ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

****

C A P. LXII.

An Act to amend several Acts for the Prevention of Smuggling; for better securing the Duties on Coals, Culm, and Cinders; and for permitting the Exportation of Salt, Pepper, and Wine from *Guernsey* or *Jersey* to *Sark*, in small Packages.

[3d *June* 1809.]

WHEREAS the Officers of the Customs and Excise, and other Persons authorized to make Seizures, are frequently prevented from seizing Goods subject to Forfeiture, with which Ships, Vessels, and Boats may have been laden, by reason of the same having been thrown overboard during the Chace; and if such Ships are found light, or the Goods are not afterwards discovered and seized, the Persons on board are not liable to be arrested and detained under the Authority of an Act passed in the Forty-fifth Year of His present Majesty, intituled, *An Act for the more effectual Prevention of Smuggling:* And whereas it is expedient in certain Cases to make Provision for the Arrest and Detention of Persons on board such Ships, Vessels, and Boats, and for rewarding the Officers by whom such Persons are so arrested and detained; 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 whenever any Ship, Vessel, or Boat, belonging in the Whole or in Part to His Majesty's Subjects, for which the Owner or Owners thereof are required to have a Licence for navigating the same from the Lord High Admiral of *Great Britain*, or the Commissioners of the Admiralty for the Time being,

45 G 3. c. 121.

Persons on board of certain Vessels within the Limits herein mentioned, from which

5 T or

any Part of the Cargo ſhall be thrown overboard, ſhall forfeit 100 l. &c.

or other Perſons duly authorized to grant the ſame, ſhall be found or diſcovered to have been within Four or Eight Leagues of ſuch Part of the Coaſts of *Great Britain* or *Ireland* reſpectively, as are in any Act or Acts of Parliament in force on and immediately before the paſſing of this Act deſcribed and ſpecified as to ſuch reſpective Diſtances of Four or Eight Leagues, or found in any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere on the High Seas, within One hundred Leagues of any Part of the Coaſts of *Great Britain* or *Ireland*, and any Perſon or Perſons on board ſuch Ship, Veſſel, or Boat, ſhall, at any Time during the Chace, or previous to ſuch Ship, Veſſel, or Boat being taken Poſſeſſion of, within any or either of ſuch Limits or Diſtance aforeſaid, unſhip, or throw overboard the Cargo, or any Part of the Cargo, unleſs through any unavoidable Neceſſity or Diſtreſs, or for the Security or Preſervation of the Ship, Veſſel, or Boat from the Dangers of the Seas, ſuch Ship, Veſſel, or Boat being then laden with a legal Cargo, every Perſon or Perſons found on board being a Subject or Subjects of His Majeſty, and who ſhall not prove that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat, ſhall forfeit the Sum of One hundred Pounds, to be recovered as any like Penalty may be recovered under any Act or Acts relating to the Revenue of Cuſtoms or Exciſe in the United Kingdom; and it ſhall be lawful for the Officer or Officers of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe, by whom ſuch Ship, Veſſel, or Boat ſhall be ſeized, and he and they is and are hereby authorized, empowered, and required to ſtop, arreſt, and detain every ſuch Perſon being a Subject of His Majeſty, and ſuch Perſon ſhall be dealt with as any Perſon is liable to be dealt with by virtue and in purſuance of the ſaid recited Act paſſed in the Forty-fifth Year of His Majeſty's Reign, for having been taken on board any Ship, Veſſel, or Boat liable to Forfeiture by that or any other Act or Acts of Parliament, for being found or having been at Anchor, or hovering within any ſuch Diſtance of any of the Dominions of His Majeſty, with ſuch Goods on board as ſubject ſuch Ship, Veſſel, or Boat, or Goods to Forfeiture, or every ſuch Perſon, being a Seaman or Seafaring Man, may be dealt with as any Seaman or Seafaring Man may be dealt with by virtue and in purſuance of an Act paſſed in the Forty-ſeventh Year of His preſent Majeſty's Reign, intituled, *An Act to make more effectual Proviſion for the Prevention of Smuggling*; and every Officer of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe, ſhall have the like Powers and Authorities, and be entitled to and receive the like Reward or Rewards for and on account of every Perſon arreſted and detained under the Authority of this Act, as is and are allowed and payable with reſpect to any Perſon arreſted and detained under the Authority of either of the ſaid recited Acts, as fully and effectually to all Intents, Conſtructions, and Purpoſes, as if each and every of the Clauſes, Directions, Powers, and Authorities relative thereto were repeated and re-enacted in the Body of this preſent Act.

