

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CXLI.

An Act to regulate the Manner of licenſing Boats by the Commiſſioners of the Cuſtoms, and the delivering up of Licences in Caſes of Loſs or Capture of Veſſels licenſed; and for enabling the Commiſſioners of the Cuſtoms to purchaſe certain Boats at a Valuation. [22d *July* 1812.]

WHEREAS by an Act made in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, intituled *An Act to prevent the clandeſtine running of Goods, and the Danger of Infection thereby, and to prevent Ships breaking their Quarantine; and to ſubject Copper Ore, of the Production of the* Britiſh *Plantations, to ſuch Regulations as other enumerated Commoditics of the like Production are ſubject*; it was amongſt other Things enacted, that if any Boat, Wherry, Pinnace, Barge, or Galley, rowing or made or built to row with more than Four Oars (not belonging to His Majeſty or any of the Royal Family, or not being a Long Boat, Barge, or Pinnace, belonging to or uſed in the Service of any Merchant Ship or Veſſel), ſhall be found upon the Water, or in any Place within the Counties of *Middleſex, Surrey, Kent*, or *Eſſex*, or in the River of *Thames*, either above or below *London Bridge*, or within the Limits of the Ports of *London, Sandwich*, or *Ipſwich*, without a Licence as therein directed, ſuch Boat, Wherry, Pinnace, Barge, or Galley, with all her Tackle and Furniture, or 8 G. 1. c. 18.

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the Value thereof, ſhould be forfeited, and the Owner or Owners thereof, or any Perſon uſing or rowing the ſame, ſhould alſo forfeit and loſe the Sum of Forty Pounds: And whereas by another Act, paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, intituled *An Act for the more effectually preventing the pernicious Practices of Smuggling in this Kingdom, and for indemnifying Perſons who have been guilty of Offences againſt the Laws of the Cuſtoms and Exciſe, upon the Terms therein mentioned*, the ſaid in part recited Act, and the ſeveral Clauſes, Penalties, and Forfeitures and Reſtrictions therein contained (not altered by that Act) were extended to all Boats, Wherries, Pinnaces, Barges, or Galleys whatever, rowing or made or built to row with more than Six Oars, which ſhall be found either upon the Land or Water, within any Harbour, Port, or Place whatever, in any other Part of *Great Britain*, or within Two Leagues of the Coaſt thereof; but it was nevertheleſs provided, that nothing therein contained ſhould extend or be conſtrued to extend to Boats commonly called *Tow Boats* (uſed in the towing Ships or Veſſels), belonging to licenſed Pilots within the Port and Juriſdiction of the City of *Briſtol*: And whereas by another Act, paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act to make more effectual Proviſion for the Prevention of Smuggling*, Boats belonging in the Whole or in Part to His Majeſty's Subjects, or whereof One Half of the Perſons on board are Subjects of His Majeſty, being rowed with, or conſtructed to row with more than Six Oars, (except Boats employed in the Whale Fiſheries, or belonging to Merchant Ships or Veſſels exceeding the Burthen of Two hundred and fifty Tons, or Life Boats, or Boats employed ſolely in Rivers or Inland Navigations), found within the Limits of any Port in the United Kingdom, or in any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere on the High Seas, within One hundred Leagues of any of the Coaſts of *Great Britain*, are ſubject to Forfeiture, with all her Furniture, Tackle, and Apparel, unleſs ſuch Boats are licenſed by the Commiſſioners of His Majeſty's Cuſtoms in *England* or *Scotland* reſpectively, to uſe more than Six Oars: And whereas it is expedient in order to check and ſuppreſs the illegal and noxious Tranſactions carried on upon the Coaſts of *Great Britain* by Row Boats, further to require the Owner or Owners of Boats in *Great Britain*, rowing with more than Four Oars, to take out Licences in certain Caſes, for uſing or navigating ſuch Boats, from the ſaid Commiſſioners of His Majeſty's Cuſtoms in *England* or *Scotland*, as the Caſe may be, and to provide that no Licences for Boats rowing with more than Six Oars ſhall in future be granted, except as herein 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 if any Boat, Wherry, Pinnace, Barge, or Galley, being rowed with, or made or built or conſtructed to row with more than Four Oars, belonging in the Whole or in Part to His Majeſty's Subjects, or whereof One Half of the Perſons on board are Subjects of His Majeſty, ſhall, from and after the Thirty-firſt Day of *Auguſt* One thouſand eight hundred and twelve, be found within the Limits of any Port of *Great Britain*, or in any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere on the High Seas within One hundred Leagues of the Coaſt of *Great Britain*, or ſhall be diſcovered to have been within the ſaid Limits or Diſtance, the Owner or Owners of which ſhall not have obtained a Licence for uſing or navigating ſuch Boat, Wherry, Pinnace, Barge, or Galley, from the Commiſſioners

19 G. 3. c. 69.

47 G. 3. c. 66.

Boats, &c. of a certain Deſcription found within the Limits herein mentioned, unleſs the Owners ſhall have obtained Licence, ſhall be forfeited.

