ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. LXV.

An Act for giving Juriſdiction to Juſtices of the Peace to hear and determine Proſecutions for Penalties incurred by any Offence againſt the Laws relating to the Revenue of Cuſtoms; and alſo requiring all Goods, cuſtomable and not exciſeable, ſeized by any Police or Peace Officer, to be brought to the Cuſtom-Houſe Warehouſe in London, within a certain Period. [3d *June* 1809.]

WHEREAS Doubts have ariſen as to the Juriſdiction of His Majeſty's Juſtices of the Peace in Caſes of Proſecution for Penalties incurred by certain Offences againſt the Laws relating to His Majeſty's Revenue of Cuſtoms: And whereas it is expedient that the ſaid Juſtices ſhould have Juriſdiction in ſuch Caſes; 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 it ſhall and may be lawful for any Two or more of His Majeſty's Juſtices of the Peace for any County, Riding, Diviſion, City, or Liberty wherein the Offence ſhall ariſe, or wherein the Offender or Offenders ſhall be found, to examine into, hear, and determine all Proſecutions for Penalties incurred by any Offence againſt this or any Act or Acts now in force or hereafter to be made relating to His Majeſty's ſaid Revenue of Cuſtoms; and the ſaid Juſtices are hereby authorized and required, upon Information exhibited before them for the Recovery of any ſuch Penalty or Penalties, to ſummon the Party accuſed, and upon his, her, or their Appearance or Default to proceed to the Examination of the Matter of Fact, and upon due Proof thereof, either upon the voluntary Confeſſion of ſuch Party or upon the Oath of One or more credible Witneſs or Witneſſes (which Oath the ſaid Juſtices are hereby empowered to adminiſter) to convict the Offender or Offenders in the ſaid Penalty or Penalties, and in caſe of the Non-payment thereof the ſaid Juſtices are hereby authorized and required to cauſe the ſame

Juriſdiction to Juſtices for Fines incurred againſt the Laws relating to the Cuſtoms.

ſame by Warrant of Diſtreſs and Sale under their Hands and Seals to be levied upon the Goods and Chattels of the ſaid Offender or Offenders, and in Default of ſufficient Diſtreſs to commit the ſaid Offender or Offenders to any of His Majeſty's Gaols in the County wherein the Offence ſhall have ariſen, or wherein the Offender or Offenders ſhall have been found, there to remain for the Space of Six Months, or until the ſaid Penalty or Penalties ſhall be paid.

Not to apply to Fines beyond 50l.

II. Provided always, and be it further enacted, That nothing in this Act ſhall extend or be conſtrued to extend to empower the ſaid Juſtices to examine into, hear, or determine any Proſecution for ſuch Penalties as aforeſaid, in any Caſe wherein the ſame ſhall in the Whole exceed the Sum of Fifty Pounds, unleſs they ſhall be ſo empowered by any other Act or Acts of Parliament now in force or hereafter to be made.

Summons left at Houſe to be ſufficient.

III. And whereas Doubts have ariſen in Proceedings before Juſtices of the Peace for Penalties or Forfeitures incurred by Offences againſt the Laws relating to His Majeſty's Revenue of Cuſtoms, where ſuch Juſtices have iſſued out Summons for the Appearance of the Party againſt whom ſuch Proceedings have been inſtituted, which Summons hath been left at the Houſe or uſual Place of Reſidence of ſuch Party, whether the ſame ſhould be deemed a good and ſufficient Summons and as legal and effectual a Notice as if the ſame had been perſonally ſerved upon ſuch Party; for the removal of ſuch Doubts, be it declared and enacted, That in all Proceedings before any Juſtice or Juſtices of the Peace for any Fine, Penalty, or Forfeiture incurred under any Act or Acts of Parliament now in force or hereafter to be made relating to His Majeſty's ſaid Revenue of Cuſtoms, every ſuch Summons ſo left as aforeſaid and directed to ſuch Party by his, her, or their right or aſſumed Name, is and ſhall be (except where particular Proviſions are or ſhall be made for ſummoning Offenders, or for condemning Seizures made from Perſons unknown) deemed to be as good and ſufficient a Summons, and as legal and effectual a Notice as if the ſame were perſonally ſerved upon ſuch Party, and as if the ſame were directed to ſuch Party, by his, her, or their proper Name or Names.

Power of Mitigation.

