods, Wares, or Merchandize; to prevent the fraudulent Importation of Glaſs into this Kingdom; for permitting the Removal of Coffee and Cocoa Coaſtwiſe, for the greater Convenience of Exportation; to authorize the Commiſſioners of the Cuſtoms to return the Duties paid on Goods imported, which ſhall be loſt or deſtroyed before the Landing thereof; to prevent Veſſels licenſed by the Admiralty, from being engaged in any Trade or Employment not permitted by their Licences; for permitting Wines put on board any of His Majeſty's Ships,

to be removed from One Ship to another, without being first landed and warehoused; and for extending the Provisions of an Act, made in the Thirty-third Year of the Reign of His present Majesty, to Wines delivered into the Charge of the Collector and Comptroller of His Majesty's Customs at the Port of *Falmouth*. [5th *April* 1798.]

Preamble.

26 *Geo.* II, Cap. 6.

WHEREAS by an Act, passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act to oblige Ships more effectually to perform their Quarantine, and for the better preventing the Plague being brought from Foreign Parts into* Great Britain *or* Ireland, *or the Isles of* Guernsey, Jersey, Alderney, Sark, *or* Man; all Ships and Vessels arriving, and all Persons, Goods, and Merchandizes, whatsoever, coming or imported into any Port or Place within *Great Britain* or *Ireland*, or the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, from any Place, from whence His Majesty, His Heirs or Successors, by and with the Advice of His or their Privy Council, shall judge it probable the Infection may be brought, are required to make their Quarantine in such Manner as directed by His Majesty, His Heirs or Successors, by His or their Orders, made in His or their Privy Council, and notified by Proclamation, or published in the *London Gazette*, and under divers Rules, Regulations, Restrictions, Provisions, Pains, Penalties, and Forfeitures, in the said Act contained: And whereas by an Act, passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act more effectually to secure the Performance of Quarantine; and for amending several Laws relating to the Revenue of Customs*; further Provisions were made for Performance of Quarantine: And whereas it is necessary to make further Provisions, effectually to secure the due Performance of Quarantine; 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 Commander, Master, or other Person, having the Charge of any Ship or Vessel liable to the Performance of Quarantine, shall, and is hereby required, from and after the First Day of *January* One thousand seven hundred and ninety-nine, at all Times when such Ship or Vessel shall meet with any other Ship or Vessel at Sea, or shall be within Four Leagues of the Coast of *Great Britain* or *Ireland*, or the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to hoist a Signal, as by the said recited Act is required, to denote that his Vessel is liable to the Performance of Quarantine; which Signal shall be, in the Day-time, a large Yellow Flag of Six Breadths of Bunting, at the Main-top-mast Head; and in the Night-time, a large Signal Lantern, such as is commonly used on board His Majesty's Ships of War, with a Light at the same Mast-head; and such Commander, Master, or other Person, shall keep the Signal hoisted, during such Time as the Ship or Vessel shall continue within Sight of such other Ship or Vessel, or within Four Leagues of the said Coasts or Islands, and until she shall be legally discharged from the Performance of Quarantine; on Failure whereof, such Commander,

28 *Geo.* III, Cap. 34.

From *Jan.* 1, 1799, every Commander of a Vessel, liable to Quarantine, to hoist a Signal when he shall meet another Vessel, or be within Four Leagues of the Coast of *Great Britain*, &c. on Penalty of 200 *l.*

Master, or other Person, having Charge of such Ship or Vessel, so liable to the Performance of Quarantine, shall forfeit for every Offence the Sum of Two hundred Pounds.