Commiſſioners of His Majeſty's Cuſtoms in *England* or *Scotland*, as the Caſe may be, or from the Lords Commiſſioners of the Admiralty, prior to the paſſing of the before recited Act of the Forty-ſeventh Year of the Reign of His preſent Majeſty; every ſuch Boat, Wherry, Pinnace, Barge, or Galley, with her Tackle and Furniture, ſhall be forfeited, and may and ſhall be ſeized by any Officer of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe: Provided always, that nothing herein-before contained ſhall extend, or be conſtrued to extend, to any Boat, Wherry, Pinnace, Barge, or Galley, belonging to His Majeſty or any of the Royal Family, or in the Service of Government, or in the Employment of the Cuſtoms or Exciſe, or to any Long Boat, Yawl, Pinnace, or other Boat belonging to any ſquare-rigged Ship or Veſſel employed in the Merchants Service, or to any other Merchant Ship or Veſſel exceeding the Burthen of One hundred and fifty Tons, not otherwiſe requiring a Licence for the Uſe thereof, or to any Boat employed in the Whale Fiſheries, or to any Life Boat or any Tow Boat uſed in the towing Ships or Veſſels belonging to licenſed Pilots within the Port and Juriſdiction of the City of *Briſtol*, or to any Boat, Wherry, Pinnace, Barge or Galley employed ſolely in Rivers or Inland Navigation.

Not to extend to Boats, &c. herein mentioned.

II. And be it further enacted, That each and every Licence which may be granted by the ſaid Commiſſioners of His Majeſty's Cuſtoms in *England* or *Scotland* for any Boat, Wherry, Pinnace, Barge, or Galley, rowing with Six Oars or otherwiſe, requiring Licence, from and after the Thirty-firſt Day of *Auguſt* One thouſand eight hundred and twelve ſhall contain the proper Deſcription thereof, the Name or Names of the Owner or Owners, together with his or their Place or Places of Abode, and in what Manner intended to be employed, together with any other Particulars which may be required by the ſaid Commiſſioners reſpectively, to be deſcribed and inſerted in ſuch Manner as the ſaid Commiſſioners may reſpectively think proper to require and direct; and the Owner or Owners thereof ſhall alſo give Security by Bond to His Majeſty, His Heirs and Succeſſors, in double the Value of ſuch Boat, Wherry, Pinnace, Barge, or Galley, agreeably to the Directions of an Act paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act to extend the Proviſions of an Act made in the Forty-third Year of His preſent Majeſty, for permitting certain Articles to be warehouſed in* Great Britain, *to other Articles not therein mentioned; and to alter the Condition of the Bond directed to be given by an Act of the Twenty-fourth Year of the Reign of His preſent Majeſty, by the Maſters and Owners of Veſſels and Boats licenſed by the Lords of the Admiralty*, on Failure whereof the Licence ſhall be void and of no Force or Effect; and ſuch Boat, Wherry, Pinnace, Barge, or Galley, ſhall be liable to Seizure and Proſecution in the ſame Manner as if no ſuch Licence had been granted for the ſame.

Licences granted by the Commiſſioners of Cuſtoms to contain certain Particulars.

Bond to be given on obtaining Licences, 46G.3.c.137.

III. And be it further enacted, That no Licence ſhall from and after the paſſing of this Act be granted by the Commiſſioners of His Majeſty's Cuſtoms in *England* or *Scotland*, for any Boat whatever made, built, or conſtructed to row with more than Six Oars; and if any ſuch Boat belonging in the Whole or in Part to His Majeſty's Subjects, or whereof One Half of the Perſons on board are Subjects of His Majeſty, ſhall be found within the Limits of any Port in *Great Britain*, or in any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere on the High Seas within

Licences not to be granted for Boats conſtructed to row with more than Six Oars.

