

ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

CAP. CIV.

An Act for the making more effectual Proviſion for the Prevention of Smuggling, and rewarding Officers and Perſons making Seizures and capturing Smuggling Veſſels; for licenſing Luggers employed in the *North Sea* Fiſhery; and obliging Exporters of Exciſeable Goods on Drawback to give Notice of Shipment. [1ſt *July* 1816.]

WHEREAS it is expedient, for the Protection of the Revenue and more effectual Prevention of Smuggling, that additional Powers ſhould be given to Officers of Cuſtoms and Exciſe reſpectively to make Seizures, and that Officers on Half Pay ſhould be authorized and empowered to make Seizures, and that further Encouragement ſhould be given to Officers and Perſons employed in preventing Smuggling, and to Perſons giving Information relating thereto, and that the Laws relating to licenſing Veſſels ſhould be amended: 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, every Officer of Cuſtoms ſhall have, uſe, and exerciſe all ſuch and the like Powers and Authorities for the Examination, Seizure, Detention, Removal, and Proſecution of any Ship, Boat, or other Veſſel, Cart or other Carriage, Horſe or Cattle, or

Officers of Cuſtoms to have the like Powers as Exciſe Officers in Caſes of Forfeitures

under the Laws of Excise; and in Cases of Forfeitures under the Laws of Customs, Excise Officers to act as Officers of Customs.

or any Goods, Wares, or Merchandize whatsoever, forfeited under any Law or Laws of Excise, as are or shall hereafter be granted, or shall or may be used or exercised in that Behalf by any Officer of Excise; and that every Officer of Excise shall have, use, and exercise all such and the like Powers and Authorities for the Examination, Seizure, Detention, Removal, and Prosecution of any Ship, Boat, or other Vessel, Cart or other Carriage, Horse or Cattle, or Goods, Wares, or Merchandize whatsoever, forfeited under any Law or Laws relating to His Majesty's Customs as are or shall hereafter be granted, or shall or may be used or exercised in that Behalf by any Officer of Customs; any Thing in this or any other Act or Acts of Parliament to the contrary thereof notwithstanding.

Officers of the Army or Navy on Half Pay, authorised by the Treasury or the Commissioners of the Customs or Excise, may make Seizures, pursuant to their Warranty.

II. And be it further enacted, That it shall be lawful for any Officer of the Army or Navy on Half Pay, who shall be authorized for that Purpose by Warrant or other Instrument under the Hands of the Lord High Treasurer or Commissioners of the Treasury for the Time being, or any Three or more of them, or by a Deputation from any Three or more of the Commissioners of Customs or Excise in *England*, *Scotland*, or *Ireland* respectively, to seize within any such Limits as shall be specified in any such Warrant or Instrument, any Wine, Spirituous Liquors, Tea or Tobacco, or any prohibited *East India* or *French* Goods, or any other Goods specified in any such Warrant or Instrument which may be subject to Seizure, under any Law or Laws relating to the Revenue of Customs or Excise respectively, or any Vessel, Boat, Horse, Cattle or Carriages used or employed in the Importation or Removal of such Prohibited or Run Goods; and all the Powers, Provisions, and Authorities contained in any Act or Acts of Parliament in relation to the making of any Seizure of any such Goods, or of any such Vessel, Boat, Horse, Cattle, or Carriage for being used or employed in the Importation or Removal of any such Goods by any Officer or Officers of the Customs or Excise, and to the arresting or detaining any Men liable to be arrested or detained under any Act or Acts of Parliament passed for the Prevention of Smuggling, shall extend and be construed to extend to all such Officers so authorized as aforesaid, and as to all Goods or Articles which they are respectively empowered to seize, as fully and effectually to all Intents and Purposes, as if the several Clauses, Powers, Authorities, and Directions, relative thereto, were repeated and re-enacted in the Body of this present Act, as to all such Officers respectively.

Penalty on such Officers making collusive Seizures or taking Bribes, and on Persons offering Bribes, 500*l*.

III. And be it further enacted, That if any Officer on Half Pay, Military or Naval, so authorized as aforesaid, shall make any collusive Seizure, or shall deliver up, or shall make any Agreement to deliver up, or not to seize any Ship or Vessel, Boats, Horse, Cattle, or Carriage, or any Goods liable to Seizure, or shall directly or indirectly take or receive any Bribe, Gratuity, Recompence, or Reward for the Neglect or Non-performance of his Duty, in relation to any such Goods or Articles, or Seizure thereof, every such Officer therein offending shall for each and every such Offence forfeit the Sum of Five hundred Pounds, and be rendered incapable of serving His Majesty in any Office or Employment Civil or Military; and if any Person or Persons whatsoever shall give, offer, or promise to give, any Bribe, Recompence, or Reward to, or make any such collusive Agreement with any such Officer, every such Person or Persons shall for each and every such Offence, whether the same Offer, Proposal, Promise, or Agreement

Agreement be accepted or performed or not, forfeit the Sum of Five hundred Pounds.

Such Seizures to be profecuted under the Direction of the Commiſſioners of the Cuſtoms or Excife; and the Powers, &c. given in Caſes of Seizures by Officers of Cuſtoms and Excife ſhall extend to ſuch Half Pay Officers.