From *July* 1, 1798, Pilots conducting Vessels liable to Quarantine, into Places not specially appointed, to forfeit 100 *l.*

II. And whereas, notwithstanding certain Places are by Law specially appointed for the Reception of Ships and Vessels liable to the Performance of Quarantine, it frequently happens that Pilots conduct Ships and Vessels so liable to the Performance of Quarantine, into Places which are not specially appointed for the Reception of such Ships or Vessels; be it therefore enacted, That, from and after the First Day of *July* One thousand seven hundred and ninety-eight, in case any Pilot shall bring or conduct, or cause to be brought and conducted, any Ship or Vessel liable to the Performance of Quarantine, into any Place which is not, or which shall not be specially appointed for the Reception of Ships and Vessels so liable to the Performance of Quarantine, unless compelled by Stress of Weather, adverse Winds, or Accidents of the Seas, such Pilot shall, for each and every such Offence, forfeit the Sum of One hundred Pounds.

Where Offences may be tried.

III. And be it further enacted, That every Offence committed contrary to or in Breach or Violation of the said recited Acts, or of this Act, or any Order or Orders of His Majesty, His Heirs or Successors, now or hereafter to be made, in His or their Privy Council, touching or respecting Quarantine, and notified by Proclamation, or published in the *London Gazette*, shall and may be tried, heard, and determined, in any County within *Great Britain*, or in the proper Courts of the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, respectively.

All Acts regarding Quarantine to extend to all Diseases declared infectious by Proclamation, or by Publication in the *Gazette*.

IV. And whereas contagious Diseases or Distempers have raged, and may rage in Foreign Parts, which may not be deemed the Plague, and not within the Provisions contained in the said Acts, although the Communication of such Diseases or Distempers may be highly injurious to this Kingdom; and it is therefore expedient that the said recited Acts, and any other Act or Acts of Parliament, in any Way regarding the Performance of Quarantine, should be extended, and declared to extend, to such Contagious Diseases or Distempers; be it therefore enacted, That the said recited Acts, and all and every other Acts or Act of Parliament now in Force, in any Way regarding the Performance of Quarantine, shall be extended, and the same are hereby declared to extend, to all such Diseases or Distempers, as His Majesty, by and with the Advice of His Privy Council, shall judge to be probably infectious, and shall so declare by Order in Council notified by Proclamation, or published in the *London Gazette*; and all the Rules, Regulations, Restrictions, Provisions, Pains, Penalties, and Forfeitures, contained in the said recited Acts, and in all and every other Acts and Act of Parliament now in Force regarding the Performance of Quarantine, shall be extended and applied, and are hereby declared to extend and apply, to such Diseases and Distempers respectively, in the same Manner as if each and every the Powers, Directions, Authorities, Clauses, Matters, and Things, in such Acts respectively contained, relating to the Disorder called *The Plague* were particularly repeated and re-enacted in the Body of this present Act, and applied to such other Diseases and Distempers as aforesaid respectively.

V. And

Offences againſt any Order in Council laying an Embargo on Veſſels, or prohibiting or regulating the Exportation of Goods, may be tried in any Court in *Great Britain*, or in *Guernſey*, &c.

V. And whereas by the ſaid recited Act of the Twenty-eighth Year of His preſent Majeſty's Reign, it is provided that every Offence contrary to or in Breach or Violation of the ſaid recited Acts of the Twenty-ſixth Year of His late Majeſty's Reign, and the Twenty-eighth Year of His preſent Majeſty's Reign, or any Order or Orders of His Majeſty, His Heirs or Succeſſors, to be made in His or their Privy Council touching or reſpecting Quarantine, and notified by Proclamation, or publiſhed in the *London Gazette*, ſhall and may be tried, heard, and determined in any County within *Great Britain*, or in the proper Courts of the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, reſpectively: And whereas it is expedient that the like Proviſion ſhould be extended to all Offences againſt any Order of His Majeſty in Council, which His Majeſty is by Law empowered to make, for laying any Embargo on any Ships or Veſſels, or prohibiting the Exportation of any Goods, Wares, or Merchandize, or regulating the ſame; be it enacted, That every Offence committed contrary to any Order or Orders of His Majeſty in Council, which His Majeſty is by Law empowered to make, for laying any Embargo on any Ships or Veſſels, or prohibiting or regulating the Exportation of any Goods, Wares, or Merchandizes, ſuch Order or Orders being notified by Proclamation or publiſhed in the *London Gazette*, ſhall and may be tried, heard, and determined, in any Courts within *Great Britain*, or in the proper Courts of the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, reſpectively, notwithſtanding ſuch Offences may have been committed at Sea, not within the Body of any County, or within the ſaid Iſles reſpectively; and any Perſons or Perſon who ſhall be ſo tried and convicted of any ſuch Offence, ſhall and may be puniſhed for the ſame, by Fine and Impriſonment, at the Diſcretion of the Court in which ſuch Perſons or Perſon ſhall be ſo tried and convicted, and the Notification of any ſuch Order by ſuch Proclamation or by ſuch Publication in the *London Gazette*, ſhall be deemed ſufficient Notice of ſuch Order to all Perſons bound to obey the ſame; and upon any Trial for any ſuch Offence, the Production of the *London Gazette*, containing any ſuch Proclamation or Order, ſhall be ſufficient Evidence of ſuch Proclamation or Order.

