ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LXXXII.

An Act to alter, amend, and render more effectual an Act, made in the Twenty-fourth Year of the Reign of His present Majesty, for the more effectual Prevention of Smuggling in *Great Britain*.

[22d *June* 1802.]

WHEREAS by an Act passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the more effectual Prevention of Smuggling in this Kingdom*, and by several other Acts made since the passing of the said recited Act, certain Ships, Vessels, and Boats in the said Act respectively particularly described, are, if found at Anchor, or hovering within the Limits of any of the Ports of *Great Britain*, or within Four Leagues of the Coast thereof, or discovered to have been within the said Limits or Distances under certain Circumstances, subject and liable to Forfeiture, together with all the Goods laden on board any such Ship, Vessel, or Boat, and the Guns, Furniture, Ammunition, Tackle, and Apparel thereof; And whereas it is expedient for the more effectual Prevention of the Practice of Smuggling, and the Protection of the publick Revenue and the fair Trader, that the Provisions of the Laws now in force relating

24 Geo. 3. c. 47.

to ſuch Ships, Veſſels, and Boats, and to the Prevention of the clandeſtine Importation and Running of prohibited Goods, and Goods liable to Duties, ſhould be extended; 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, from and after the paſſing of this Act, every Ship, Veſſel, and Boat deſcribed in the ſaid recited Act, or any other Act or Acts paſſed for the extending the Proviſions thereof, or for the better Prevention of Smuggling, and which would, under and by virtue of any of the Proviſions of the ſaid recited Act, or any other ſuch Act or Acts as aforeſaid in force on and immediately before the paſſing of this Act, be ſubject and liable to Forfeiture for hovering, or being found or diſcovered to have been within Four Leagues of the Coaſt of *Great Britain*, ſhall, together with all Goods laden on board, and the Guns, Furniture, Ammunition, Tackle, and Apparel, be ſubject and liable to Forfeiture if hovering, or found or diſcovered to have been within Eight Leagues of the Coaſt of *Great Britain*, under any of the Circumſtances in the ſaid recited Act, or any other ſuch Act or Acts as aforeſaid, ſpecified, deſcribed, or mentioned; and the ſaid recited Act, and all other Acts in force on and immediately before the paſſing of this Act, and all Clauſes, Proviſions, Powers, Authorities, Forfeitures, Penalties, Reſtrictions, Exemptions, Exceptions, Matters, and Things therein contained, relating to Ships, Veſſels, or Boats hovering, or found or diſcovered to have been within Four Leagues of the Coaſt of *Great Britain*, and alſo relating to any Goods laden or being on board any ſuch Ships, Veſſels, or Boats, and the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, ſhall be, and the ſame is and are hereby extended, and hereby directed and declared ſeverally and reſpectively to extend, and ſhall from and after the paſſing of this Act, be deemed and conſtrued to extend, and ſhall apply and be in full Force, and applied and put in Execution, as to all Ships, Veſſels, and Boats deſcribed in any ſuch Act or Acts as aforeſaid, which ſhall, under any of the Circumſtances ſpecified, deſcribed, or mentioned in any ſuch Act or Acts as aforeſaid, be hovering, or found or diſcovered to have been within Eight Leagues of the Coaſt of *Great Britain*, and alſo to all Goods laden on board any ſuch Ships, Veſſels, or Boats, and the Guns, Furniture, Ammunition, Tackle, or Apparel thereof, in as full and ample a Manner to all Intents and Purpoſes as if the ſaid Act and Acts, and all the Clauſes, Proviſions, Powers, Authorities, Forfeitures, Penalties, Reſtrictions, Exemptions, Exceptions, Matters, and Things relating thereto, were particularly and expreſsly repeated and re-enacted in the Body of this preſent Act, as to ſuch Diſtance of Eight Leagues as aforeſaid.

