

ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. LXXXIV.

An Act for amending and rendering more effectual an Act, paſſed in the laſt Seſſion of Parliament, to make more effectual Proviſion for the Prevention of Smuggling, and for regulating the Periods for cancelling and delivering up certain Bonds relating to the Revenue of Cuſtoms. [23d *June* 1808.]

WHEREAS an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act to make more effectual Proviſion for the Prevention of Smuggling:* And whereas it is expedient that ſome of the Proviſions of the ſaid Act ſhould be amended, and that further Proviſions ſhould be made for the more effectual carrying the ſaid Act into Execution, and that certain other Proviſions contained in other Acts relating to the Revenue of Cuſtoms ſhould be alſo amended: And whereas by the ſaid recited Act certain Veſſels therein deſcribed exceeding the Burthen of Fifty Tons, and rigged as Luggers, are made ſubject to Forfeiture: And whereas the Commiſſioners of the Cuſtoms in *England* and *Scotland* and *Ireland* reſpectively, did, after the paſſing of the ſaid Act, grant Licences to the Owners of ſuch Veſſels who were deſirous of navigating the ſame for the Purpoſes of the ſaid Act mentioned, and other lawful Purpoſes, although the Proviſions of the ſaid Act applied only to Veſſels not exceeding the Burthen of Fifty Tons; and it is expedient that all ſuch Licences

47 G. 3. Seſſ. 2. c. 66.

Licences should be made valid: May it therefore please Your Majesty that it may be enacted; and be it 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 the said Commissioners, and all Persons acting under their Authority and Direction, in granting any Licence shall be and they are hereby indemnified, and all such Licences are hereby declared and shall be deemed to be good and valid from the Period of granting thereof, and the Provisions of the said Act as to granting such Licence shall from the Day on which the said Act passed, extend and be construed to extend to all Vessels rigged and fitted as Luggers exceeding the Burthen of Fifty Tons by Admeasurement, and by the said Act before made liable to Forfeiture, and not to Vessels therein described under the Burthen of Fifty Tons; any Thing in the said Act contained to the contrary notwithstanding.

Licences granted under recited Act to Vessels exceeding 50 Tons declared valid.

II. And be it further enacted, That it shall be lawful for the said Commissioners respectively, at any Time within Ten Years from the Date of the First Licence granted under this Act in respect of any such Lugger as aforesaid, to renew any such Licence to the Owner or Owners of any such Vessel, on Proof to their Satisfaction of the Ownership of such Vessel having been changed by Death or otherwise; any Thing in the said recited Act to the contrary thereof in any wise notwithstanding.

Such Licences may be renewed within 10 Years of the Date of the First Licence.

III. Provided always, and be it further enacted, That no such Lugger as aforesaid, exceeding the Tonnage of Fifty Tons, shall have on board or be navigated by a greater Number of Men, (Officers and Boys included), than in the following Proportions; that is to say,

If of Eighty Tons or under, and above Sixty Tons, Eleven Men:

If of One hundred Tons or under, and above Eighty Tons, Twelve Men:

And if above One hundred Tons, One Man for every Ten Tons of such additional Tonnage:

Vessels to be navigated by the Proportion of Men herein mentioned.

And in case any such Lugger shall be found or discovered to have been within the Limits or Distances in the said recited Act mentioned, having on board any greater Number of Men than in the Proportion aforesaid, every such Lugger, and all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited, and shall and may be seized by any Officer or Officers of His Majesty's Army, Navy, or Marines, or of the Customs or Excise, and shall and may be prosecuted as Vessels forfeited under the said recited Act may be prosecuted; provided, that nothing herein contained shall extend to any Ship, Vessel, or Boat exempted in the said recited Act from the Provisions therein contained, respecting the Number of Men by which such Ship or Vessel or Boat may be navigated.

IV. And whereas Doubts have arisen whether any Licence is required for the navigating of any Vessel for which a Commission or Letter of Marque hath been granted and remains in force under an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for the Encouragement of Seamen, and for the better and more effectually Manning His Majesty's Navy; for regulating the Payment of Prize Money; and for making Provision for the Salaries of the Judges of the Vice Admiralty Courts in the Island of* Malta, *and in the* Bermuda *and* Bahama *Islands*;

43 G. 3. c. 160.

Hands, or under an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for the Encouragement of Seamen, and for the better and more effectually Manning His Majesty's Navy during the present War*; be it therefore declared and enacted, That every Ship and Vessel for which a Commission or Letter of Marque hath been or shall be granted under the said recited Acts of the Forty-third and Forty-fifth Years respectively, shall for and during the Time that such Commission or Letter of Marque shall remain in force be deemed and taken to be a Ship or Vessel licensed under the Provisions of the said recited Act of the last Session of Parliament, and any other Act relating to Licences of Vessels, and shall not be subject to Forfeiture for any Matter or Thing in respect of which a Licence is required by Law, although the Owner or Owners shall not have any Licence from the Commissioners of His Majesty's Customs. 45 G. 3. c. 72.