Packages containing unframed Glaſs imported, to be marked "Glaſs," on Penalty of Forfeiture.

VI. And whereas the fraudulent Importation of Glaſs into this Kingdom has of late very much increaſed, to the Injury of the Revenue and of the fair Trader, be it therefore enacted, That every Package containing any Plate or Plates of Glaſs unframed, being Plate Glaſs, Crown Glaſs, or Glaſs called *Sheet Glaſs*, which ſhall be imported into this Kingdom, or which ſhall be brought into this Kingdom for the Purpoſe of Exportation, ſhall be marked or ſtamped on the Outſide thereof, in Roman Letters not leſs than Four Inches in Length, with the Word "Glaſs"; and in caſe any ſuch Glaſs ſhall be ſo imported or brought for Exportation, without having the outſide Package thereof marked or ſtamped as aforeſaid, ſuch Glaſs, together with the Package, and all Goods, Wares, or Merchandize, contained therein, ſhall be forfeited.

Maſters of Veſſels to report every Package in which ſuch Glaſs ſhall be imported, on

VII. And be it further enacted, That the Maſter or other Perſon having or taking the Charge or Command of every Ship or Veſſel in which any ſuch Glaſs ſhall be imported into this Kingdom, or brought for the Purpoſe of Exportation, ſhall, in the Report of his Ship's Cargo, expreſs every Package or Packages in which ſuch Glaſs ſhall be contained, as containing

containing Glaſs; and in caſe any Package ſhall be found on Board ſuch Ship or Veſſel containing ſuch Glaſs, the Contents of which ſhall not have been reported as Glaſs, ſuch Package, together with the Glaſs, ſhall be forfeited, and the Maſter or other Perſon having or taking the Charge or Command of ſuch Ship or Veſſel, ſhall forfeit One hundred Pounds. Penalty of its Forfeiture, and 100 *l.*

VIII. And be it further enacted, That no ſuch Glaſs ſhall be imported into this Kingdom, or brought into the ſame for the Purpoſe of Exportation, in any Package whatever, which ſhall not contain Five hundred Weight nett at leaſt of ſuch Glaſs, under the Penalty of the Forfeiture thereof: Provided always, that this Act ſhall not extend to forfeit any Plate or Plates of Glaſs being of the Length of Sixty Inches or upwards, on Account of the ſame not being imported, or brought in Packages marked and deſcribed as aforeſaid. Such Glaſs imported in Packages not containing 5 Cwt. forfeited, but not to extend to Plates 60 Inches long.

IX. And be it further enacted, That this Act, ſo far as the ſame relates to the Importation of Glaſs, ſhall commence and take Effect at the Expiration of Six Calendar Months after the paſſing thereof. Commencement of Act reſpecting Glaſs.