IV. And be it further enacted, That every ſuch Seizure ſhall be profecuted, recovered, and diſpoſed of, under the Direction of the Commiſſioners of His Majeſty's Cuſtoms or Excife in *England* and *Scotland* reſpectively, in the ſame Manner as if made by an Officer or Officers of the Cuſtoms or Excife; and all Penalties, Forfeitures, Clauſes, Matters, and Things, contained in any Act or Acts of Parliament, relative to the Seizure of the like Deſcription of Goods, Wares, or Merchandizes, by Officers of the Cuſtoms or Excife reſpectively; and all Powers, Authorities, Exemption and Exceptions, and all Privileges and Protections as to maintaining or defending any Suit or Action and Pleading therein, or any Coſts thereon, in relation to any Acts, Matters, or Things done or that may be done by any Officers of the Cuſtoms or Excife reſpectively, ſhall extend and be deemed, conſtrued, and taken to extend, and ſhall apply to all ſuch Officers on Half Pay ſo authorized as aforeſaid, and to all Seizures made by them reſpectively under the Authority of this Act, in purſuance of any Warrant or Inſtrument given under the Proviſions thereof, in as full and ample a Manner to all Intents and Purpoſes as if the ſaid Penalties, Clauſes, Matters, Things, Powers, Authorities, Exemptions, Exceptions, Privileges, and Protections, were repeated and re-enacted in this Act, and were made Part thereof.

Act not to give Power to Half Pay Officers to ſeize Ships liable to Forfeiture under Navigation Acts.

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to give to any ſuch Officer on Half Pay as aforeſaid, any Power or Authority to ſeize any Ships, Goods, or Commodities whatever, liable to Forfeiture under any Act or Acts of Parliament made for the Encouragement and Increaſe of Shipping and Navigation.

In lieu of the Rewards now payable, the Rewards herein mentioned ſhall be paid for Seizures.

VI. And be it further enacted, That for the further Reward and Encouragement of Officers of the Army, Navy, or Marines, or Officers acting under the Orders of the Lord High Admiral or Commiſſioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and of ſuch Officers on Half Pay as aforeſaid, and of all Officers acting under the Orders of the Commiſſioners of Cuſtoms or Excife of *England*, *Scotland*, or *Ireland* reſpectively, for the Prevention of Smuggling, and of other Perſons giving Information of any ſmuggling Tranſaction, the Rewards herein-after mentioned ſhall, in lieu of the Rewards now payable, be paid and allowed for and in reſpect of all Seizures of Ships, Boats, or other Veſſels, Goods, Wares, or Merchandize, under any Law or Laws of Cuſtoms or Excife now in force at Sea, or for being unſhipped or landed without Payment of His Majeſty's Duties of Cuſtoms or Excife reſpectively payable on the legal Importation of ſuch Goods, Wares, or Merchandize, or the Importation of which ſhall be wholly prohibited; that is to ſay, if any ſuch Officer or Officers making any ſuch Seizure at Sea ſhall alſo arreſt, ſtop, and detain all the Perſons who ſhall be or ſhall have been employed in navigating the Ship, Boat, or other Veſſel in or on board of which ſuch Goods, Wares, or Merchandize ſhall be or ſhall have been brought, found, or ſeized, and ſhall alſo ſeize and ſecure ſuch Ship, Boat, or other Veſſel; or making ſuch Seizure on Shore ſhall alſo arreſt, ſtop, and detain the Perſon who ſhall

shall be unlading, removing, carrying, or concealing such Goods, Wares, or Merchandize, landed without Payment of Duty, or wholly prohibited as aforesaid, and also seize and secure the Cart or other Carriage, and Horse or Horses, or Cattle used for removing and carrying the same; and such Officer or Officers as aforesaid shall take or convey, or cause every such Person so arrested, stopped, or detained as aforesaid, to be taken or conveyed before One or more of His Majesty's Justices of the Peace, so that he or they may be dealt with according to Law; or shall deliver every such Person who shall be fit for and liable to be employed in His Majesty's Navy, to some Commander in or on board of One of His Majesty's Ships of War, then, and in every such Case, such Officer or Officers making such Seizure shall be entitled to and shall be paid the Whole of the Value, after deducting all such Costs and Expences as aforesaid, at which such Goods, Wares, or Merchandize shall be respectively estimated or fixed by the Commissioners of Customs or Excise respectively ordering and directing the Prosecution; and in case some or One only of such Persons as aforesaid shall be seized, arrested, or detained, and brought before such Justice or Justices, or delivered over for the Use of His Majesty's Navy as aforesaid, and the rest shall unavoidably escape, and such Ship, Boat, or other Vessel, shall also be seized and secured as aforesaid, such Officer or Officers making such Seizure as aforesaid shall be entitled to and shall be paid, after such Deduction as aforesaid, Three Fourth Parts or Shares of such Value as aforesaid; and in case such Officer or Officers as aforesaid, making any such Seizure as aforesaid, shall also seize and secure such Ship, Boat, or other Vessel as aforesaid, or the Cart or other Carriage or Carriages, Horse or Horses, or Cattle as aforesaid, but shall not also stop, arrest, and detain, and produce before the Justice or Justices, or deliver over for the Use of His Majesty's Navy as aforesaid, any of the Persons aforesaid, or shall stop, arrest, detain, and produce before the Justice or Justices, or deliver over for the Use of His Majesty's Navy as aforesaid, such Persons as aforesaid, or some or One of them, but not seize and secure such Ship, Boat, or other Vessel, Cart, Carriage, Horse, or Cattle as aforesaid, then and in such Case such Officer or Officers making such Seizure shall be entitled to and shall be paid, after such Deduction as aforesaid, Two Third Parts of such Value as aforesaid; and in case any such Officer or Officers shall make Seizure of any such Goods, Wares, and Merchandize as aforesaid, and shall neither seize and secure the Ship, Boat, or other Vessel aforesaid, or arrest, detain, and produce before the Justice or Justices, or deliver over for the Use of His Majesty's Navy as aforesaid, any of the Persons aforesaid, then and in such Case such Officer or Officers making such Seizure of such Goods, Wares, or Merchandizes, only shall be entitled to and shall be paid, after such Deduction as aforesaid, One Half Part of the Value at which such Goods, Wares, or Merchandize shall be so estimated or fixed as aforesaid: Provided always, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury for the Time being, upon Proof being made to their Satisfaction that the Failure of any such Officer or Officers upon making any such Seizure as aforesaid, in arresting all or any of the Persons aforesaid, and producing them or him before such Justice or Justices as aforesaid, or delivering them or him over for the Use of His Majesty's Navy, or seizing and securing such Ship, Boat, or other Vessel, was not owing to any Want of Exertion on the Part of such Officer or Officers, but was solely occasioned by Resistance, or from the Violence of the Sea, Darkness

