

ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. LXII.

An Act for the more effectual Prevention of Smuggling in the *Iſle of Man*. [9th *June* 1810.]

WHEREAS divers Laws have been made within theſe late Years for the more effectual preventing of Smuggling in the United Kingdom, and it is expedient that certain of the Proviſions and Regulations therein contained ſhould be extended to the *Iſle of Man*, and alſo that ſome further Proviſions and Regulations applicable to that Iſland ſhould be made for the ſame important Object; 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 Fifth Day of *July* One thouſand eight hundred and ten, every Perſon being a Subject of His Majeſty, who ſhall be found or taken on board or diſcovered to have been on board any Ship, Veſſel, or Boat found or diſcovered to have been within any Bay, Harbour, River or Creek of or belonging to the *Iſle of Man*, or at anchor or hovering within Three Leagues of the Shores thereof, ſuch Ship, Veſſel, or Boat having on board any Spirits, Tea, Tobacco, Coffee or Salt liable to Forfeiture by any Act or Acts of Parliament in force on or immediately before the paſſing of this Act, and who ſhall not prove that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat, and every Perſon found aiding or aſſiſting in unſhipping any Spirits, Tea, Tobacco, Coffee or Salt being illegally on board ſuch Ship, Veſſel, or Boat, within the Limits of any of the Ports of the ſaid Iſle without Payment of the Duties due thereon, or having, or who ſhall be found carrying, conveying, concealing, or aſſiſting in the carrying, conveying or concealing

Penalty on Perſons found on board Veſſels within certain Limits, or employed in unſhipping Spirits, Tea, Tobacco, &c. 100l. or Treble the Value of the Goods.

concealing any Spirits, Tea, Tobacco, Coffee, or Salt, which ſhall have been clandeſtinely imported or illegally landed in the ſaid Iſle, or who ſhall be found aiding or aſſiſting in the loading or putting into any Ship, Veſſel or Boat for the Purpoſe of being exported from the ſaid Iſle, any Spirits, Tea, Tobacco, Coffee or Salt, ſhall for every ſuch Offence forfeit the Sum of One hundred Pounds, or Treble the Value of the Goods ſo illegally unſhipped, carried away, conveyed or concealed, or loaded or put off for the Purpoſe of Exportation at the Option and ſubject to the Election and Diſcretion of the Commiſſioners of the Cuſtoms in *England*, and every ſuch Offence may be inquired of, examined, tried, and determined in any Courts to be holden in His Majeſty's Name, or by virtue of His Authority in the ſaid *Iſle of Man*, according to the uſual Courſe of proceeding in ſuch Courts reſpectively, at the Election of the ſaid Commiſſioners.

Averment that Commiſſioners of the Cuſtoms have made Election as to Penalty to be admitted.

II. And be it further enacted, That the Statement, Allegation, or Averment of the Fact, that the ſaid Commiſſioners had made ſuch Option or Election, or exerciſed ſuch Diſcretion in the Information for the Recovery of either the Penalty of One hundred Pounds, or Treble the Value of the Goods, ſhall be deemed and taken to be ſufficient Evidence to found or Warrant a Conviction on ſuch Information without any further or other Evidence of the Fact that the Commiſſioners had made ſuch Option or Election, or exerciſed ſuch Diſcretion; and all the Powers and Authorities of an Act paſſed in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectually preventing the Miſchiefs ariſing to the Revenue and Commerce of* Great Britain *and* Ireland, *from the illicit and clandeſtine Trade to and from the* Iſle of Man, in relation to the Iſſuing of Proceſs in the ſaid *Iſle of Man*, and requiring Bail of the Offenders, and all the Proviſions, Pains, Penalties, and Forfeitures therein contained for compelling the Appearance of Perſons reſiding and being in the *Iſle of Man*, either to anſwer any Information exhibited in any of the Courts in the ſaid Iſle, or to give Evidence upon the Trial of any Cauſe therein depending, ſhall extend, and be deemed, conſtrued, and taken to extend to and ſhall apply and be in full force and put in Execution in every Caſe where any Information ſhall be exhibited in any of the ſaid Courts for the Recovery of any Penalty under this Act, as fully and effectually to all Intents and Purpoſes as if the ſaid Powers, Authorities, Proviſions, Pains, Penalties, and Forfeitures were repeated and re-enacted in this Act.

Powers of 5 G. 3. c. 39. for Recovery of Penalties to extend to this Act.