Vessels having Letters of Marque deemed Vessels licensed under the recited Act 47 G. 3. Sess. 2. c. 66.

V. And whereas Doubts have arisen whether Non-commissioned Officers of the Army, empowered and authorized under the Provisions of the said recited Act of the last Session of Parliament, to patrol for the Prevention of Smuggling, are empowered to stop, arrest, and detain Persons liable to be stopped, arrested, and detained, under the Laws in force for the Prevention of Smuggling, and it is expedient to remove such Doubts; be it therefore declared and enacted, That all the Powers, Authorities, Provisions, and Clauses contained in any Act or Acts of Parliament passed for the Prevention of Smuggling in relation to the stopping, arresting, and detaining any Persons liable to be stopped, arrested, or detained under the said recited Act of the last Session of Parliament, or any other Act or Acts passed for the Prevention of Smuggling, shall extend and be deemed and construed to extend to every Warrant and Non-commissioned Officers of His Majesty's Army, not being below the Rank of a Serjeant, who hath been or shall be approved of by the Officer for the Time being commanding the Regiment in which he serves, as proper and qualified to patrol for the Purpose of preventing illicit Practices on the Revenue, under the said recited Act of the last Session of Parliament.

Non-commissioned Officers of the Army may stop Persons liable to be detained under any Act relating to Smuggling.

VI. And be it further enacted, That every Officer or other Person making Seizure of any Spirits, Tobacco, or Snuff, who shall also arrest, stop, and detain any One or more of the Persons found on board of any Ship, Vessel, or Boat, in or on board of which such Spirits, Tobacco, or Snuff, shall have been or shall be brought, found, or seized, and shall take and carry him or them, being a Seaman or Seamen, a Seafaring Man or Seafaring Men, to any Ship or Vessel of War in His Majesty's Service, or to the Custody of any Officer employed in His Majesty's Impress Service, under the Powers, Authorities, and Provisions contained in the said recited Act of the last Session of Parliament, shall be entitled to and shall have and receive the like Reward, in Proportion to the Value of the Spirits, Tobacco, or Snuff, seized, as if such Person or Persons were carried before One or more of His Majesty's Justices of the Peace.

Persons making Seizures of Spirits, &c. and carrying any Seaman found on board the Vessel to any Ship of War, &c. shall be rewarded.

VII. And whereas it is expedient that the Provision contained in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, in relation to the seizing Spirits and Tea offered for Sale by Persons not having Permit, and Hawkers and Pedlars and Persons going from House to House, should be repealed, and more effectual Provision made in relation thereto; be it therefore further enacted, That the said Provision in

9 G. 2. Provision in recited Act relating to the Seizures of Spirits and Tea, repealed.

Unlicenſed Perſons offering for Sale any Tea or Spirits, &c. and not having a Permit, and Hawkers &c. ſo offering for Sale Tea or Spirits, &c. though they have Permits, may be ſtopped, and proceeded againſt, &c.