of the Night or other insurmountable Obstacles, to grant to such Officer or Officers such further Part of the Value of such Seizure as aforesaid, as by them may be deemed expedient in that Behalf.

Reward to be given to Informers.

VII. Provided also, and be it further enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury for the Time being, or any Three of them, or for the Commissioners of Customs or Excise, under their Direction, to order so much of the Reward, Part, or Share of any such Seizure, or of the Value thereof as aforesaid, as is by this Act given or granted to the Officer or Officers making any such Seizure as aforesaid, as they may deem proper, to be paid to the Person or Persons by whose Information or through whose Means and Assistance such Seizure may be or may have been so made; and that every such Reward, or Part or Share of any such Seizure, or of the Value thereof, as shall under or by virtue of this or any other Act be payable to any Officer or Officers, Non-commissioned Officers, Petty Officers, Seamen or Privates of His Majesty's Army, Navy, or Marines, or acting under the Orders of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, shall be divided and distributed in such Proportions, and according to such Rules, Regulations, and Orders, as His Majesty shall, by His Order or Orders in Council, or by His Royal Proclamation in that Behalf, be pleased to direct or appoint.

Shares of Seizures payable to Officers and Men of the Army and Navy to be distributed according to Proclamation.

Vessels liable to Examination not bringing to when required may be shot at (first firing a Signal Gun); and the Captain, &c. of His Majesty's Ship, &c. shall be indemnified, having the proper Pendant and Ensign hoisted.

VIII. And be it further enacted, That in case any Ship or Vessel, liable to Seizure or Examination by this or any other Act of Parliament in force, shall not bring to on being required so to do, or being chased by any Ship or Vessel in His Majesty's Navy, having the proper Pendant and Ensign of His Majesty's Ships hoisted, or by any Ship or Vessel employed in the Prevention of Smuggling under the Authority of the Lords Commissioners of the Treasury, the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, having a Pendant and Ensign hoisted of such Description as His Majesty, by any Order in Council, or by His Royal Proclamation, under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, shall from Time to Time in that Behalf order and direct, it shall and may be lawful for the Captain, Master, or other Person having the Charge or Command of such Ship or Vessel in His Majesty's Navy, or employed as aforesaid, (first causing a Gun to be fired as a Signal), to shoot at or into such Ship or Vessel so liable as aforesaid; and such Captain, Master, or other Officer, and every Person acting in his Aid and Assistance, or by his Direction, shall be and he is hereby indemnified and discharged from any Penalties or Actions for Damages for so doing; and in case any Person or Persons shall be wounded, maimed, or killed, by means of such firing, and the said Captain, Master, or other Person acting in his or their Aid or Assistance, or by his or their Direction, shall be sued, molested, or prosecuted, or shall be brought before any of His Majesty's Justices of the Peace, or other Justices or Persons having competent Authority, for or on account of such Wounding, Maiming, or Killing as aforesaid, all and every such Justice or Justices, Person or Persons, is and are hereby authorized and empowered, enjoined and required to admit every such Captain, Master, or other Person or Persons so brought before him and them as aforesaid, to Bail; any Law, Usage, or Custom, to the contrary notwithstanding.

Penalty on Masters of Vessels not being in the Service hoisting such Pendant or Enfign, 500l.

IX. And be it further enacted, That if any Ship or Veſſel not being in the Service of His Majeſty's Navy, or employed as aforeſaid, ſhall carry or hoiſt any ſuch Pendant or Enſign as is herein-before reſpectively mentioned, the Maſter or Perſon having the Charge or Command of every ſuch Ship or Veſſel ſhall forfeit the Sum of Five hundred Pounds, to be recovered and applied in ſuch Manner as any Penalty or Forfeiture is directed to be recovered and applied in and by an Act paſſed in the Twenty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for the more effectual Prevention of Smuggling in this Kingdom.*

24 G. 3. c. 47.

One Half of the Rewards to be paid on Condemnation of the Seizure, and the other on the Accounts being adjuſted.

X. And be it further enacted, That One Half Part of all ſuch Rewards as aforeſaid, after ſuch Deduction as aforeſaid, ſhall be paid by the Commiſſioners of Cuſtoms or Exciſe reſpectively by whom the Proſecution ſhall be directed to ſuch Officer or Officers, or other Perſon or Perſons as aforeſaid, who ſhall be entitled to the ſame, immediately upon the Condemnation of any ſuch Seizure as aforeſaid, and the other Half Part thereof upon the Account or Accounts relating to ſuch Seizure being finally made up and adjuſted.

Expences to be paid out of the groſs Proceeds of the Sale; or if Seizure be not ſold, Expences ſhall be paid out of the King's Share of Seizures.