Penalty.

within One hundred Leagues of any Part of the Coaſt of *Great Britain* or *Ireland*, ſuch Boat not having been licenſed previous to the paſſing of this Act ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe; and every ſuch Officer and Officers may and he and they is and are hereby authorized and required to arreſt and detain every Perſon being a Seaman or Sea-faring Man found on board any ſuch Boat (not being a Paſſenger on board), and to convey him to any Ship or Veſſel in His Majeſty's Service, or to the Cuſtody of any Officer employed in His Majeſty's Impreſs Service; and any Perſon being ſuch Seaman or Sea-faring Man may thereupon, if fit and able to ſerve His Majeſty, be impreſſed into His Majeſty's Naval Service, and ſhall continue to ſerve therein for the Period and under the Regulations mentioned in the ſaid recited Act of the Forty-ſeventh Year of His ſaid Majeſty; and it ſhall be lawful for the ſaid Commiſſioners of the Cuſtoms in *England* and *Scotland* reſpectively to direct the Officer or Officers, by whom the Perſons ſo found on board any ſuch Boat ſhall have been detained, to be paid any Sum not leſs than Five Pounds, and not exceeding Twenty Pounds, for each Man ſo detained and impreſſed into His Majeſty's Service: Provided, that nothing herein-before contained, as to Boats rowing with more than Six Oars, ſhall extend or be conſtrued to extend to any Boat or Boats commonly called *Tow Boats*, uſed in the towing Ships and Veſſels belonging to licenſed Pilots within the Port and Juriſdiction of the City of *Briſtol*, or to any Boats employed in the Service of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or to any Boat employed in the Service of the Cuſtoms or Exciſe, or belonging to His Majeſty, or to any of the Royal Family, or to any Life Boat, or any Boat uſed ſolely in Rivers or Inland Navigation, or to any ſquare-rigged Ship or Veſſel employed in the Merchants Service, or to any other Merchants Ship or Veſſel exceeding the Burthen of One hundred and fifty Tons.

Allowance to the Officers on making Seizures.

Certain Tow Boats and other Boats not affected.

IV. And whereas it is expedient to make further Proviſion for compelling the Owners and alſo the Maſters of certain licenſed Ships, Veſſels, and Boats loſt, broken up, captured, burnt, ſeized, and condemned, ſold, or otherwiſe diſpoſed of, to deliver up the Licences which ſhall have been granted for the ſame, within a ſhorter Time than at preſent provided; be it therefore enacted, That from and after the Thirty-firſt Day of *Auguſt* One thouſand eight hundred and twelve, whenever any licenſed Boat of any Deſcription whatever, (not belonging to any Ship or Veſſel, and being under the Burthen of Fifteen Tons), ſhall be loſt, broken up, captured, burnt, ſeized, and condemned, ſold, or otherwiſe diſpoſed of, the Licence which ſhall have been granted for the ſame ſhall be delivered up to the Collector of the Cuſtoms at the Port to which ſuch Boat ſhall belong, within Six Weeks from the Time ſuch Boat ſhall be ſo loſt, broken up, captured, burnt, ſeized, and condemned, ſold, or otherwiſe diſpoſed of; or in caſe of the ſaid Licence being loſt or taken by the Enemy, ſatisfactory Proof thereof on Oath ſhall be within the ſame Period made before the Collector or Controller of ſuch Port, which Oath they are hereby authorized and required to adminiſter; and in caſe ſuch Licence ſhall not be produced and ſo delivered up, and no ſuch Proof ſhall be made within ſuch Period as aforeſaid, the Owner or Owners of ſuch Boat ſhall forfeit and loſe the Sum of Thirty Pounds.

Licence to be delivered up or accounted for after any licenſed Boat is loſt, broken up, or otherwiſe diſpoſed of.

Penalty.