in the ſaid Act contained ſhall be and the ſame is hereby repealed; and from and after the paſſing of this Act, if any Perſon ſhall offer for Sale any Tea, Brandy, Rum, Geneva, or other Foreign Spirits, or any Tobacco or Snuff, not being licenſed to deal therein, and not having a Permit for the ſame, or if any Hawker, Pedlar, Petty Chapman, or other trading Perſon or Perſons going from Town to Town, or to other Men's Houſes, and trading either on Foot or with any Horſe or Horſes or other Cattle, or otherwiſe, within the Kingdom of *Great Britain*, ſhall offer for Sale any Tea, Brandy, Rum, Geneva, or other Spirits, or any Tobacco or Snuff, although he ſhall have a Permit for the ſame, it ſhall be lawful for the Perſon or Perſons to whom the ſame ſhall be ſo offered for Sale to ſtop, arreſt, and detain the Perſon ſo offering the ſame for Sale, and to ſeize all ſuch Tea, Brandy, Rum, Geneva, or other Spirits, Tobacco and Snuff, and carry the ſame to the next Warehouſe, belonging to the Cuſtoms or Exciſe, and to carry the Perſon ſo offering the ſame for Sale before any One of His Majeſty's Juſtices of the Peace, who may thereupon require ſuch Perſon to enter into Recognizance, in Manner directed by the ſaid Act of the Forty-fifth Year of the Reign of His preſent Majeſty, and ſuch Perſon ſhall thereupon be ſubject to all the Proviſions in the ſaid Act contained, in relation to Recognizances taken from Perſons ſeized as Smugglers, and (if the Offender ſhall be a Subject of His Majeſty and a Seaman or Seafaring Man, and capable of ſerving in His Majeſty's Navy) may ſend ſuch Perſon to the Cuſtody of ſome Officer of the Impreſs Service, by him to be dealt with according to the ſaid recited Act of the laſt Seſſion of Parliament, or otherwiſe to be by ſuch Juſtice committed to Priſon, and proſecuted for the Penalties and Forfeitures incurred for ſuch Offence, and ſuch Tea, Brandy, Rum, Geneva, and other Spirits, Tobacco and Snuff, may be proſecuted in the Name of the Perſon or Perſons who ſo ſtopped and ſeized the ſame, in like Manner as if the ſaid Goods had been ſeized by an Officer of the Cuſtoms or Exciſe, and after Condemnation of the Goods or Commitment of the Offender, the Perſon or Perſons having ſeized ſuch Goods, and detained ſuch Perſon ſo offering the ſame for Sale, ſhall be entitled to Five Pounds, if one Moiety of the Value at which ſuch Goods ſhall be eſtimated and fixed as in the ſaid recited Act of the laſt Seſſion of Parliament mentioned, ſhall not exceed ſuch Sum of Five Pounds; and if a Moiety of ſuch Value ſhall exceed Five Pounds, then a Moiety of ſuch Value, which the Commiſſioners of the Cuſtoms and Exciſe reſpectively are to cauſe to be paid in like Manner as Rewards are paid under the ſaid recited Act of the laſt Seſſion of Parliament; and ſuch Perſon or Perſons ſo arreſting any ſuch Offender ſhall alſo be entitled to ſuch further Rewards as by any Law now in force are given to any Officer or Non-commiſſioned Officer of His Majeſty's Army, Navy, or Marines, for ſtopping, arreſting, and detaining any Offender againſt any Act or Acts of Parliament paſſed for the Prevention of Smuggling.

Court of King's Bench, &c. may take Cognizance of Aſſaults or Obſtructions, &c. as if they had been committed on Land.

VIII. And whereas by the ſaid recited Act of the laſt Seſſion of Parliament, Juſtices of the Peace are empowered to take Cognizance of Offences and Forfeitures committed or ariſing on the High Seas, and without the Limits of the County, City, Town, or Place, of and in which they act as ſuch Juſtices of the Peace; and it is expedient that like Power ſhould be given to His Majeſty's Court of King's Bench, and to Juſtices of Oyer and Terminer and Gaol Delivery reſpectively; be it therefore enacted, That from and after the paſſing of this Act, in all Caſes in which His Majeſty's Court

Court of King's Bench, or any Juſtice or Juſtices of Oyer and Terminer or Gaol Delivery, are empowered to take Cognizance of any Aſſault or Obſtruction of any Officer or Officers of the Cuſtoms or Exciſe, Army, Navy, or Marines, or of any Felony or other Offence againſt, or of any Forfeiture incurred, under any Act or Acts of Parliament now in force, or hereafter to be made relating to the Revenue of Cuſtoms or Exciſe, it ſhall be lawful for the ſaid Court of King's Bench, and for ſuch Juſtice or Juſtices of Oyer and Terminer or Gaol Delivery for any County, City, Town, or Place reſpectively, to take Cognizance of ſuch Aſſault or Obſtructions, Felonies, Offences, or Forfeitures, as if the ſame Aſſaults or Obſtructions, Felonies, or Offences had been committed, or the ſame Forfeiture or Forfeitures had been incurred on Land within the reſpective Juriſdictions of the ſaid Court or Juſtices.

Perſons ſailing in any Veſſel on the Enemy's Coaſt, &c. with Intent to take on board Spirits, &c. to be tranſported.