IV. Provided always, and be it further enacted, That where any Party ſhall or may be convicted before any Two or more of His Majeſty's Juſtices of the Peace, in any Penalty or Penalties incurred by any Offence againſt any Act or Acts relating to His Majeſty's ſaid Revenue of Cuſtoms, wherein no Power of Mitigation ſhall be given to the ſaid Juſtices, or where it ſhall be given not ſpecifically by the ſame Act or Acts, but only by reference to ſome other Law or Laws, it ſhall and may be lawful for the ſaid Juſtices, in Caſes where upon Conſideration of the Circumſtances they ſhall deem it expedient ſo to do, to mitigate the Payment of the ſaid Penalty or Penalties, ſo as the Sum to be paid by ſuch Party be not leſs than One-half of the Amount of the Penalty or Penalties in which ſuch Party ſhall have been convicted.

Impriſonment expired to clear from Fines.

V. Provided always, and be it further enacted, That where any ſuch Offender or Offenders ſhall have been committed to any ſuch Gaol as aforeſaid, for Default of ſuch Diſtreſs as aforeſaid, and ſhall there remain until the Expiration of the Period for which he, ſhe, or they, ſhall have been committed, he, ſhe, or they ſhall be wholly diſcharged from the Payment of ſuch Penalty or Penalties, in reſpect whereof ſuch Warrant of Diſtreſs hath been iſſued to all Intents and Purpoſes, as if the full Penalty or Penalties had been paid by the ſaid Offender or Offenders immediately upon his, her, or their Conviction therein.

VI. Provided

VI. Provided always, and be it further enacted, That no Information or Proceeding for any Fine, Penalty, or Forfeiture incurred by any Offence againſt any Act or Acts now in force or hereafter to be made, relating to His Majeſty's ſaid Revenue of Cuſtoms, ſhall be exhibited or inſtituted before any Juſtice or Juſtices of the Peace after the Expiration of Six Months from the Time of committing the Offence whereby ſuch Fine, Penalty, or Forfeiture hath been incurred. Limiting the Time for laying Informations.

VII. And whereas, by an Act made in the Forty-third Year of the Reign of His preſent Majeſty, intituled, *An Act to explain and amend Two Acts made in the Second, and Thirty-ninth and Fortieth Year of the Reign of His preſent Majeſty, for preventing the committing of Thefts and Frauds by Perſons navigating Bum Boats and other Boats upon the River* Thames, *and for the more effectual Prevention of Depredations thereon, ſo far as relates to the Seizure of Exciſeable Commodities*, it is amongſt other Things enacted, that all Goods, Wares, or Merchandize, ſubject or liable to a Duty of Exciſe, which ſhall be ſtopped, detained, or taken by any Police or Peace Officer or other Perſon or Perſons under and by virtue of the Acts of Parliament therein recited, or under or by virtue of any other Authority whatever, for or by reaſon of the ſame having been unſhipped, ſmuggled, or run on ſhore, ſhall, and the ſame are thereby directed and required to be carried, conveyed, or taken to and depoſited and lodged in the Chief Office of Exciſe in *London*, in order that ſuch Articles and the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion the ſame were found, may be proſecuted or proceeded againſt, as the Nature of the caſe ſhall or may require: And whereas it is expedient that all Goods, Wares, or Merchandize liable to the Payment of the Duties of Cuſtoms, and not to the Duties of Exciſe on Importation thereof, or which ſhall be prohibited to be imported, or prohibited to be worn or uſed in this Country, or which ſhall be ſubject to Forfeiture for being unſhipped without the Preſence of an Officer of the Cuſtoms, or for any other Cauſe whatever under any Law relating to the Revenue of Cuſtoms, which ſhall be ſo ſtopped, detained, or taken, ſhould be depoſited and lodged in His Majeſty's Warehouſe at the Cuſtom Houſe in *London*; be it therefore further enacted, That all Goods, Wares, or Merchandize, which by any Act or Acts now in force or hereafter to be made, are or may be liable to the Payment of the Duties of Cuſtoms, and not to the Duties of Exciſe on Importation thereof, or which are or may be prohibited to be imported or to be worn or uſed in this Country, or which are or may be ſubject to Forfeiture for being unſhipped without the Preſence of an Officer of the Cuſtoms, or for any other Cauſe whatever under any Law relating to the Revenue of Cuſtoms, and which ſhall be ſo ſtopped, detained, or taken, ſhall, and they are hereby directed and required to be carried, conveyed, or taken to and depoſited and lodged in His Majeſty's Warehouſe at the Cuſtom Houſe in *London*, within Forty-eight Hours after the ſame ſhall have been ſo taken, ſtopped, or detained, in order that all ſuch Goods, Wares, and Merchandize, and the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion the ſame were found, may be proſecuted or proceeded againſt, as the Nature of the Caſe ſhall or may require; any Thing in any Act or Acts of Parliament to the contrary notwithſtanding. Uncuſtomable and prohibited Goods, ſubject by Police Acts to be carried to the Cuſtom-houſe.