X. And whereas it is expedient to permit Coffee and Cocoa warehouſed, on Importation in one Port of *England*, to be removed to ſome other Port thereof, for the greater Convenience of Exportation, be it enacted, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms, or any Four or more of them, (provided they ſee no reaſonable Objection thereto), to grant Permiſſion for the Removal of ſuch Coffee and Cocoa from the Port of Importation as aforeſaid, to any other Port in *England*, for the Purpoſe of exporting the ſame accordingly, under ſuch Rules, Regulations, and Reſtrictions, as the ſaid Commiſſioners, or any Four or more of them, ſhall think fit and proper to require, for the Security of the Revenue. Commiſſioners of the Cuſtoms may permit warehouſed Coffee and Cocoa to be removed from the Port of Importation, in order to the ſame being exported.

XI. And whereas it is expedient that Proviſion ſhould be made for the Repayment, under certain Circumſtances, of the Duties of Cuſtoms which have been or may be paid on Goods imported into this Kingdom, and which have been or may be loſt or deſtroyed before the Landing thereof; be it further enacted, That, from and after the paſſing of this Act, in all Caſes where Goods, Wares, or Merchandize, ſhall be loſt or deſtroyed by unavoidable Accident, after the Duties of Cuſtoms have been or may be paid for the ſame, and previous to the Landing thereof, it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms, or any Four or more of them, in *England*, for the Time being, or the Commiſſioners of His Majeſty's Cuſtoms, or any Three or more of them, in *Scotland*, for the Time being, and they are hereby required to return, in ſuch Manner as they ſhall reſpectively judge expedient, the Amount of the ſaid Duties which ſhall have been paid before the paſſing of this Act, or may be paid at any Time ſubſequent thereunto, to the Importers or Proprietors of ſuch Goods; provided Proof ſhall be made, to the Satisfaction of the ſaid Commiſſioners reſpectively, that ſuch Goods, Wares, or Merchandize, were loſt or deſtroyed by unavoidable Accident, and not from any Want of due Care or Precaution on the Part of the Proprietor, or his or her Agent, after the ſame were imported into and before the ſame were landed in *Great Britain*; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. Commiſſioners of the Cuſtoms may return Duties on Goods loſt or deſtroyed before landing, on Proof that it was by unavoidable Accident.

27 *Geo.* III, Cap. 32, recited.

XII. And whereas by an Act, paſſed in the Twenty-ſeventh Year of the Reign of His preſent Majeſty, for making further Proviſions in regard to ſuch Veſſels as are particularly deſcribed in an Act, made in the Twenty-fourth Year of the Reign of His preſent Majeſty, for the more effectual Prevention of Smuggling in this Kingdom, and for extending the ſaid Act to other Veſſels and Boats not particularly deſcribed therein, it is amongſt other Things enacted, that in caſe any of the Veſſels therein deſcribed ſhall be found beyond the Limits preſcribed in the Licences granted by the Lord High Admiral of *Great Britain*, or Commiſſioners of the Admiralty, for the Time being, ſuch Veſſels ſhall and may be ſeized and proſecuted in the like Manner as the ſame might be or would have been in caſe of no Licence having been procured: And whereas the ſaid Act does not extend to Caſes where a Veſſel or Boat is found within the Limits of her Licence, although engaged for or uſed in a Trade or Employment not permitted or ſanctioned by ſuch Licence, be it enacted, That, from and after the Firſt Day of *July* One thouſand ſeven hundred and ninety-eight, in caſe any Cutter, Lugger, Shallop, Wherry, Sloop, Smack, or Yawl, or any Ship, Veſſel, or Boat, for which there ſhall have been obtained from the Lord High Admiral of *Great Britain*, or the Commiſſioners of the Admiralty, for the Time being, a Licence, limiting or confining the Navigation of ſuch Cutter, Lugger, Shallop, Wherry, Sloop, Smack, or Yawl, or any Ship, Veſſel, or Boat, to any particular Trade or Employment, and ſuch Cutter, Lugger, Shallop, Wherry, Sloop, Smack, or Yawl, or any Ship, Veſſel, or Boat, ſhall be engaged for or uſed in any other Trade or Employment whatever within the Date of the Licence, ſuch Cutter, Lugger, Shallop, Wherry, Sloop, Smack, or Yawl, or any Ship, Veſſel, or Boat, ſhall and may be ſeized and proſecuted in the ſame Manner as ſhe might or would have been in caſe of no Licence having been procured for her.