Veſſels deſcribed in the recited Act, or any other Act for the Prevention of Smuggling, found hovering within Eight Leagues of the Coaſt of *Great Britain*, ſhall be forfeited, with the Cargo, *&c.*

II. And be it further enacted, That, from and after the paſſing of this Act, all Pains, as well Pains of Death as other Pains, and all Forfeitures, Fines, and Penalties, and all Proviſions, Powers, Authorities, Rules, Regulations, Reſtrictions, Exemptions, and Exceptions contained in the ſaid recited Act, or any other Act or Acts of Parliament, in force on and immediately before the paſſing of this Act, and every Clauſe, Matter, and Thing therein contained, relating to any Ships, Veſſels, or Boats, deſcribed in the ſaid recited Act, or any other Act or Acts now in force for the Prevention of Smuggling, hovering, or found or diſcovered to have

Pains and Penalties and all Clauſes contained in the recited Act *etc.* relating to Veſſels deſcribed therein, found hovering within Four Leagues of the Coaſt, ſhall extend to

have been within Four Leagues of the Coaſt of *Great Britain*, or to any Goods laden on board any ſuch Ship, Veſſel, or Boat, or any Guns, Furniture, Ammunition, Tackle, or Apparel thereof, or to any Maſter or other Perſon having or taking the Charge or Command, or any other Perſon on board of any ſuch Ship, Veſſel, or Boat, ſhall extend, and be deemed, conſtrued, and taken to extend, and ſhall apply and be in full Force, and put in Execution in all Caſes, and for all Purpoſes, as to all ſuch Ships, Veſſels, or Boats as aforeſaid, hovering, or found or diſcovered to have been within Eight Leagues of the Coaſt of *Great Britain*; and as to all Goods laden on board any ſuch Ship, Veſſel, or Boat, and as to every Maſter or other Perſon having or taking the Charge or Command, or other Perſon on board of any ſuch Ship or Veſſel as aforeſaid, in as full and ample a Manner, to all Intents and Purpoſes, as if the ſaid Act and Acts, and all Pains, as well Pains of Death as other Pains, and all Forfeitures, Fines, and Penalties, Proviſions, Powers, Authorities, Rules, Regulations, Reſtrictions, Exemptions, Exceptions, Clauſes, Matters, and Things relating thereto, and contained and enacted therein, were particularly and expreſsly repeated and re-enacted in the Body of this preſent Act, as to ſuch Diſtance of Eight Leagues as aforeſaid; any Thing in any Act or Acts to the contrary notwithſtanding.

Such Veſſels hovering within Eight Leagues, and to their Cargoes, etc.

III. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend, to alter ſuch Diſtance of Four Leagues as aforeſaid as to that Part of the Coaſt of *Great Britain* which is between the North Foreland on the Coaſt of *Kent* and *Beachy Head* on the Coaſt of *Suſſex*: Provided nevertheleſs, that ſuch Diſtance of Eight Leagues, in this Act mentioned, may and ſhall be meaſured in any Direction between the Southward and Eaſtward of *Beachy Head*; and that this Act, and all the Proviſions thereof ſhall extend, and be deemed and conſtrued to extend, to ſuch Limits and Diſtance of Eight Leagues in every Direction from *Beachy Head*, although any Part of ſuch Limits ſo extended may exceed the Diſtance of Four Leagues before mentioned, from any Part of the Coaſt of *Great Britain* to the Eaſtward of *Beachy Head* aforeſaid.

Act not to alter ſuch Diſtance of Four Leagues as to the Coaſt between the North Foreland and Beachy Head, &c.

IV. And be it further enacted, That if on any Trial relating to the Seizure or Forfeiture of any ſuch Ship, Veſſel, or Boat, or Tackle, Apparel, Guns, Furniture, or Ammunition thereof, or any Goods laden on board the ſame reſpectively, hovering, or being found, or diſcovered to have been within any Limits or Diſtances mentioned in the ſaid recited Act or this Act, or any other Act or Acts made for the Prevention of Smuggling, or ſeized as or proceeded againſt in due Courſe of Law for hovering, or ſo found or diſcovered as aforeſaid, it ſhall appear to the Jury impannelled on ſuch Proceeding as aforeſaid, that, from the Evidence given on ſuch Trial, it is doubtful whether ſuch Ship, Veſſel, or Boat, was within ſuch Limits or Diſtances as aforeſaid, but it ſhall nevertheleſs at the ſame Time be made appear to the Satisfaction of ſuch Jury, and ſuch Jury ſhall be fully ſatisfied, that ſuch Ship, Veſſel, or Boat, had on board prohibited Goods or Goods liable to the Payment of Duties, and was then bound for or hovering on the Coaſt of *Great Britain*, for the Purpoſe of the clandeſtine Importation or illegal running of the ſame, it ſhall be lawful for ſuch Jury to find a Verdict for the Crown, as to any ſuch Ship,