Certain Officers may detain Perſons found in Veſſels having on board Spirits, Tea, Tobacco, &c. or aſſiſting in unſhipping the ſame, &c. without Payment of Duties, &c.

III. And be it further enacted, That it ſhall be lawful for any Commiſſioned Officer of the Army, or the Militia while embodied, or for any Commiſſioned Officer of any other of His Majeſty's Military Forces while on Service in the ſaid *Iſle of Man*, or for any Commiſſioned Officer of the Navy or Marines, or for any Officer of the Cuſtoms, and he and they is and are hereby authoriſed, empowered, and required, to ſtop, arreſt, and detain any Perſon, being a Subject of His Majeſty, who ſhall be found on board any Ship, Veſſel, or Boat found or diſcovered to have been within any Bay, Harbour, River, or Creek of or belonging to the *Iſle of Man*, or at anchor or hovering within Three Leagues of the Shores thereof, having on board any Spirits, Tea, Tobacco, Coffee, or Salt, liable to Forfeiture by any Act of Parliament in force on and immediately before the paſſing of this Act, or who ſhall be found aiding or aſſiſting in the unſhipping any Spirits, Tea, Tobacco, Coffee, or Salt, within the Limits of any of the Ports of the ſaid *Iſle of Man*, without Payment of the Duties due

due thereon, or who shall be found carrying, conveying, or concealing, or assisting in the carrying away, conveying, or concealing any Spirits, Tea, Tobacco, Coffee, or Salt, which shall have been clandestinely imported or illegally landed in the said Isle, or who shall be found aiding or assisting in loading or putting into any Ship, Vessel, or Boat, any Spirits, Tea, Tobacco, Coffee, or Salt, for the Purpose of being exported from the said Isle, and to convey him before the Governor, Deputy Governor, or a Deemster there, who is and are hereby authorised and required, upon Proof on Oath (which he and they is and are hereby authorised and required to administer) by one or more credible Witness or Witnesses, that such Person was so found or taken or having been on board any such Ship, Vessel, or Boat, or aiding or assisting in such unshipping, carrying away, conveying, or concealing of Spirits, Tea, Tobacco, Coffee, or Salt, without Payment of the Duties, or in the loading or putting into any Ship, Vessel, or Boat, any Spirits, Tea, Tobacco, Coffee, or Salt, for the Purpose of being exported from the said Isle, unless any such Person found on board of any such Ship, Vessel, or Boat, shall prove to the Satisfaction of such Governor or Deputy Governor, or Deemster, 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 Information that may be brought against him in that Behalf in the said *Isle of Man*, and to pay such Penalty, and abide any Judgement for any such Offence; and in Default of any such Person finding good and sufficient Bail as aforesaid, or until the same shall be found, to commit such Person to any Gaol or Prison, or House of Correction, in the said Isle, to answer as aforesaid: Provided nevertheless, that if any Person so found, or discovered and taken, arrested or detained, is capable and desirous of entering and serving as a Seaman or Marine in any of His Majesty's Ships of War, or being a Seaman or Seafaring Man, is fit and able to serve His Majesty, it shall be lawful for the Officer or Officers of the Army, Militia, Navy, or Marines, or of the Customs, by whom such Person was taken, arrested, and detained as aforesaid, or the Governor, Deputy Governor, or Deemster, before whom any such Person may be carried, and such Officer and Officers is and are hereby authorized, empowered, and required, instead of taking such Person before the Governor, Deputy Governor, or Deemster, and such Governor, Deputy Governor, or Deemster, is and are hereby 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; or any such Person being a Seaman or a seafaring Man may, if fit and able to serve His Majesty, be impressed into His Majesty's Naval Service, and for that Purpose may be conveyed to any Ship or Vessel of War in His Majesty's Service, or delivered over to any Officer employed in His Majesty's Impress Service; and such Person being so entered and received or impressed, shall not on any account be discharged from His Majesty's Service during the Term of Five Years, and from thence until the Conclusion of any War in which His Majesty may be engaged at the Period of the Expiration of such Five Years, unless disabled within that Time by unavoidable Accident or bodily Infirmity; and any Officer of His Majesty's Navy or Marines, who shall presume knowingly and wilfully to discharge any Person so entered and received or impressed as aforesaid contrary to this Act, or shall by false Muster or Certificate, or

Such Persons, if fit, may be put on board any Ship of War to serve His Majesty for a certain Period, &c.

in Conſideration of a Gratuity of any Kind, or by any other colluſive or evaſive Ways or Means whatſoever, ſuffer or permit any ſuch Perſon to avoid the actual Service hereby intended, every ſuch Officer ſhall on Conviction for any ſuch Offence, either by any Court Martial, or on any Information filed by His Majeſty's Attorney General, be caſhiered: Provided always, that no Perſon ſo taken, arreſted, or detained, and entering as a Seaman, or being impreſſed, ſhall be liable to forfeit any ſuch Penalty of treble Value, or One hundred Pounds as aforeſaid, unleſs ſuch Perſon ſhall thereafter deſert His Majeſty's Service, or quit the ſame without being duly diſcharged.