From *July* 1, 1798, any Cutter, &c. for which Licence ſhall have been obtained from the Admiralty, uſed in any other Trade than that for which licenſed, may be ſeized.

Cutters, &c. ſeized, may be diſpoſed of, as directed by the laſt-recited Act.

XIII. And be it further enacted, That all and every Cutter, Lugger, Shallop, Wherry, Sloop, Smack, or Yawl, and all and every Ship, Veſſel, or Boat, which ſhall be ſeized by virtue or in purſuance of the ſaid recited Act or of this Act, ſhall be diſpoſed of, and the Produce thereof applied, in ſuch and the like Manner, and under ſuch and the like Rules, Regulations, and Reſtrictions, as Veſſels and Boats forfeited by the ſaid herein-before recited Act are directed to be diſpoſed of, and the Produce thereof applied.

The Sea Stock of Liquors of Officers of the Navy, may be removed from one Ship to another, Duty free.

XIV. And whereas it is expedient that Wines which have been put on Board any of His Majeſty's Ships for the Uſe of any Admirals, Captains, or Commiſſion Officers, under the Authority of an Act paſſed in the Thirty-third Year of His Majeſty's Reign, ſhould be allowed to be removed from one Ship to another without ſuch Wines being firſt landed and warehouſed; be it therefore further enacted by the Authority aforeſaid, That in all Caſes where any Admiral, Captain, or other Commiſſioned Officer, ſhall be deſirous of removing his Sea Stock of Liquors from one Ship to another, the proper Officers of the Cuſtoms ſhall, with the Approbation of the Commiſſioners of the Cuſtoms, or any Four or more of them, permit the ſame to be tranſhipped accordingly, without Payment of any Duty whatever, under the like Rules, Regulations, and Reſtrictions, as are provided for the tranſhipping of Liquors by the ſaid recited Act.

XV. And

XV. And whereas it is expedient that the Drawback allowed by the ſaid recited Act ſhould be extended to Wines which may be delivered into the Charge of the Collector and Comptroller of His Majeſty's Cuſtoms at *Falmouth*, in the ſame Manner as at any of the Ports particularly mentioned in the ſaid Act; be it therefore enacted, That every Clauſe, Matter, and Thing, in the ſaid recited Act contained, relating to the Allowance of the Drawback on Wines in any of the Ports therein enumerated, ſhall be and the ſame is hereby extended to Wines delivered into the Charge of the Collector and Comptroller of His Majeſty's Cuſtoms at the Port of *Falmouth*, in the ſame Manner and under the ſame Rules, Regulations, Reſtrictions, Penalties, and Forfeitures, as if the ſaid Port of *Falmouth* had been enumerated in the ſaid recited Act.

Drawback on Wines in Ports enumerated in 33 *Geo.* III, Cap. 48, to extend to Wines delivered into the Charge of the Collector and Comptroller of the Cuſtoms at *Falmouth*.

XVI. And be it further enacted by the Authority aforeſaid, That all Forfeitures created and incurred by this Act ſhall and may be ſued for, proſecuted, recovered, and diſpoſed of, in ſuch Manner, and by ſuch Ways, Means, and Methods, as any Forfeitures incurred for any Offence againſt the Laws of the Cuſtoms may now legally be ſued for, proſecuted, recovered, and diſpoſed of, and the Officer or Officers concerned in Seizures or Proſecutions under this Act, ſhall be entitled to and receive ſuch Share of the Produce ariſing from the Seizures as they are now by Law entitled to upon Proſecutions of Seizures for unlawful Importation.

Recovery and Diſpoſal of Forfeitures.

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