Though on any Trial relating to Seizures it ſhall appear doubtful whether the Veſſel was within the Limits above mentioned, yet the Jury ſhall find a Verdict for the Crown, if they are ſatisfied that the Veſſel had prohibited Goods on board, etc.

Ship, Veſſel, or Boat, and any Goods laden on board, and the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, in like Manner as if it had been fully proved that ſuch Ship, Veſſel, or Boat, was hovering or found, or had been diſcovered to have been within any ſuch Limits or Diſtances as aforeſaid.

Act not to alter ſuch Limits, *etc.*

V. Provided always, That nothing herein contained ſhall be conſtrued to extend to alter any ſuch Limits or Diſtances, or to any Caſes in which there ſhall not be Doubt as to whether ſuch Ship, Veſſel, or Boat, in reſpect whereof any ſuch Queſtion ſhall ariſe, was hovering, or found or diſcovered to be within ſuch Limits or Diſtances reſpectively as aforeſaid.

Perſons making Lights, or Fires, *etc.* on the Coaſt of *Great Britain* at certain Times, for the Purpoſe of giving Signals to Smuggling Veſſels, ſhall forfeit 100*l.*

VI. And whereas the illicit Importation and fraudulent landing of Goods are greatly facilitated, and great Hazard and Danger occaſioned to the Lives and Properties of Perſons navigating Veſſels on the Coaſts of *Great Britain*, by the temporary and occaſioned Lights, Fires, and Blazes made by Perſons on or from the Coaſt and Shores of *Great Britain*, as private Signals to Smuggling Veſſels; be it therefore enacted, That, from and after the paſſing of this Act, if any Perſon ſhall, after Sun-ſet and before Sun-riſe between the Twenty-firſt Day of *September* and the Firſt Day of *April*, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning, between the laſt Day of *March* and the Twenty-ſecond Day of *September*, make, or aid or aſſiſt in the making, or be preſent for the Purpoſe of aiding and aſſiſting in making any Light, Fire, or Blaze, or any Signal by Smoke, or by Rockets, Fire Works, Flags, firing of Guns, or other Fire Arms, or any other Contrivance or Device on or from any Part of the Coaſt or Shores of *Great Britain*, for the Purpoſe of making or giving any Signal to any Perſon or Perſons on board any Smuggling Ship, Veſſel, or Boat, or any Ship, Veſſel, or Boat, hovering or found, or diſcovered to have been within any Limits or Diſtances mentioned in this Act, or any former Act or Acts paſſed for the Prevention of Smuggling, ſuch Perſon ſhall, for each and every Offence, forfeit and pay the Sum of One hundred Pounds.

In what Manner ſuch Penalties ſhall be recovered and applied.

VII. And be it further enacted, That every ſuch Penalty of One hundred Pounds by this Act impoſed, may be ſued for and proſecuted at any Time within Twelve Months after the Offence ſhall have been committed, and may be recovered either by Information or otherwiſe, in His Majeſty's Court of Exchequer at *Weſtminſter*, and levied as any Fine, Penalty, or Forfeiture may be ſued for, recovered, or levied under any Act or Acts made for the ſecuring the Revenue of Cuſtoms, or by Information or Indictment before the Juſtices at the Quarter Seſſions of the Peace neareſt to the Place where ſuch Offence or Offences as aforeſaid, ſhall or may be committed; and Three Fourth Parts of every ſuch Penalty ſhall be to His Majeſty, His Heirs and Succeſſors, and the remaining Fourth Part to the Perſon who ſhall inform, diſcover, or ſue for the ſame.