IX. And be it further enacted, That all Perſons, being Subjects of His Majeſty, who ſhall, after the Firſt Day of *Auguſt* One thouſand eight hundred and eight, voluntarily and without His Majeſty's Licence, or the Licence of His Majeſty's Privy Council, or of One of His Majeſty's Principal Secretaries of State, or of the Firſt Lord of the Admiralty, or other ſufficient lawful Authority, and without any ſufficient Excuſe for the ſame, proceed and ſail in any Ship, Veſſel, or Boat, to any Road or Harbour upon the Coaſt of any of His Majeſty's Enemies, or ſhall be found in any Ship, Veſſel, or Boat lying on the Coaſt or in any Road or Harbour of any Country belonging to His Majeſty's Enemies, without any ſuch Licence or Authority, or ſufficient Excuſe as aforeſaid, or under the Protection of any Batteries or other Force on ſuch Coaſts, or under the Protection of any Veſſel belonging to His Majeſty's Enemies, having on board or having had on board on ſuch Voyage, or being in ſuch Harbour, or upon ſuch Coaſt, or under the Protection of ſuch Batteries, with Intent to take on board any Spirits, Tea, Tobacco, or Snuff, ſhall be deemed guilty of Felony, and ſhall be liable to be tranſported for any Term not exceeding Seven Years.

Such Offences may be tried in any County.

X. And be it further enacted, That any ſuch Offence as laſt aforeſaid may be alleged, laid, enquired of, and tried in any County, Shire, or Stewartry of this Realm.

Perſons committed for Offences may be admitted to Bail.

XI. And be it further enacted, That in caſe any Perſon ſhall be committed for any Offence againſt this Act to any Common Gaol or Place, there to remain till delivered by due Courſe of Law, it ſhall be lawful for any of the Juſtices of His Majeſty's Courts at *Weſtminſter*, or for any of the Barons of the Exchequer, being of the Degree of the Coif, or for the Lord Juſtice Clerk, or any the Commiſſioners of Juſticiary in *Scotland*, if upon Application made he ſhall think it reaſonable, to admit ſuch Perſon to Bail, he or ſhe giving ſufficient Security for his or her Appearance to anſwer the Matters wherewith he or ſhe ſhall be charged.

So much of recited Acts as are applicable to Guernſey, &c. ſhall extend to the Iſle of Man.

XII. And be it further enacted, That ſo much of the ſaid Two recited Acts of the Forty-fifth and Forty-ſeventh Years of His preſent Majeſty's Reign, and of this Act, and all the Penalties, Forfeitures, Proviſions, Clauſes, Matters, and Things therein contained, as are applicable and extend to the Iſlands of *Guernſey*, *Jerſey*, and *Alderney*, ſhall, from and after the paſſing

passing of this Act, extend and be deemed and construed to extend to the *Isle of Man*, in as full and ample Manner as the same extend to the said Islands of *Guernsey*, *Jersey*, and *Alderney*, and as if the said Isle had in the said recited Acts been expressly named with the said Islands in all the Clauses and Provisions in which the said Islands are mentioned.

Bonds entered into relating to the Customs to remain in force Two Years from the Time limited in the Condition.

XIII. And whereas Bonds and Securities taken by Officers relating to the Revenue and Business of His Majesty's Customs (except Bonds taken for Duties on Payment of Money, or for the good Behaviour of Officers in the Execution of their Duty) are, by an Act passed in the Sixteenth Year of the Reign of His present Majesty, made and declared to be void if no Prosecutions shall be commenced for the Breach or Non-performance of any Covenant or Condition therein contained, within the Space of Five Years from the Date of such Bonds or Securities: And whereas many Bonds relating to the Revenue and Business of His Majesty's Customs (besides such Bonds as in the said recited Act are excepted) are taken with Conditions which cannot be completely performed within Five Years from the Date thereof; be it therefore further enacted, That every such Bond as aforesaid, which has heretofore been or shall hereafter be entered into in relation to the Revenue or Business of His Majesty's Customs, shall remain and continue in full Force for Two Years, and may be prosecuted and put in Suit at any Time within Two Years from the Time limited in the Condition of every such Bond respectively, for the Performance thereof, any Thing in the said Act contained to the contrary thereof notwithstanding; and from and after the Expiration of such Two Years as aforesaid, every such Bond, upon which no Prosecution or Suit shall have been commenced, shall be void, and may be cancelled and destroyed as in the said Act is directed.

Bonds on granting Licences not to be cancelled until the Licences shall have been delivered up. Twelve Months.

XIV. And be it further enacted, That it shall not be lawful for any Officer of His Majesty's Customs to cancel any Bond given upon the granting of any Licence or Licences for the Navigation of any Vessel or Boat, and for the preventing the Owner or any other Person using or employing such Vessel or Boat contrary to the Laws in force for the Prevention of Smuggling, or to deliver up any such Bond to the Obligor or Obligors, or any other Person, until the Licence or Licences in respect whereof such Bond was given hath been delivered up to the proper Officer of the Customs for the Space of Twelve Calendar Months, or the Penalty of such Bond hath been paid to His Majesty.

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