XI. And be it further enacted, That all Coſts and Expences attending the Seizure, Detention, Cuſtody, Removal, Proſecution, Condemnation, and Sale of any Ship, Boat, or other Veſſel, Carriage, Horſe, Cattle, Goods, Wares, or Merchandize reſpectively, forfeited under any Law or Laws of Cuſtoms or Exciſe, ſhall, except in the Caſes herein-after mentioned, be paid out of the groſs Proceeds ariſing from the Sale of ſuch Seizure whenever ſuch Goods, Wares, or Merchandize reſpectively are ſold; and in caſe any ſuch Goods, Wares, or Merchandize ſhall not be ſold, but be deſtroyed or otherwiſe diſpoſed of by any Order of the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three of them as aforeſaid, all ſuch Coſts and Expences ſhall be paid out of His Majeſty's Share of Cuſtoms or Exciſe Seizures which ſhall or may be ſeized or condemned.

Commiſſioners of Cuſtoms or Exciſe may pay the Expences in the firſt Inſtance out of the King's Share of Seizures, and alſo diſtribute a Sum among the Officers, &c. not exceeding the Value of the Reward appointed for the Seizure, without deducting the Expence.

XII. Provided always, and be it further enacted, That, in all Caſes where any Ship, Veſſel, Boat, Horſe, Cattle, Cart, Carriage, or Goods of what Kind ſoever ſhall be ſeized as forfeited under or by virtue of any Act or Acts of Parliament relating to His Majeſty's Revenue of Cuſtoms or Exciſe, it ſhall be lawful for the reſpective Commiſſioners of Cuſtoms or Exciſe, or any Three or more of them reſpectively, under the Direction of the Lords Commiſſioners of the Treaſury, if they in their Diſcretion and Judgment ſhall deem it expedient ſo to do, to order the Whole or any Part of the Coſts, Charges, and Expences ariſing either from the Seizure, Cuſtody, Removal, Detention, or Proſecution of any ſuch Ship, Veſſel, Boat, Horſe, Cattle, Cart, Carriage, or Goods, whether the ſame ſhall be condemned or not, and alſo of the Coſts, Charges, and Expences ariſing from the Condemnation thereof, if the ſame ſhall be condemned, and of the Sale thereof, if ſold, whether the Produce ariſing from the Sale thereof ſhall be ſufficient to anſwer the ſaid Coſts, Charges, and Expences or not, to be paid out of His Majeſty's Share of the Produce ariſing by the Sale of Cuſtoms or Exciſe Seizures, which have been or ſhall and may be ſeized and condemned, and ſhall pay or diſtribute to and amongſt the Officer or Officers who ſhall have made any ſuch Seizure as aforeſaid, and the Informer or Informers, if any, by whoſe Information, or

 through

through whoſe Means or Aſſiſtance, ſuch Seizure ſhall be or ſhall have been made, a Sum or Sums of Money not exceeding the Part, Share, or Proportion of ſuch Seizure, or the Value thereof, or the Reward for making ſuch Seizure, directed by Law to be paid or allowed to the Informer, or Officer or Perſon making any ſuch Seizure reſpectively, in full, without deducting therefrom the ſaid Coſts, Charges, and Expences, or any Part thereof, and the Reſidue of ſuch Produce ſhall be paid and applied to ſuch Uſes and Purpoſes as His Majeſty's Share of the Produce of ſuch Seizures is by Law applicable unto.

Expences of Proſecutions may be paid out of the King's Share of Penalties.

XIII. And be it further enacted, That in any Proſecution carried on in His Majeſty's Court of Exchequer at *Weſtminſter*, or His Majeſty's Court of Exchequer at *Edinburgh*, under or by virtue of any Order of the Commiſſioners of Cuſtoms or Exciſe in *England* or *Scotland* reſpectively, it ſhall be lawful for the ſaid reſpective Commiſſioners, or any Three or more of them, reſpectively, under the Direction of the Lords Commiſſioners of the Treaſury, if they in their Diſcretion and Judgment ſhall deem it expedient ſo to do, to order the Whole or any Part of the Coſts, Charges, and Expences of ſuch Proſecution, (whether the Money which ſhall be recovered and paid either by way of Penalty or Compoſition from the Defendant or Defendants ſhall be ſufficient to anſwer ſuch Coſts, Charges, and Expences or not), to be paid out of His Majeſty's Share of the Penalties ariſing by Cuſtoms or Exciſe Proſecutions, and to allow the Officer or Officers concerned in ſuch Proſecution, or Perſon or Perſons through whom Information or by whoſe Means or Aſſiſtance ſuch Offences were defeated, any Sum or Sums of Money not exceeding a Moiety of the Sum or Sums of Money which ſhall be ſo recovered and paid as aforeſaid; any Law, Cuſtom, or Uſage, to the contrary in anywiſe notwithſtanding.

49 G. 3. c. 65.

XIV. And whereas by an Act made in the Forty-ninth Year of the Reign of His preſent Majeſty, for (amongſt other Things) 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, it is provided and enacted, that nothing in that Act ſhould extend or be conſtrued to extend to empower the ſaid Juſtices to examine into, hear, or determine any Proſecution for any Penalties incurred by any Offence againſt that or any Act or Acts then in force, or thereafter to be made, relating to His Majeſty's Revenue of Cuſtoms, in any Caſe wherein the ſame ſhould in the Whole exceed the Sum of Fifty Pounds, unleſs they ſhould be ſo empowered by any other Act or Acts of Parliament then in force, or thereafter to be made: And whereas it is expedient to repeal the ſaid recited Proviſion, and to give to His Majeſty's Juſtices of the Peace the ſame Juriſdiction in reſpect of Forfeitures incurred under any Act or Acts now in force, or which ſhall hereafter be made relating to His Majeſty's Revenue of Cuſtoms, as they now have by Law in reſpect of any Forfeitures incurred under any Act or Acts relating to His Majeſty's Revenue of Exciſe; be it therefore enacted, That the ſaid recited Proviſion ſhall be and the ſame is hereby repealed; and that from and after the paſſing of this Act it ſhall be lawful for any Two or more of His Majeſty's Juſtices of the Peace for any County, Riding, City, Diviſion, or Liberty, to examine into, hear, and determine all Proſecutions for the Condemnation of any Seizure made under or by virtue of any Act or Acts relating to His Majeſty's Revenue of Cuſtoms;

Proviſion in recited Act limiting Juſtices Juriſdiction in Caſes of Offences againſt the Cuſtoms repealed, and Two Juſtices

empowered to determine in all Cases of Seizure under the Laws of Customs as they are now empowered to do under the Laws of Excise.