Reward to Officers taking ſuch Perſons, in caſe Penalty is not recovered.

IV. Provided always, and be it further enacted, That where, by reaſon of any Perſon ſo found and taken, arreſted or detained as aforeſaid, entering to ſerve His Majeſty, or being impreſſed as aforeſaid, no Penalty or Forfeiture ſhall be recoverable, then and in ſuch Caſe it ſhall be lawful for the Commiſſioners of Cuſtoms, and they are hereby required on Proof made to their Satisfaction of ſuch Arreſt, Taking, and Detention as aforeſaid, and of ſuch entering or impreſſing into His Majeſty's Service as aforeſaid, to reward the Perſon or Perſons who would, if any Penalty or Forfeiture had been recoverable, have been entitled to any Part thereof, with ſuch Sum not exceeding the Sum of Twenty Pounds, as under all the Circumſtances of the Caſe ſhall to ſuch Commiſſioners appear proper, and every Officer of the Army, Militia, Navy, or Marines, or of the Cuſtoms, detaining and convicting any Perſon or Perſons liable to be detained or proſecuted under an Act paſſed in the Forty-fifth Year of the Reign of His preſent Majeſty, for the Prevention of Smuggling, ſhall be allowed ſuch Sum of Money for ſuch Perſon not exceeding Twenty Pounds, excluſive of any Share of the Penalty which may be recovered from any ſuch Offender, and ſuch Reward may and ſhall be paid by the ſaid Commiſſioners out of any Monies in their Hands ariſing from the Duties on Foreign Spirits, Tea, or Tobacco.

Officers of the Army, &c. to have the like Powers of Seizure as the Officers of the Cuſtoms in the Iſle of Man.

V. And be it further enacted, That every Commiſſioned Officer of the Army, or the Militia while embodied, or any Commiſſioned Officer of any other of His Majeſty's Military Forces while on Service in the ſaid *Iſle of Man*, and every Commiſſioned Officer of the Navy or Marines, ſhall have the like Powers of Seizure as are veſted in the Officers of the Cuſtoms in the ſaid *Iſle of Man*; and all Powers, Authorities, Exemptions, and Exceptions, and all Privileges and Protections in relation to any other Acts, Matters, or Things done, or that may be done, by any Officer of the Cuſtoms, under any Act of Parliament for the Protection of the Revenue of Cuſtoms, or the Prevention of Smuggling in *Great Britain* or the ſaid *Iſle of Man*, ſhall extend, and be deemed and conſtrued to extend to, and be in full force and put in Execution in all Caſes, and for all Purpoſes, and be uſed and exerciſed in the ſaid *Iſle of Man* by any ſuch Commiſſioned Officer of the Army, Militia, or the Military Forces while on Service there, or by any Commiſſioned Officer of the Navy or Marines, as fully and effectually, to all Intents, Conſtructions, and Purpoſes, as if the ſaid Powers, Authorities, Exemptions, Exceptions, Privileges, and Protections, were at large repeated and re-enacted in this Act; provided, that all Ships, Veſſels, Boats, and Goods ſeized by any ſuch Commiſſioned Officers under the Proviſions of this Act, ſhall forthwith be delivered to, or lodged in the Cuſtody

Cuſtody of the proper Officer of the Cuſtoms duly authorized to receive the ſame, who ſhall thereupon take an Account thereof, and give a Certificate that ſuch Goods have been ſo lodged and depoſited in his Cuſtody or Poſſeſſion.

In lieu of the Shares hitherto allowed to Officers for Seizures, the Shares herein mentioned ſhall be paid.