V. And

V. And be it further enacted, That from and after the said Thirty-first Day of *August* One thousand eight hundred and twelve, whenever any licensed Ship or Vessel exceeding Fifteen Tons Burthen shall be lost, broken up, captured, burnt, seized and condemned, sold, or otherwise disposed of, the Licence which shall have been granted for the same shall, in case the Ship or Vessel was licensed for the Coasting or Fishing Trade only, be delivered up to the Collector of the Customs at the Port to which such Ship or Vessel shall belong, within the Period of Two Months from the Time such Ship or Vessel shall be so disposed of; or in case the Ship or Vessel was licensed for trading to Parts beyond the Seas, then the said Licence shall be delivered up to the Collector of the Customs at the Port to which such Ship or Vessel shall belong, within the Period of One Calendar Month from the Time when the loss, burning, capturing, breaking up, seizing, or condemning of such Ship or Vessel, shall come to the Knowledge of the Owner thereof; or in case the Licence shall have been lost, or taken by the Enemy, satisfactory Proof thereof on Oath shall be made within the same Periods respectively, before the Collector and Controller of such Port, which Oath they are hereby authorized and required to administer; and in case the Licence shall not be produced, and so delivered up, and no such Proof shall be made within the said Periods respectively, the Owner or Owners, and also the Master of such Ship or Vessel, shall forfeit and lose the Sum of Fifty Pounds, if of the Burthen of Fifteen Tons and under the Burthen of One hundred and fifty Tons, and One hundred Pounds, if of the Burthen of One hundred and fifty Tons or upwards: Provided always, that all Licences required under any of the Provisions of this Act shall be granted without any Stamp, Fee, or Reward, or any Payment whatever by the Person requiring the same.

How Licences shall be delivered up, or accounted for if lost.

Penalty.

VI. And be it further enacted, That from and after the passing of this Act, if the Owner or Owners, or Master of any licensed Ship, Vessel, or Boat, lost, broken up, captured, burnt, seized and condemned, sold, or otherwise disposed of, shall, prior to or after such Disposal of the Ship, Vessel, or Boat, knowingly make use of the Licence granted for the same, in order to protect from Seizure and Prosecution any other Ship, Vessel, or Boat; or if the Owner or Owners, or Master of any Ship, Vessel, or Boat whatever, licensed by the Commissioners of the Customs in *England* or *Scotland*, shall make use of such Licence for any other Ship, Vessel, or Boat, than that for which the same was granted, such Owner or Owners, and also the Master knowing thereof, shall forfeit the Sum of Two hundred Pounds.

Penalty on making use of Licence improperly in protecting a Vessel from Seizure.

VII. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the Commissioners of His Majesty's Customs in *England* and *Scotland* respectively, and they are hereby authorized, whenever it may appear expedient so to do, to purchase any Boat, Wherry, Pinnace, Barge, or Galley, rowing or made or built to row with more than Six Oars, which may have been licensed previous to the passing of this Act; and the Owner and Owners of every such Boat, Wherry, Pinnace, Barge, or Galley shall, and he and they is and are hereby required to sell and dispose of his or their Interest therein to the said Commissioners respectively, at a fair Valuation, to be ascertained by the Oaths of Two disinterested and indifferent Persons skilled in the Value of small

Boats with more than Six Oars, licensed previous to the passing of this Act, may be purchased by the Commissioners of Customs.

Value of Boats how to be aſcertained.

Veſſels, or Craft of the like Deſcription, one of ſuch Perſons to be nominated by the ſaid Commiſſioners reſpectively, and the other by the Owner or Owners of the Boat, Wherry, Pinnace, Barge, or Galley intended to be purchaſed; and in caſe of Diſagreement as to the Value, the Perſons ſo nominated ſhall call in a Third diſintereſted and indifferent Perſon; ſuch Two Perſons and ſuch Third Perſon to be paid any Sum which may be reaſonable by the Owner of ſuch Boat or other Veſſel, and by the ſaid Commiſſioners, in equal Moieties, and the Determination as to the Value of any Two ſuch Perſons, or of ſuch Third Perſon ſo called in, ſhall be binding and concluſive upon all Parties; and after Payment being made to the Owner or Owners of the Sum ſo aſcertained to be the Value of ſuch Boat, Wherry, Pinnace, Barge, or Galley, the Property ſhall veſt in His Majeſty; and the Owner or Owners ſhall, and he and they is and are hereby required to deliver ſuch Boat, Wherry, Pinnace, Barge, or Galley to any Officer or Officers of the Cuſtoms appointed to receive the ſame by the Order and Direction of the ſaid Commiſſioners reſpectively; or in caſe of Refuſal on the Part of ſuch Owner or Owners to receive the Amount of the Purchaſe Money, ſuch Boat, Wherry, Pinnace, Barge or Galley ſhall and may be ſeized and taken Poſſeſſion of by any ſuch Officer as the Property of His Majeſty.

Boats ſo purchaſed may be employed in the Service of the Revenue or broken up.