Customs; and the said Justices are hereby authorised and required, upon Information exhibited before them, for the Condemnation of any such Seizure or Seizures as aforesaid, to proceed thereon in the same Manner and with the like Powers and Authorities as are given to them by any Law or Laws of Excise now in force with respect to Forfeitures for the Breach of any Law or Laws of Excise; any Thing in the said recited Act, or in any other Act or Acts now in force to the contrary thereof notwithstanding.

No Action to be brought for the Recovery of Penalties, &c. unless by Order of the Commissioners, or in the Name of the Attorney General.

XV. And be it further enacted, That it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Plaint, or Information against any Person or Persons for the Recovery of any Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures incurred under or by virtue of any Act or Acts now in force, or which shall hereafter be made, relating to either of His Majesty's Revenues of Customs or Excise, or to issue or cause to be issued any Writ or Writs of Appraisement for the Condemnation of any Ship or Ships, Boat or Boats, or other Vessel or Vessels, or any Goods, Wares, or Merchandize whatsoever seized as forfeited under or by virtue of any such Act or Acts, unless the same be commenced, prosecuted, entered, filed, or issued by Order of the Commissioners of His Majesty's Customs or Excise, or by or in the Name of His Majesty's Attorney General; and if any Action, Bill, Plaint, Information, or Writ of Appraisement is commenced, prosecuted, entered, filed, or issued by or in the Name of any Person or Persons whatsoever, except upon such Order as aforesaid, or by or in the Name of His Majesty's Attorney General, the same and all Proceedings thereupon had shall be null and void, and the Court or Courts, or Justice or Justices of the Peace, where or before whom such Action, Bill, Plaint, Information, or Writ of Appraisement is or shall be so commenced, prosecuted, entered, filed, or issued, shall not permit or suffer any Proceeding or Proceedings to be had thereupon.

Brandy and other Spirits seized by Officers of the Army and Navy, &c. to be lodged with the proper Officer of Excise, and after Condemnation shall be conveyed to the Places provided under 45 G. 3. c. 121. and there re-distilled, and afterward to be disposed of as directed by

XVI. And be it further enacted, That all Foreign Brandy, Rum, Geneva, and other Spirits which shall be seized by any Officer or Officers of His Majesty's Army, Navy, or Marines, or Officer acting under the Orders of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* or *Ireland*, or under the Orders of the Commissioners of Customs or Excise in *England*, *Scotland*, or *Ireland*, respectively, or by Officers on Half Pay, Military or Naval, authorised as aforesaid, at Sea or on Shore, or having been unshipped or landed without Payment of His Majesty's Duties of Customs or Excise payable on the lawful Importation of such Spirits respectively, shall after the Seizure thereof be lodged with the proper Officer of Excise, and secured and gauged and taken and kept Account of; and after the Condemnation thereof respectively, upon Prosecution thereof by Order of the Commissioners of Excise, shall be forthwith conveyed to such respective Places as are mentioned or provided in an Act made in the Forty-fifth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for the more effectual Prevention of Smuggling*, and there re-distilled, under the Orders of the Commissioners of Excise, for the Purpose of making the same of a proper Import Strength, and shall afterwards be sold or otherwise disposed of, as directed by the

said Act and by another Act made 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*, and by this Act, under the Orders of the Commissioners of Excise. 47 G. 3. sess. 2. c. 66.

XVII. And be it further enacted, That no Goods, Wares, or Merchandize whatsoever, condemned as forfeited under any Law or Laws of Customs or Excise in any Part of the United Kingdom of *Great Britain* or *Ireland*, shall be sold at a less Price than shall be equal to the Amount of the Duties of Customs and Excise respectively payable upon such Goods, Wares, or Merchandize respectively, when imported or taken out for Home Consumption; and that all condemned Goods, Wares, or Merchandize, for which, on public Sale, a Price shall not be offered equal at the least to the Price aforesaid, and all condemned Goods, Wares, and Merchandize, the Importation whereof is or shall be wholly prohibited, shall be forthwith destroyed or sold for Exportation, or applied and disposed of to such Public Use as shall be ordered by the Lords Commissioners of His Majesty's Treasury for the Time being, or any Three of them. No forfeited Goods shall be sold at a less Price than equal to the Duties, &c.

XVIII. And whereas an Act passed in the last Session of Parliament, intituled *An Act to regulate the Clearance of Vessels and Delivery of Coast Bonds at Creeks and Harbours in* Great Britain; *for exempting certain Ships and Vessels from being licensed by the Commissioners of Customs; for authorizing Officers of the Customs to seize Spirits removing without Excise Permits; and for preventing Frauds in overloading Keels and other Carriages used in conveying Coals for Exportation, or to be carried Coastwise:* And whereas it is expedient that the said recited Act should be amended, be it therefore enacted, That so much of the said recited Act as enacts, that no Licences shall be required from the Commissioners of the Customs in *England*, *Scotland*, or *Ireland*, for navigating certain Ships or Vessels therein particularly described, shall be and the same is hereby repealed. 55 G. 3. c. 118. So much of recited Act as enacts that no Licence shall be required for navigating certain Vessels, repealed.