VI. And be it further enacted, That in lieu of the Shares now by Law allowed to Officers of the Cuſtoms and other Perſons legally authorized to ſeize any Spirits, Tobacco, Tea, Coffee or Salt, in the ſaid *Iſle of Man*, the Shares hereinafter mentioned ſhall be paid and allowed for and in reſpect of all ſuch Seizures of Spirits, Tobacco, Tea, Coffee and Salt, which ſhall be made from and after the paſſing of this Act, that is to ſay, in the Caſe of any ſuch Seizures in any Bay, Harbour, River or Creek of the ſaid Iſle, if the Officer of the Cuſtoms or other Perſon making the ſame ſhall alſo arreſt, ſtop, 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, Tea, Coffee, or Salt ſhall be or ſhall have been brought, found, or ſeized, or in unlading, removing or carrying away ſuch Spirits, Tobacco, Tea, Coffee, or Salt, and ſhall take or convey or cauſe every Perſon ſo arreſted, ſtopped, or detained, to be taken or conveyed before the Governor or Deputy Governor, or a Deemſter of the ſaid Iſle, or on board any of His Majeſty's Ships of War, or to any Officer employed in His Majeſty's Impreſt Service, to be dealt with as the Caſe may be agreeably to the Directions of this Act, then and in ſuch Caſe ſuch Officer or other Perſon as aforeſaid ſhall, upon the Condemnation of ſuch Spirits, Tobacco, Tea, Coffee or Salt, be entitled to and ſhall be paid one Moiety of the Net Proceeds thereof, and in the Caſe of ſuch Seizures made on Shore in the ſaid Iſle, if the Officer or other Perſon making the ſame ſhall alſo ſtop, arreſt, and detain the Perſons, or ſome or one of them from whom the ſame ſhall be ſeized, and ſhall take or carry, or cauſe every Perſon ſo arreſted, ſtopped, or detained, to be taken or carried before the ſaid Governor or Deputy Governor, or a Deemſter, to be dealt with according to Law, then and in ſuch Caſe ſuch Officer of the Cuſtoms or other Perſon ſo making Seizure of Spirits, Tobacco, or Snuff, ſhall be entitled to and ſhall be paid One Moiety of the Net Proceeds thereof; and in caſe of the Seizure of ſuch Articles, whether on the Water or on Shore in the ſaid *Iſle of Man*, if the Officer of the Cuſtoms or other Perſon making the ſame ſhall alſo ſeize and proſecute, or cauſe to be proſecuted the Ship, Veſſel, or Boat in or on board of which ſuch Spirits, Tobacco, or Snuff ſhall be or ſhall have been brought, found, or ſeized, or the Cattle or Carriages uſed or employed in moving or conveying the ſame, but ſhall not alſo 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, Tea, Coffee, or Salt, ſhall be or ſhall have been brought, found, or ſeized, or in unlading, removing, or carrying away ſuch Spirits, Tobacco, Tea, Coffee, or Salt, or the Perſons, or ſome or one of them from whom the ſame ſhall be ſeiſed and taken, or carry or cauſe all and every ſuch Perſons ſo ſtopped, arreſted, or detained, to be taken or carried before the Governor or Deputy Governor, or a Deemſter, of the ſaid Iſle, to be dealt with according to Law; then and in ſuch caſe the Officer of the Cuſtoms or other Perſons making ſuch Seizure ſhall be entitled to and ſhall be paid only One Third of the Proceeds of ſuch Spirits, Tobacco, Tea, Coffee, or Salt; and in caſe any ſuch Officer or other Perſon as

aforeſaid, ſhall make Seizure of any Spirits, Tobacco, Tea, Coffee, or Salt, and ſhall neither ſeize and proſecute, or cauſe to be proſecuted, the Ship, Veſſel, or Boat, Cattle, or Carriages, in or on board which ſuch Spirits, Tobacco, Tea, Coffee, and Salt ſhall be or ſhall have been brought, 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, Tea, Coffee, or Salt ſhall be or ſhall have been brought, found, or ſeized, or in unlading, removing, or carrying ſuch Spirits, Tobacco, Tea, Coffee, or Salt, or from whom the ſame ſhall be ſeized or taken, or ſhall not carry or convey or cauſe all and every ſuch Perſons ſo arreſted, ſtopped, or detained, to be carried or conveyed before the Governor or Deputy Governor, or a Deemſter of the ſaid Iſle; then and in ſuch Caſe the Officer or other Perſon making ſuch Seizure ſhall be entitled to and ſhall be paid only One Fourth Part of the Net Proceeds of ſuch Spirits, Tobacco, Tea, Coffee, or Salt: Provided, that in all Caſes where any ſuch Officer or other Perſon as aforeſaid ſhall, upon the Seizure of any Goods whatever liable to Forfeiture, by any Act or Acts of Parliament, relating to the ſaid *Iſle of Man*, or for the Prevention of Smuggling there, alſo ſeize the Carts, Horſes, Cattle, or Carriages made uſe of in the Removing, Carriage, or Conveyance of any ſuch Goods, and the ſame ſhall be condemned, ſuch Officer or Officers, or other Perſon or Perſons, in every ſuch Caſe, ſhall be entitled to Three Fourths of the Net Proceeds of ſuch Carts, Horſes, Cattle, and Carriages reſpectively, after all Charges attending the Proſecution and Sale thereof ſhall be deducted.