Commiſſioners of Cuſtoms or Exciſe may order the Charges of

VIII. And be it further enacted, That it ſhall be lawful for the Commiſſioners of Cuſtoms and Exciſe reſpectively, and they are hereby empowered to order the Charges of any Proſecution before any Juſtices at

at Quarter Seſſions for any ſuch Offence as aforeſaid, to be paid out of any Money in the Hands of the Receiver General of the Cuſtoms and Exciſe reſpectively, ariſing by any Branch of the Revenue under their reſpective Management; and in every Caſe where the ſaid Court of Exchequer, or any ſuch Juſtices as aforeſaid, ſhall in lieu of levying or cauſing to be levied any ſuch Penalty, commit any ſuch Offender to a Houſe of Correction, it ſhall be lawful for the ſaid Commiſſioners reſpectively, to order and direct any Sum not exceeding Twenty-five Pounds to be paid out of any like Monies as aforeſaid to any Perſon or Perſons who ſhall have informed againſt, diſcovered, or proſecuted any ſuch Offender as aforeſaid.

Proſecution before any Quarter Seſſions to be paid out of the Revenue; and when the Offender ſhall be committed to the Houſe of Correction, they ſhall order a Sum not exceeding 25 *l.* to be paid the Informer.

IX. And be it further enacted, That it ſhall and may be lawful for ſuch Juſtices by their Order or Warrant, to levy every Penalty and Forfeiture incurred by any Offender or Offenders againſt this Act, by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and in caſe ſuch Offender or Offenders have not, nor hath Goods or Chattels ſufficient to anſwer the Penalty or Penalties againſt him, her, or them, recovered, then without any Warrant for the Purpoſe, or if ſuch Penalty or Penalties cannot be wholly levied by virtue of the Warrant or Warrants which ſhall be for that Purpoſe iſſued, ſuch Juſtices ſhall and lawfully may commit every ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the County or Place in or for which ſuch Juſtices ſhall then act, there to remain without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, unleſs the Whole of ſuch Penalty or Penalties ſhall be ſooner paid.

Penalties how to be recovered.

X. And be it further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any Officer or Officers of the Cuſtoms or Exciſe, and for all other Perſons acting in their Aid and Aſſiſtance, to put out, extinguiſh, and deſtroy any ſuch Light, Fire, or Blaze, or any Smoke, Signal, Rocket, Firework, or other Contrivance or Device ſo made as aforeſaid for any ſuch Purpoſe as aforeſaid, and for that Purpoſe to go on any Lands without being deemed to be, or being liable to any Action or Proſecution for any Treſpaſs; and alſo to arreſt, ſtop, and detain all and every Perſon and Perſons who ſhall be found making, or aiding or aſſiſting in making any ſuch Light, Fire, Blaze, Smoke, Signal, Rocket, Firework, or other Contrivance or Device; and ſuch Officer or Officers, and all Perſons acting in their Aid and Aſſiſtance, ſhall forthwith carry and convey any Perſon or Perſons ſo arreſted as aforeſaid, before One or more of His Majeſty's Juſtice or Juſtices of the Peace reſiding near to the Place where ſuch Offence ſhall be committed, and ſuch Juſtice or Juſtices ſhall proceed againſt ſuch Perſon as a Rogue and Vagabond, in Manner herein-after mentioned, or if he or they ſee Cauſe, require any ſuch Perſon to give Bail in the Sum of Two hundred Pounds for his Appearance to anſwer any Proſecution for ſuch Offence, or in Default of giving ſuch Bail, commit ſuch Perſon or Perſons to the next County Gaol, there to remain until the ſucceeding Term, or next General Quarter Seſſions of the Peace to be holden for the ſame County or Place as the Caſe may

Officer of Cuſtoms or Exciſe may extinguiſh Lights, &c. made for Signals, and convey Perſons making the ſame before a Juſtice, who ſhall proceed againſt them as Rogues and Vagabonds, &c.

may be; and every Perſon who ſhall aſſault, reſiſt, oppoſe, moleſt, obſtruct, or hinder any Officer or Officers of Cuſtoms or Exciſe in any ſuch Duty as aforeſaid, ſhall be liable to ſuch and the like Proſecution for the ſame, as any Perſon is by any Law or Laws of Cuſtoms or Exciſe now liable to, for aſſaulting, reſiſting, oppoſing, moleſting, obſtructing, or hindering any Officer of Cuſtoms or Exciſe in the due Execution of their Duty.