47 G. 3. Seſſ. 2. c. 66.

II. And whereas by an Act paſſed in the Forty-ſeventh Year of His preſent Majeſty's Reign, intituled, *An Act to make more effectual Proviſion for the Prevention of Smuggling*, it is amongſt other Things provided in the caſe of Seizures of Spirits, Tobacco, or Snuff made at Sea, or in any Port or Harbour, that if any Officer of the Cuſtoms or Exciſe, or other Perſons making ſuch Seizure, ſhall neither ſeize and proſecute, nor cauſe to be ſeized and proſecuted the Ship, Veſſel, or Boat, in or on board which ſuch Spirits, Tobacco, or Snuff ſhall be or ſhall have been brought, found,

47 G. 3. Seſſ. 2. c. 66.

found, or ſeized, or which ſhall be uſed or employed in removing or conveying the ſame, nor ſhall ſtop, arreſt, and detain the Perſons, or ſome or one of them, who ſhall be or ſhall have been employed in navigating the Ship, Veſſel, or Boat, in or on board which ſuch Spirits, Tobacco, or Snuff ſhall be or ſhall have been brought, found, or ſeized, or in unlading, removing, or carrying ſuch Spirits, Tobacco, or Snuff, nor ſhall not convey or cauſe every ſuch Perſon ſo arreſted or detained to be taken or conveyed before One or more of His Majeſty's Juſtices of the Peace to be dealt with according to Law, then and in every ſuch Caſe the Officer of the Cuſtoms or Exciſe, or other Perſons making ſuch Seizure, ſhall be entitled to and ſhall be paid only One Fourth Part of the Value at which ſuch Spirits, Tobacco, or Snuff ſhall be or ſhall have been reſpectively eſtimated or fixed according to the Directions of the ſaid Act: And whereas the pernicious Practice of Smuggling by Means of ſinking ſmall Caſks of Spirits at Sea, and within the Limits of the Ports of this Kingdom, and getting them up as Opportunity offers appears to have been much reſorted to, and it is therefore expedient to extend and increaſe the Rewards to Officers of the Cuſtoms and Exciſe, and other Perſons legally authorized to make Seizures, by whoſe Exertion and Diligence ſuch Practice may be counteracted; be it therefore enacted, That in all Caſes where any ſuch Officers and Perſons as aforeſaid ſhall ſeize, within the Limits of any of the Ports of this Kingdom, or in any of the *Britiſh* or *Iriſh* Channels, or elſewhere on the High Seas, within One hundred Leagues of any Part of the Coaſts of *Great Britain* or *Ireland*, any Spirits which ſhall have been ſunk or concealed under or in the Water within ſuch Limits or Diſtance, every ſuch Officer and Perſon ſo ſeizing ſuch Spirits ſhall be, and he and they is and are hereby allowed One Moiety of the Value at which ſuch Spirits ſhall be fixed or eſtimated as aforeſaid; any Thing contained in the ſaid recited Act, or in any other Act or Acts of Parliament to the contrary thereof in anywiſe notwithſtanding.

Reward to the Officers ſeizing Spirits concealed under Water, within certain Limits, to be One Moiety of their Value.

III. And whereas by the ſaid Act made in the Forty-fifth Year of the Reign of His preſent Majeſty, it was enacted, that every Perſon being a Subject of His Majeſty who ſhould be found or taken on board, or diſcovered to have been on board any Ship, Veſſel, or Boat liable to Forfeiture as therein mentioned, and who ſhould not prove that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat, and every Perſon found aiding or aſſiſting in unſhipping to be laid on Land, or found carrying, conveying, concealing, or aſſiſting in the carrying away, conveying, or concealing any Foreign Brandy, Rum, Geneva, or Spirits, in that Act mentioned, ſhould forfeit for every ſuch Offence either Treble the Value of the Goods that ſhould be found or taken from ſuch Perſon or Perſons, or the Sum of One hundred Pounds, at the Option and ſubject to the Election therein mentioned; and that it ſhould be lawful for any Officer or Officers of the Army, Navy, Marines, Cuſtoms, or Exciſe, and he and they was and were thereby authorized, empowered, and required to ſtop, arreſt, and detain every ſuch Perſon being a Subject of His Majeſty, and to convey the ſaid Perſon before One or more of His Majeſty's Juſtices of the Peace reſiding near to the Port or Place into which ſuch Ship, Veſſel, or Boat ſhould be taken or carried, or near to the Place where any ſuch Perſon ſhould be ſo taken or arreſted, and it ſhould be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they was and were thereby required upon Proof on Oath by One or more credible Witneſs or Witneſſes,