XIX. And whereas it is expedient to permit the Navigation of square rigged Ships and Vessels of the Burthen of Two hundred Tons or upwards, without requiring the Owners thereof to take out Licences for that Purpose from the Commissioners of His Majesty's Customs in *England*, *Scotland*, or *Ireland*; be it therefore enacted, That from and after the passing of this Act no Licence shall be required from the Commissioners of the Customs in *England*, *Scotland*, or *Ireland*, for navigating any square rigged Ship or Vessel of the Burthen of Two hundred Tons or upwards, by Admeasurement; and no such Ship or Vessel shall be deemed liable to Seizure or Forfeiture under any Act of Parliament in force on and immediately before the passing of this Act, on account of her Length, Built, Construction, Denomination, or Description: Provided nevertheless, that every such Ship or Vessel as aforesaid, which shall be armed or intended to be armed for Resistance, or be navigated or intended to be navigated with any greater Number of Men than is allowed by Law in Proportion to the Number of Tons of her Admeasurement, shall be liable to Seizure or Forfeiture under any Act or Acts of Parliament in force relating to licensing of Ships or Vessels, unless the Owner or Owners of every such Ship or Vessel shall take a Licence for the navigating thereof, in the same Manner as if this Act had not been made. No Licence required for navigating square rigged Vessels of 200 Tons Burthen or upwards. No Vessel liable to Seizure on account of her Construction; but armed Vessels, or navigated with a greater Number of Men than allowed, liable to Seizure, &c.

Veſſels of the Deſcription herein mentioned found within the Limits of any Port, or within 100 Leagues of the Coaſt, not licenſed, ſhall be forfeited.

XX. And whereas it is expedient that certain Ships and Veſſels, other than and except ſquare rigged Ships or Veſſels of Two hundred Tons Burthen and upwards, ſhould have Licences for navigating the ſame, be it therefore enacted, That from and after the Firſt Day of *January* One thouſand eight hundred and ſeventeen, every Ship or Veſſel belonging in the Whole or in any Part to any of His Majeſty's Subjects, whereof One Half of the Perſons on board are Subjects of His ſaid Majeſty (and being a ſquare rigged Ship or Veſſel of the Burthen of Two hundred Tons and upwards, the Difference of whoſe Draught of Water forward and aft ſhall exceed One Inch and One Quarter of an Inch for every Foot of the Breadth of ſuch Ship or Veſſel) ſuch Draught of Water to be aſcertained by a ſtraight Line along the Rabbit of the Keel, adding to ſuch Draught of Water, forward and aft, the Depth of the Main Keel in the Middle of the ſaid Ship or Veſſel, on the Outſide, and the Draught of Water to be taken when the ſaid Ships or Veſſel, whether light or loaded, ſhall be in ſailing Trim, which ſhall be found in the Limits of any Port of this Kingdom, or within any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere, within One hundred Leagues of the Coaſt of this Kingdom, for which a Licence ſhall not have been procured from the Commiſſioners of Cuſtoms for navigating the ſame, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of His Majeſty's Army, Navy, or Marines, or of the Cuſtoms or Exciſe.

Every open Veſſel or Boat diſcovered to have been in Foreign Parts, or to have taken on board at Sea any Goods from any Veſſel coming from Foreign Parts, without Licence, ſhall be forfeited, &c.

XXI. And whereas it is expedient for the Prevention of Smuggling, that no open Veſſel or Boat whatſoever ſhould be permitted to go to Foreign Parts, or to take or receive any Goods, Wares, or Merchandizes at Sea from any Veſſel coming from Foreign Parts without a Licence for that Purpoſe, be it therefore enacted, That from and after the Firſt Day of *January* One thouſand eight hundred and ſeventeen, every open Veſſel or Boat, belonging in the Whole or in Part to His Majeſty's Subjects, which ſhall be found or diſcovered to have been in Foreign Parts, or ſhall be found with or diſcovered to have taken on board at Sea, any Goods, Wares, or Merchandizes from any Ship, Veſſel, or Boat coming from Foreign Parts, unleſs ſuch open Veſſel or Boat ſhall have gone into any Foreign Port, or take ſuch Goods to preſerve the ſame from Neceſſity or Diſtreſs, of which Proof ſhall be made before the Collector or other Chief Officer of the Cuſtoms, immediately upon the Arrival of the ſaid Veſſel or Boat in a Port of this Kingdom, unleſs ſuch Boat or Veſſel ſhall be licenſed for that Purpoſe by the Commiſſioners of His Majeſty's Cuſtoms, or any Three or more of them, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of His Majeſty's Army, Navy, Marines, or of the Cuſtoms or Exciſe; any Thing in any Act or Acts of Parliament contained to the contrary notwithſtanding.

Licences to be granted under ſuch Conditions as ſhall be deemed neceſſary for the Prevention of Smuggling.

