ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

CAP. XCVI.

An Act to extend the Powers vested in the Commissioners of the Customs of restoring Vessels and Goods seized to Seizures made by virtue of any Acts relating to the Department of the Customs.

[26th *June* 1811.]

WHEREAS by an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for making further Provisions in regard to such Vessels as are particularly described in an Act made in the Twenty-fourth Year of the Reign of His present Majesty for the more effectual Prevention of Smuggling in this Kingdom, and for extending the said Act to other Vessels and Boats not particularly described therein; for taking off the Duties on Flasks in which Wine or Oil is imported; for laying an additional Duty on Foreign Geneva imported; for taking off the Duty on Ebony, the Growth of* Africa, *imported into this Kingdom; and for amending several Laws relative to the Revenue of Customs*; the Commissioners of the Customs in *England* and *Scotland* respectively are authorized to direct, under the Circumstances and on the Terms and Conditions therein mentioned, any Goods or Commodities whatever, or any Ships, Vessels, Boats, Horses, Cattle or Carriages which shall have been seized as forfeited by virtue or in pursuance of any Act or Acts of Parliament relating to the Revenue of Customs, to be restored to the Proprietor or Proprietors: And whereas Doubts have arisen whether the Powers and Authorities so vested in the said Commissioners extend to authorize the Delivery of Goods and Commodities, Ships, Vessels, Boats, Horses, Cattle, or Carriages that may have been seized as forfeited by any Officer or Officers of the Customs, or other Person or Persons being duly

27 G. 3. c. 33.

 authorized

authorized to make ſuch Seizures by virtue and in purſuance of any other Act or Acts of Parliament: And whereas it is expedient, in order to obviate ſuch Doubts, and to prevent the Delay, Inconvenience, and Expence that would be occaſioned by the Detention of Veſſels or Goods ſeized under Circumſtances wherein it would be juſt and reaſonable that Relief ſhould be afforded, that the Powers and Authorities ſo veſted in the Commiſſioners of the Cuſtoms in *England* and *Scotland* reſpectively ſhould extend and be conſtrued to extend to authorize the Commiſſioners of the Cuſtoms in *England* and *Scotland*, according to their reſpective Juriſdictions, to order any Goods or Commodities whatever, or any Ships, Veſſels, Boats, Horſes, Cattle or Carriages, which ſhall have been ſeized as forfeited by any Officer or Officers of the Cuſtoms, or by any other Perſon or Perſons who by virtue and under the Authority of any Act or Acts of Parliament made for the Protection of Trade, the Benefit of Commerce, or for the encouraging and increaſing of Shipping and Navigation, or in any reſpect relating to the Department of the Cuſtoms, to be reſtored to the Proprietor or Proprietors on the Terms and Conditions herein-after mentioned; 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 all the Powers and Authorities veſted in the Commiſſioners of the Cuſtoms in *England* and *Scotland* reſpectively by the ſaid recited Act paſſed in the Twenty-ſeventh Year of the Reign of His preſent Majeſty, by virtue of which the Commiſſioners of the Cuſtoms in *England* for the Time being, or any Four or more of them, or the Commiſſioners of the Cuſtoms in *Scotland* for the Time being, or any Three or more of them, are authorized to direct any Goods or Commodities whatever, or any Ships, Veſſels, Boats, Horſes, Cattle or Carriages ſeized as forfeited by virtue and in purſuance of any Act or Acts relating to the Revenue of Cuſtoms, to be reſtored to the Proprietor or Proprietors, on the Proof and on the Terms and Conditions in the ſaid Act mentioned, ſhall extend and be conſtrued to extend to authorize the Commiſſioners of the Cuſtoms in *England* for the Time being, or any Four or more of them, or the Commiſſioners of the Cuſtoms in *Scotland* for the Time being, or any Three or more of them, according to their reſpective Juriſdictions, to order any Goods or Commodities whatever, or any Ships, Veſſels, Boats, Horſes, Cattle or Carriages that ſhall have been or ſhall be ſeized as forfeited either by any Officer or Officers of the Cuſtoms, or by any other Perſon or Perſons whatſoever by virtue or in purſuance of any Act or Acts of Parliament made for the Protection of Trade, the Benefit of Commerce, or the encouraging and increaſing of Shipping and Navigation, or by virtue and in purſuance of any other Act or Acts of Parliament in any reſpect relating to the Department of the Cuſtoms, to be reſtored to the Proprietor or Proprietors, whether ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages ſhall have been ſeized as forfeited in *Great Britain* or on the High Seas, or in any other of His Majeſty's Dominions, Colonies, Settlements or Plantations, in caſe Evidence ſhall be given to the Satisfaction of the ſaid Commiſſioners, according to their reſpective Juriſdictions, that the Forfeiture aroſe without any Deſign of Fraud in the Proprietor or Proprietors of ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages; and alſo, in caſe the Seizure ſhall have been made by any ſuch Officer or Officers, or other Perſon or Perſons as aforeſaid in any of His Majeſty's Colonies, Settlements or Plantations, or on the High Seas,

Powers veſted in the Commiſſioners of the Cuſtoms by recited Act for reſtoring Goods and Veſſels, &c. that have been ſeized, to the Owners, under certain Circumſtances, to extend to Seizures under any other Act, provided the Forfeiture aroſe without any Deſign of Fraud, &c.

Seas, and it ſhall be made appear to the Satisfaction of the Commiſſioners of the Cuſtoms in *England* for the Time being, or any Four or more of them, that ſuch Seizure was occaſioned by the Proprietor or Proprietors of any ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages having acted in Conformity with any Orders or Directions which the Governor or Chief Officer of any ſuch Colony, Settlement or Plantation ſhall have deemed it expedient on any particular Emergency to iſſue.

Seizures to be reſtored to the Proprietors on ſuch Conditions as the Commiſſioners ſhall direct, &c.

II. And be it further enacted, That in any Caſe wherein the ſaid Commiſſioners of the Cuſtoms in *England* and *Scotland* reſpectively ſhall exerciſe the Powers hereby veſted in them, ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages ſhall be reſtored to the Proprietor or Proprietors in ſuch Manner and on ſuch Terms and Conditions as under the Circumſtances of the Caſe ſhall appear to the ſaid Commiſſioners in *England* and *Scotland* reſpectively to be reaſonable, and as they ſhall think fit to direct; and if the ſaid Proprietor or Proprietors ſhall comply with the Terms and Conditions preſcribed by ſuch Commiſſioners in *England* and *Scotland* reſpectively, it ſhall not be lawful for the Officer or Officers of the Cuſtoms, or any other Perſon or Perſons as aforeſaid who ſhall have ſeized ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages, or any other Perſon or Perſons whatever on his or their Behalf, to proceed in any Manner for the Condemnation thereof; but if ſuch Proprietor or Proprietors ſhall not comply with the Terms and Conditions preſcribed by the ſaid Commiſſioners reſpectively, ſuch Officer or Officers, Perſon or Perſons, ſhall be at Liberty, and is and are hereby authorized to proceed for the Condemnation of ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages, as if this Law had not been made: Provided always, that if ſuch Proprietor or Proprietors ſhall accept the Terms and Conditions preſcribed by the ſaid Commiſſioners of the Cuſtoms reſpectively, ſuch Proprietor or Proprietors ſhall not have or be entitled to any Recompence or Damage on account of the Seizure or Detention of ſuch Goods or Commodities, Ships, Veſſels, Boats, Horſes, Cattle or Carriages, or have or maintain any Action whatever for the ſame, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

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