Perſons ſo found making Lights, *etc.* ſhall be deemed Rogues and Vagabonds, within the Meaning of 17 Geo. 2. c. 5.

XI. And be it further enacted, That every Perſon who ſhall be found making, or aiding or aſſiſting in the making any ſuch Light, Fire, or Blaze, or Signal as aforeſaid, for any ſuch Purpoſes as aforeſaid, ſhall be deemed a Rogue and Vagabond within the true Intent and Meaning of an Act of the Seventeenth Year of the Reign of His ſaid late Majeſty, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and to Houſes of Correction*, and ſhall be puniſhable as ſuch Rogue and Vagabond accordingly; and all Perſons who ſhall be found offending againſt this Act in the Manner above mentioned ſhall and may be apprehended and conveyed before ſuch Juſtice or Juſtices of the Peace, as in and by the ſaid recited Act in relation to the Rogues and Vagabonds therein deſcribed, is directed; and the Juſtice or Juſtices before whom ſuch Offender ſhall be brought, ſuch Offender not having been ſued or proſecuted for the ſame Offence, without Covin or Colluſion aforeſaid, ſhall and may, upon full and ſufficient Proof of the Offence, in the Manner in and by the ſaid recited Act directed, order ſuch Offender to be ſent to the Houſe of Correction, there to remain until the next General or Quarter Seſſions of the Peace, for the County, Riding, Diviſion, or Place where the ſaid Offence was committed; and the Juſtices at ſuch Seſſions ſhall enter upon the Examination of the Caſe, and proceed therein according to the Directions of the ſaid recited Act of the Seventeenth Year of His ſaid late Majeſty; and all Juſtices of the Peace, Mayors, Bailiffs, Conſtables, Headboroughs, and other His Majeſty's Civil Officers within their reſpective Juriſdictions, are hereby empowered and ſtrictly required to uſe their utmoſt Endeavours to prevent the committing of any of the Offences aforeſaid by all lawful Ways and Means, and ſhall be and are hereby indemnified for any Thing done in Execution of this Act.

Powers of 17 Geo. 2. c. 5. extended to this Act for the Purpoſe of puniſhing ſuch Offenders.

XII. And be it further enacted by the Authority aforeſaid, That all other the Powers, Authorities, Rules, Directions, Puniſhments, and Proviſions preſcribed and inflicted in and by the ſaid recited Act of the Seventeenth Year of His ſaid late Majeſty, for the apprehending, ſecuring, and puniſhing Perſons as Rogues and Vagabonds within the true Intent and Meaning of the ſaid Act, not hereby altered, ſhall be applied and carried into Execution, in relation to the Perſons hereby declared to be Rogues and Vagabonds, as fully to all Intents and Purpoſes as if the ſame Powers, Authorities, Rules, Directions, Puniſhments, and Proviſions, and every of them, had ſeverally and reſpectively been re-enacted in this Act.

Perſons ſhall be liable to be proſecuted only Once for the ſame Offence.

XIII. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be liable to be proſecuted for any Offence againſt this Act, by both the Ways by this Act preſcribed;

nor ſhall any Perſon againſt whom any Action, Suit, or Information, for the Recovery of a pecuniary Penalty, hath been commenced and carried on with Effect, be liable to Impriſonment as a Rogue and Vagabond under this Act, for the ſame Offence; and that where any Perſon ſhall be convicted and ſentenced to Impriſonment, as a Rogue and Vagabond, under this Act, ſuch Perſon ſhall not be liable afterwards to be proſecuted for any pecuniary Penalty for the ſame Offence.

Limitation of Actions.

XIV. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Three Calendar Months next after the Fact committed and not afterwards, and ſhall be laid in the County or Place where the Cauſe of Complaint did ariſe, and not elſewhere; and the Defendant or Defendants in every 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 if the Jury ſhall find for the Defendant or Defendants in any ſuch Action or Suit, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame, as any Defendant hath in any other Caſes to recover Coſts by Law.

Treble Coſts.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1802.