XXII. And whereas it is expedient that the Commiſſioners of His Majeſty's Cuſtoms in *England*, *Scotland*, or *Ireland*, or any Three or more of them reſpectively, ſhould be empowered to reſtrict and limit the Operation of Licences with reſpect to the Employment or Navigation of Ships, Veſſels, or Boats licenſed in ſuch Manner as they may deem proper and fit for the Security of the Revenue, and the Prevention of Smuggling, be it therefore enacted, That, from and after the paſſing of this Act, it ſhall be lawful for the ſaid Commiſſioners of His Majeſty's Cuſtoms

in *England*, *Scotland* and *Ireland* reſpectively, or any Three or more of them reſpectively, to grant any Licence which ſhall be required for the Navigation of any Ship, Veſſel, or Boat, upon ſuch Condition as to the Navigation, Trade, and Employment of any ſuch Ship, Veſſel, or Boat, and for ſuch Limits as to Diſtance from the Coaſt of the United Kingdom, or otherwiſe, as the ſaid Commiſſioners may deem neceſſary or expedient or proper, for the Security of the Revenue and the Prevention of Smuggling; and every Ship or Boat having any ſuch conditional or limited Licence, which ſhall trade, navigate, or be employed in any Manner not authorized by the Licence, ſhall be forfeited and liable to Seizure, in like Manner in any reſpect, as if no Licence whatever had been granted for ſuch Ship, Veſſel, or Boat; any Thing contained in any Act or Acts of Parliament relating to Licences, or this Act, to the contrary notwithſtanding.

On granting Licences, Owners to give Security in Treble the Value of the Veſſel.

XXIII. And whereas it is expedient to increaſe the Amount of Security for Ships, Veſſels and Boats, requiring to be licenſed; be it therefore enacted, That Security ſhall be given by the Owner or Owners of every Ship, Veſſel, or Boat, for which a Licence ſhall be required, in Treble the Value thereof inſtead of in Double the Value, ſuch Security to be given under the ſame Conditions, Rules, Regulations, Reſtrictions and Forfeitures, as provided and enacted by the Laws in force, on and immediately before the paſſing of this Act, as far as the ſame are applicable thereto; and the Owner or Owners of any ſuch Ship, Veſſel, or Boat ſo requiring a Licence, ſhall give the neceſſary Security for the ſame at the Port to which ſuch Ship, Veſſel, or Boat ſhall belong, and no other, and the Perſons who are to become ſuch Security for the ſame ſhall be Perſons approved by the Collector and Comptroller of the Cuſtoms, ſufficient and reſponſible, and reſiding at or near the ſame Port; any Thing in any Act or Acts of Parliament to the contrary notwithſtanding.

Commiſſioners of Cuſtoms may grant Licences for the Navigation of Luggers not exceeding 65 Tons Burthen to be employed in the North Sea Fiſhery;

but no Lugger to proceed beyond the Diſtances herein mentioned.

XXIV. And whereas by the Laws in force every Veſſel belonging in the Whole or in Part to His Majeſty's Subjects, or whereof One Half of the Perſons on board ſhall be Subjects of His Majeſty, exceeding the Burthen of Fifty Tons by Admeaſurement, which ſhall be rigged or fitted as a Lugger, is, together with her Guns, Furniture, Ammunition, Tackle and Apparel, ſubject to Forfeiture, and may be ſeized by any Officer of His Majeſty's Army, Navy, or Marines, or of the Cuſtoms or Exciſe: And whereas in conſequence of ſuch Limitation of Tonnage, great Inconvenience has been experienced by Perſons carrying on the *North Sea* Fiſhery, upon the *Yorkſhire* and *Norfolk* Coaſt; for Remedy whereof be it enacted, That it ſhall and may be lawful for the Commiſſioners of the Cuſtoms in *England* and *Scotland*, or any Three or more of them reſpectively, to grant Licences for the Navigation of Luggers, not exceeding the Burthen of Sixty-five Tons, by Admeaſurement, intended to be ſolely employed in the Fiſhery carried on in the *North Seas*, between *Saint Abbs Head* on the Coaſt of *Scotland*, and the *South Foreland* on the Coaſt of *Kent*, provided that no ſuch Lugger ſhall proceed beyond the reſpective Diſtances from the Coaſt hereafter mentioned; (that is to ſay), when any ſuch Lugger is employed in the Fiſhery to the Northward of a due Eaſt Line from *Loweſtoffe* Light Houſe, and to the Southward of a due Eaſt Line from *Saint Abbs Head*, it ſhall not be lawful for ſuch Lugger to proceed beyond the Diſtance of Twenty Leagues from the Coaſt; when any ſuch Lugger ſhall be employed in

in the Fiſhery to the Southward of the ſaid due Eaſt Line from *Lowſtoffe* Light Houſe, and to the Northward of a due Eaſt Line from the *North Foreland*, it ſhall not be lawful for ſuch Lugger to proceed beyond the Diſtance of Six Leagues from the Coaſt; and when employed in the Fiſhery to the Southward of the ſaid due Eaſt Line from the *North Foreland*, and to the Northward of a due Eaſt Line from the *South Foreland*, it ſhall not be lawful for her to proceed beyond the Diſtance of Four Leagues from the Coaſt; and if any Lugger licenſed under the Proviſions of this Act ſhall be found beyond the Limits and Diſtances herein-before mentioned, every ſuch Lugger ſhall be ſeized and proſecuted in the ſame Manner ſhe would have been if this Act had not been made: Provided always, that the Owner and Owners of every Lugger, licenſed under the Proviſions of this Act, ſhall before any ſuch Lugger proceed to Sea, or ſail out of any Port, Harbour or Creek of this Kingdom, give Security by Bond to His Majeſty, His Heirs and Succeſſors, in the Penalty of Treble the Value thereof, in the Manner required by 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 His preſent Majeſty, by the Maſters and Owners of Veſſels and Boats licenſed by the Lords of the Admiralty*, with reſpect to certain Veſſels and Boats, for which the Owner or Owners are required to give Security by Bond as directed by that Act.

Owner of Lugger to give Security in Treble its Value in Manner required by 46 G. 3. c. 137.