Perſons ſeizing Spirits within certain Limits to be allowed One Moiety of the Proceeds.

VII. Provided alſo, and be it further enacted, That in all Caſes where any ſuch Officers and Perſons as aforeſaid ſhall ſeize within the Limits of any of the Ports of the *Iſle of Man*, 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 Proceeds thereof, deducting the Charges of Condemnation and Sale.

Veſſels ſeized and condemned, how to be diſpoſed of.

VIII. And whereas it is expedient that Ships, Veſſels, and Boats ſeized and condemned in the *Iſle of Man*, and which are calculated for illicit Trade, ſhould be diſpoſed of, and the Officers ſeizing the ſame rewarded according to the Practice in the like Caſes in *Great Britain*; be it therefore enacted, That upon the Condemnation of any Ship, Veſſel, or Boat, in the ſaid *Iſle of Man* of illegal Built or Conſtruction, or which ſhall be illegally rigged or fitted, it ſhall and may be lawful for the Commiſſioners of the Cuſtoms in *England* to direct ſuch Ship, Veſſel, or Boat to be diſpoſed of, and the Produce thereof to be divided in the ſame Manner as Ships, Veſſels, and Boats illegally built, conſtructed, rigged, or fitted are now by Law directed to be diſpoſed of, and the Produce thereof divided upon Condemnation in *Great Britain*; and when any ſuch Ship, Veſſel, or Boat ſhall be broken up, the Officer or Officers of the Cuſtoms, or of the Army, Militia, Navy, or Marines, or other Perſon or Perſons by whom ſuch Ship, Veſſel, or Boat ſhall have been ſeized, ſhall be entitled to, and in like Manner paid the like Tonnage Rewards as are payable to the

Tonnage Rewards to be paid Officers.

Officers seizing Ships, Vessels, or Boats of such illegal Built, Construction, Rigging, or Fitting, in *Great Britain*; that is to say, to such Officer or Officers for all such Vessels or Boats as shall exceed Four Tons by Admeasurement, which shall be seized and condemned, an Allowance of Forty Shillings per Ton, according to the legal Admeasurement thereof; and for all such Boats which shall not exceed Four Tons by Admeasurement, and which shall be seized and condemned, an Allowance of Fifty Shillings per Ton; and for all Ships, Vessels, and Boats, which, on account of their Built, Construction, Denomination, or Description are liable to Forfeiture by any Act or Acts of Parliament in force, or hereafter to be made, and which shall be liable to be broken up, and which said Ships, Vessels, and Boats, at the Time of the Seizure thereof, shall be found in Ballast or light, an Allowance of Thirty Shillings per Ton, to be paid upon the Condemnation of such Ships, Vessels, and Boats, according to the legal Admeasurement thereof; and also One Moiety of the Produce of the Materials of such Ships, Vessels, or Boats respectively, after deducting therefrom the Charges of Condemnation and Sale.

Penalty on Persons obstructing Officers.

IX. And be it further enacted, That if any Person or Persons whatever shall by Force or Violence assault, resist, oppose, molest, obstruct, or hinder any Commissioned Officer of the Army or Militia while embodied, or any Commissioned Officer of His Majesty's Military Forces while on Service in the said *Isle of Man*, or any Commissioned Officer of the Navy or Marines, or any Officer of the Customs, or any Person or Persons aiding or assisting in the due Execution of the Powers and Authorities by this Act given or granted, such Person being thereof convicted by due course of Law, shall be adjudged a Felon, and shall be transported for Seven Years, or sentenced to be imprisoned in any House of Correction or any Common Gaol in the said *Isle of Man*, and kept to hard Labour for any Time not exceeding Three Years, at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid; or if any Person or Persons shall maliciously shoot at, maim, or dangerously wound any such Officer as aforesaid, while acting in the due Execution of his or their Duty, under any of the Powers, Authorities, or Provisions of this Act, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being thereof lawfully convicted, be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

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