VIII. And be it further enacted, That in caſe any ſuch Goods, Wares, or Merchandize, which are or may be ſo liable to the Payment of the Duties of Cuſtoms and not to the Duties of Exciſe, or which are or may be prohibited to be imported or to be worn or uſed in this Country, or which are or Goods ſeized as felonioufly ſtolen, to be depoſited in the Thames

or other Police Office, to be produced at the Trial of Offender.

or may be ſo ſubject to Forfeiture for being unſhipped without the Preſence of an Officer of the Cuſtoms, or for any other Cauſe whatever under any Law relating to the Revenue of Cuſtoms, ſhall be ſtopped, detained, or taken by any Police or Peace Officer or other Perſon or Perſons, on Suſpicion of the ſame having been feloniouſly ſtolen, taken, or received, it ſhall and may be lawful to and for ſuch Police or Peace Officer or other Perſon or Perſons ſo ſtopping, detaining, or taking the ſame, to lodge and depoſit all ſuch Goods, Wares, and Merchandize, as aforeſaid, in the Office of the Thames Police, or the Police Office neareſt to the Place where the ſame ſhall be ſo ſtopped, detained, or taken as aforeſaid, there to remain until and in order to be produced at the Trial of any Perſon or Perſons who ſhall or may be charged with feloniouſly ſtealing, taking, or receiving the ſame as aforeſaid.

Notice of ſuch Stopping to be given to the Cuſtom Houſe.

IX. Provided always, and be it further enacted, That every ſuch Police Officer or Peace Officer or other Perſon or Perſons who ſhall ſo ſtop, detain, or take any ſuch Goods, Wares, or Merchandize as aforeſaid, on Suſpicion of the ſame having been ſo feloniouſly ſtolen, taken, or received as aforeſaid, ſhall within Forty-eight Hours after he or they ſhall have ſtopped, detained, or taken the ſame as aforeſaid, give Notice thereof in Writing to the Commiſſioners for managing His Majeſty's Cuſtoms, together with the Particulars of ſuch Goods, Wares, and Merchandize ſo ſtopped, detained, or taken as aforeſaid.

Goods to be carried to the Cuſtom Houſe after Trial.

X. And be it further enacted, That when and ſo ſoon as the Perſon or Perſons ſo charged with feloniouſly ſtealing, taking, or receiving any ſuch Goods, Wares, or Merchandize as aforeſaid, ſhall have been tried for the ſaid Felony, all ſuch Goods, Wares, and Merchandize as aforeſaid, ſhall be immediately conveyed to, and depoſited in His Majeſty's Warehouſe at the Cuſtom Houſe in *London*, to be proſecuted or proceeded againſt for ſuch Cauſe of Forfeiture as the ſame may be liable to, or be reſtored upon Payment of ſuch Duties as may be due in reſpect of the ſame, to ſuch Perſon or Perſons as may prove himſelf to be the legal Proprietor, or otherwiſe be dealt with in ſuch Manner as the Caſe may require.

Goods not carried to Cuſtom-houſe as directed by this Act, may be ſeized or re-ſeized by Officers of the Cuſtoms, and the Party neglecting to forfeit 20l.

XI. And be it further enacted, That in caſe any ſuch Goods, Wares, or Merchandize which are or may be ſo liable to the Payment of the Duties of Cuſtoms, and not to the Duties of Exciſe, or which are or may be prohibited to be imported, or to be worn or uſed in this Country, or which are or may be ſo ſubject to Forfeiture for being unſhipped without the Preſence of an Officer of the Cuſtoms, or for any other Cauſe whatever under any Law relating to the Revenue of Cuſtoms, and which ſhall be ſtopped, detained, or taken as aforeſaid, ſhall not be conveyed to and depoſited and lodged in His Majeſty's Warehouſe at the Cuſtom Houſe in *London*, in the Manner and within the Time or Times reſpectively by this Act directed, all ſuch Goods, Wares, and Merchandize, ſhall and may be ſeized or re-ſeized by any Officer or Officers of His Majeſty's Cuſtoms, and the Party or Parties neglecting or refuſing ſo to convey to and depoſit and lodge the ſame in His Majeſty's Warehouſe at the Cuſtom Houſe as aforeſaid, ſhall forfeit and loſe the Sum of Twenty Pounds, One Moiety whereof ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall inform or ſue for the ſame.

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