XXV. And whereas the Regulations by Law eſtabliſhed for the Prevention of Frauds on the Shipment of Goods for Exportation, in reſpect of which a Drawback or Drawbacks of Exciſe is or are payable, have been found inſufficient to anſwer the good Purpoſes thereby intended, and it has therefore become neceſſary to make further Regulations in reſpect thereof, be it therefore enacted, That from and after the Fifth Day of *July* One thouſand eight hundred and ſixteen, all and every Perſon and Perſons intending to export any Goods in reſpect of which any Drawback or Drawbacks of Exciſe ſhall or may become payable, ſhall give to the proper Officer or Officers of Exciſe of the Port where the ſame ſhall be ſhipped, Six Hours at the leaſt before ſuch Shipment ſhall be made, a Notice thereof in Writing, in which Notice ſhall be ſpecified the Number of Packages intended to be ſo ſhipped, with their reſpective Marks and Numbers, and the Quantity and Quality of the Goods contained in each ſuch Package, and Rate and Amount of Duty which have been paid thereon, and ſhall alſo ſpecify the Quay or Place where ſuch Package or Packages and Goods are lying, and from which ſuch Goods are intended to be ſhipped, and the Time when ſuch Shipment is intended to take place, and the Name of the Ship or Veſſel in which the ſame are intended to be ſhipped and exported, and of the Maſter or Commander thereof, and of the particular Port or Place to which ſuch Goods are intended to be exported, and alſo the Place or Situation of the Port in which ſuch Veſſel ſhall then lie and may be found; and that if any Goods ſhall be ſhipped for Exportation, without ſuch Notice as aforeſaid being ſo given and delivered as aforeſaid, or without ſuch Officer having been allowed an Opportunity of inſpecting and examining the ſame in conſequence of ſuch Notice, or if ſuch Perſon or Perſons ſhall not, after the Expiration of ſuch Six Hours, or after the

Regulations to be obſerved on the Shipment of Goods for Exportation where Drawbacks of Exciſe are allowed.

ſaid Officer has finiſhed and completed his Examination of the ſaid Goods, with all due Diligence, and without any unneceſſary Delay, ſhip the ſame and every Part thereof, no Drawback or Drawbacks of Exciſe ſhall be paid or payable thereon or in reſpect thereof.

If on Examination ſuch Goods ſhall be found to vary from the Deſcription given, and a greater Drawback would have been claimed than of Right due, the Goods ſhall be forfeited.

XXVI. And be it further enacted, That if upon the Examination of any Goods, or any Package or Packages ſpecified in ſuch Notice as aforeſaid, by any Officer or Officers of Exciſe, any of ſuch Goods, Package or Packages ſhall be found to vary from the Deſcription thereof reſpectively contained in ſuch Notice, ſo that a higher or greater Sum of Money than of Right due ſhall have been claimed, or would according to ſuch Deſcription, in caſe ſuch Diſcovery or Detection had not been made, have been, on the Exportation of ſuch Goods or Package or Packages reſpectively, deemed payable as a Drawback or as Drawbacks of Exciſe in reſpect thereof, or His Majeſty in any reſpect defrauded therein, all and every ſuch Goods or Package or Packages, and the Goods contained therein reſpectively, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of Exciſe; and the Perſon or Perſons who ſhall have entered the ſame for Exportation, knowing thereof, ſhall, over and above all other Penalties, forfeit and loſe for each and every ſuch Offence Treble the Value of ſuch Goods, including the Duty or Duties paid or payable thereon, or the Sum of One hundred Pounds for each and every ſuch Package, at the Election of the Commiſſioners of Exciſe, to be ſignified in and by the Information to be filed or exhibited for the Recovery thereof.

Penalty on the Perſon entering the ſame for Exportation.

XXVII. And whereas Doubts may ariſe whether any Perſon or Perſons who hath or have been, or who hereafter ſhall or may be arreſted and detained under or by virtue of an Act paſſed in the Forty-fifth Year of His preſent Majeſty's Reign, intituled *An Act for the more effectual Prevention of Smuggling*, or of 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*; and who, under or by virtue of the ſaid Acts or either of them, is, are, or would be liable to be impreſſed into His Majeſty's Naval Service, now is, are, or may be liable to be kept and detained in the ſaid Service, by reaſon that there may not be any Perſon or Officer employed in His Majeſty's Impreſs Service, or authorized or empowered by Warrant to impreſs Seamen into the ſaid Service; be it therefore enacted and declared, That all and every Perſon and Perſons who now is or are or hereafter ſhall or may be arreſted or detained under or by virtue of the ſaid laſt mentioned Acts, or either of them, and who, under or by virtue of the ſaid Acts or either of them, is, are, or would have been liable to be impreſſed into His Majeſty's Naval Service, is, are, and ſhall be liable to ſerve His Majeſty in the ſaid Service, and to be kept and detained in the ſaid Service, in ſuch and the ſame Manner, and for ſuch and the ſame Period of Time as in the ſaid Acts, or either of them, is mentioned; and that all and every Perſons and Perſon, Officers and Officer, who by the ſaid Acts or either of them might or would have been authorized or empowered to receive, keep, and detain any ſuch Perſon or Perſons as in the ſaid Acts or either of them is or are mentioned, are, is, and ſhall be, and are and is hereby declared to be authorized and empowered ſo to do, in ſuch and the ſame Manner, and as fully and

45 G. 3. c. 121.

47 G. 3. ſeſſ. 2. c. 66.

Perſons detained under recited Acts liable to ſerve in the Navy.

effectually to all Intents and Purposes, as if all and every such Persons or Person, Officers or Officer, had been authorized and empowered so to do by any Impress Warrant issued for that Purpose.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1816.