45 G. 3. c. 121.

neſſes, that ſuch Perſon was ſo found or taken, or diſcovered as aforeſaid, unleſs any ſuch Perſon found or taken or having been on board of any ſuch Ship, Veſſel, or Boat, ſhould prove to the Satisfaction of ſuch Juſtice that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat, to hold ſuch Perſon to bail with Two good and ſufficient Sureties in the Sum of One hundred Pounds each for the Appearance of ſuch Perſon to anſwer to any Indictment or Information that might be brought againſt him in that Behalf, and to pay ſuch Penalty and abide any Judgement for any ſuch Offence, and in default of any ſuch Perſon finding ſuch good and ſufficient Bail as aforeſaid, or until the ſame ſhould be found, to commit ſuch Perſon to any Gaol or Priſon or Houſe of Correction to anſwer as aforeſaid; and it is by the ſaid Act provided, that if any ſuch Perſon ſo found or diſcovered and taken as aforeſaid, ſhould be capable and deſirous of entering and ſerving as a Seaman or Marine in any of His Majeſty's Ships of War, it ſhould be lawful for the Officer or Officers of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe by whom ſuch Perſon was taken, arreſted, and detained as aforeſaid, or for any Juſtice of the Peace or Magiſtrate before whom any ſuch Perſon might be carried, and ſuch Officer or Officers was and were thereby authorized, empowered, and required inſtead of taking ſuch Perſon before any Juſtice or Magiſtrate, and ſuch Juſtice or Magiſtrate was thereby authorized inſtead of holding any ſuch Perſon to bail, to carry and convey, or cauſe to be carried or conveyed ſuch Perſon on board any of His Majeſty's Ships of War in order to his being entered and received as a Seaman or Marine: And whereas by the ſaid Act made in the Forty-ſeventh Year of the Reign of His preſent Majeſty, it was enacted, that it ſhall and may be lawful for any Officer of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe, to detain, or to take and carry any ſuch Perſon as is therein mentioned, and every Perſon liable to be arreſted and detained under that Act or the ſaid Act made in the Forty-fifth Year of the Reign of His preſent Majeſty, being a Seaman or Seafaring Man, to any Ship or Veſſel of War in His Majeſty's Service, or to the Cuſtody of any Officer employed in His Majeſty's impreſt Service, and that any ſuch Perſon being ſuch Seaman or Seafaring Man as aforeſaid, might thereupon, if fit and able to ſerve His Majeſty, be impreſſed into His Majeſty's Naval Service: And whereas ſome of the Perſons ſo liable to be arreſted may be not fit or able to ſerve His Majeſty in His Naval Service, and it is therefore expedient to make ſuch Proviſion as is herein-after mentioned with regard to ſuch Perſons; be it therefore enacted, That from and after the paſſing of this Act, when any Perſon liable to be arreſted or detained, and arreſted or detained, under the ſaid laſt-mentioned Acts or either of them, ſhall be found not fit or able to ſerve His Majeſty in His Naval Service, and ſhall be refuſed by any proper Naval Officer to be received into any ſuch Naval Service, every ſuch Perſon ſhall forfeit and loſe the Sum of One hundred Pounds; and it ſhall and may be lawful to and for any Officer or Officers of the Army, Navy, Marines, Cuſtoms, or Exciſe, and he and they is and are hereby authorized, empowered, and required to convey the ſaid Perſon before One or more of His Majeſty's Juſtice or Juſtices of the Peace, and it ſhall and may be lawful to and for ſuch Juſtice or Juſtices of the Peace, and he and they is and are hereby required upon Proof on Oath by One or more credible Witneſs or Witneſſes, that ſuch Perſon was ſo liable to be arreſted or detained, and has been ſo refuſed as being not fit or able to ſo ſerve His Majeſty, to hold ſuch Perſon to bail with Two or more good and ſufficient Sureties in the Sum of