VIII. And be it further enacted, That after the ſaid Commiſſioners reſpectively ſhall have obtained Poſſeſſion of any ſuch Boat, Wherry, Pinnace, Barge, or Galley, they are hereby authorized and required to uſe and employ the ſame in the Service of the Revenue, or cauſe the ſame to be broken up, and the Materials ſold, according as in their Judgment it may appear to be the moſt conducive to the public Service.

Boats conſtructed for rowing or ſailing, of the Length of 30 Feet or upwards, &c. found within certain Limits ſhall be forfeited.

IX. And be it further enacted, That from and after the Thirty-firſt Day of *Auguſt* One thouſand eight hundred and twelve, in caſe any open Boat belonging in the Whole or in Part to any of His Majeſty's Subjects, or whereof One Half of the Perſons on board are Subjects of His Majeſty, and being of the Length of Thirty Feet and upwards, built or conſtructed for rowing or ſailing, or for rowing and ſailing, the Length of which ſhall be greater than in the Proportion of One Foot for every Two Inches of the Width or Breadth of ſuch Boat, to be meaſured by a ſtraight Line from the Forepart of the Stem to the aft Side of the Tranſum or Stern Poſt aloft, ſhall, from and after the ſaid Thirty-firſt Day of *Auguſt* One thouſand eight hundred and twelve, be found within the Limits of any of the Ports of *Great Britain*, or in any Part of the *Britiſh* or *Iriſh* Channels, or on the High Seas within One hundred Leagues of the Coaſt of *Great Britain* or *Ireland*, ſuch Boat 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, unleſs ſuch Boat, being a clinch-built Boat, ſhall have Plank of not leſs than Half an Inch thick, and Timbers of the following Dimenſions; that is to ſay, for every Boat exceeding the Length of Thirty Feet and being under the Length of Thirty-five Feet, Timbers of not leſs than One Inch and a Quarter ſquare; for every Boat of the Length of Thirty-five Feet and under the Length of Forty Feet, Timbers of not leſs than One Inch and Three eighths of an Inch ſquare; for every Boat of the Length of Forty Feet and being under the Length of Forty-five Feet, Timbers of not leſs than One Inch and a Half ſquare; for every Boat of the Length of Forty-five Feet and being under the Length of Fifty Feet,

Timbers of not less than One Inch and Three Quarters square; and for every Boat of the Length of Fifty Feet and upwards, Timbers of not less than Two Inches square, such Timbers respectively not being more than Ten Inches apart: Provided, that nothing herein-before contained as to Boats of the Length of Thirty Feet and upwards shall extend or be construed to extend to Boats belonging to Ships or Vessels exceeding the Burthen of One hundred and fifty Tons, provided such Boats are licensed by the said Commissioners respectively, nor to Life Boats, nor to Boats employed in the Whale Fisheries, nor to the Boats belonging to any square-rigged Ship or Vessel employed in the Merchants Service, or to any other Merchant Ship or Vessel exceeding the Burthen of One hundred and fifty Tons, or used solely in Rivers or Inland Navigation, or employed in the Service of Government, or to extend to any Boat which may have been licensed by the Lord High Admiral of *Great Britain*, or Lords Commissioners of the Admiralty, prior to an Act passed in the Forty-seventh Year of the Reign of His present Majesty, intituled *An Act to make more effectual Provision for the Prevention of Smuggling*, or by the Commissioners of the Customs in *England* or *Scotland* prior to the passing of this Act: Provided always, that nothing herein-before enacted or required respecting the Length, Width, or Plank or Timbers of Boats, shall extend or be construed to extend to affect Boats belonging to Ships or Vessels returning from the First Voyage to Foreign Parts, upon which First Voyage they shall have left *Great Britain* before or within Fourteen Days after the passing of this Act, provided the Owners or Masters of such Ships or Vessels shall duly take out a Licence from the said Commissioners of Customs for each such Boat, within One Calendar Month after the returning into Port of each such Ship or Vessel from such First Voyage.

But not to extend to certain Boats herein mentioned.

47 G. 3. c. 66.

X. And be it further enacted, That all Boats seized under any of the Provisions of this Act, and all Penalties and Forfeitures whatever in this Act mentioned, may and shall be managed, kept, detained, proceeded against, sued for, prosecuted, condemned, distributed, recovered, and applied in *England* or *Scotland* respectively, according to the Laws now in force relating to His Majesty's Revenue of Customs in *Great Britain*, in so far as the same are or can be made applicable, and are not by this Act altered or varied.

Penalties and Forfeitures how to be sued for.

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