47 G. 3. Seſſ. 2. c. 66.

Perſons liable to be detained under recited Acts, who ſhall be found unfit to ſerve in the Navy, ſhall forfeit 100 l. &c.

of One hundred Pounds each, for the Appearance of ſuch Perſon to anſwer to any Information that may be brought or exhibited againſt him in that Behalf, and to pay ſuch Penalty, and in default of any ſuch Perſon finding ſuch good and ſufficient Bail as aforeſaid, or until the ſame ſhall be found, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices to commit ſuch Perſon to any Gaol or Priſon or Houſe of Correction, there to remain until he ſhall pay the ſaid Penalty, or be delivered by due Courſe of Law.

Coals, &c. unſhipped without the Preſence of the proper Officer, ſhall be forfeited:

IV. And whereas by the Laws in force for the better levying the Duties upon Coals, Culm, and Cinders, brought or carried Coaſtwiſe, the Meters, Weighers, or Meaſurers, are required to deliver a Certificate under their Hand of the Sorts, Quantities, and Numbers of Chalders or Tuns of Coals, Culm, and Cinders, which ſhall be delivered by them from on board any Ship or Veſſel, and it is therefore expedient to prevent any Coals, Culm, or Cinders, being unſhipped without their Preſence or Permiſſion; be it therefore enacted, That, from and after the paſſing of this Act, in caſe any Coals, (except Charcoal made of Wood) or any Culm or Cinders, brought Coaſtwiſe from any Port or Place in *Great Britain* into any Port or Place in *England* or *Wales*, ſhall be unſhipped or delivered from any Ship or Veſſel, without the Preſence or Permiſſion of the Meter or other proper Officer appointed to meaſure or weigh the ſame, according to the Directions of an Act paſſed in the Ninth and Tenth Year of the Reign of His late Majeſty King *William* the Third, intituled, *An Act for granting to His Majeſty ſeveral Duties upon Coals and Culm*, all ſuch Coals, Culm, and Cinders (whether the Duties ſhall have been paid or not) ſhall be forfeited and loſt, and the ſame ſhall and may be ſeized by any Officer or Officers of the Cuſtoms.

Recovery and Application of ſuch Forfeitures.

V. And be it further enacted, That all Coals, Culm, and Cinders, ſeized under the Authority of this Act, ſhall and may be proſecuted, recovered, and diſpoſed of in like Manner, and by ſuch Ways, Means, and Methods, as any Forfeitures incurred for any Offence againſt the Laws of the Cuſtoms may now be proſecuted, recovered, and diſpoſed of, according to the Laws in force on and immediately before the paſſing of this Act.

Salt, Pepper, and Wine may be exported from Guernſey, &c. to a limited Extent.

VI. And whereas it is expedient to permit the Exportation of Salt, Pepper, and Wine from the Iſlands of *Guernſey* or *Jerſey*, for the Supply of the Iſland of *Sark*, in ſmaller Packages than are now allowed by Law, under certain Regulations and Reſtrictions; be it therefore enacted, That it ſhall be lawful to export from either of the Iſlands of *Guernſey* and *Jerſey*, at any one Time, any Quantity of Salt not exceeding Ten Buſhels, any Quantity of Pepper not exceeding Fifty Pounds Weight, or any Quantity of Wine not exceeding Ten Dozen reputed Quart Bottles, for the Supply of the ſaid Iſland of *Sark*, and the ſaid Articles may be ſo exported in any Boat not exceeding the Burthen of Ten Tons, ſuch Boat having a Licence from the Principal Officers of the Cuſtoms at either of the ſaid Iſlands of *Guernſey* and *Jerſey*, for the Purpoſe of being employed in carrying Commodities for the Supply of the ſaid Iſland of *Sark*, which Licence ſuch Officer is hereby authorized and required to grant, without taking any Fee or Reward for the ſame: Provided always, that every ſuch Boat having on board at any one Time any greater Quantity of the

respective Articles than what is permitted by this Act, such Articles, if in Packages of less Size or Content than prescribed by the Laws in force, shall be forfeited, and shall and may be seized by any Officer or Officers of the Army, Navy, or Marines, or of the Customs or Excise.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1809.