

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. LXXVI.

An Act to subject Foreigners to Arrest and Detention for Smuggling within certain Distances of any of the Dominions of His Majesty; for regulating Rewards to the Seizing Officers, according to the Tonnage of Vessels or Boats seized and condemned; and for the further Prevention of the Importation of Tea, without making due Entry thereof with the Officers of Customs and Excise.

[5th *June* 1818.]

WHEREAS by an Act passed in the Forty-fifth Year of His present Majesty's Reign, intituled *An Act for the more effectual Prevention of Smuggling*, it is enacted, that 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 liable to Forfeiture under any of the Provisions of that Act, or liable to Forfeiture under the Provisions of any other Act or Acts, for being found or having been at Anchor or hovering within any such Distances of any of the Dominions of His Majesty, with such Goods on board as subject such Ship, Vessel, or Boat, or Goods, to Forfeiture, 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 to be laid on Land, or found carrying, conveying, concealing, or assisting in the carrying away, conveying, or concealing, any Foreign Brandy, Rum, Geneva, or Spirits subject to Forfeiture under that Act, or any Law or Act relating to the Revenue of Customs or Excise in the United Kingdom, are liable to certain Penalties; and it is thereby made lawful for any Officer or Officers of the Army, Navy, Marines, Customs, or Excise, and he and they is and are thereby authorized, empowered, and required, to stop, arrest, and detain every such Person, being a Subject of His Majesty, and to convey the said 45G.3.c.121.

Perſon before One or more of His Majeſty's Juſtices of the Peace reſiding near to the Port or Place into which ſuch Ship, Veſſel, or Boat ſhall be taken or carried, or near to the Place where any ſuch Perſon ſhall be ſo taken or arreſted, to be dealt with, proceeded againſt, or proſecuted in the Manner therein directed; and by another Act paſſed in the Fifty-ſeventh Year of His ſaid Majeſty's Reign, intituled *An Act to amend Two Acts, paſſed in the Forty-fifth Year of His preſent Majeſty, and in the laſt Seſſion of Parliament, for the making more effectual Proviſion for the Prevention of Smuggling*, further Proviſions are made for proceeding againſt ſuch Perſons before Juſtices of the Peace: And whereas it is expedient to extend the Proviſions of the ſaid recited Acts to all Perſons, who are not Subjects of His Majeſty, found within a certain Diſtance of any of the Dominions of His Majeſty: 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 every Perſon, not 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, within One League of any of the Dominions of His Majeſty, ſuch Ship, Veſſel, or Boat being liable to Forfeiture under any of the Proviſions of the ſaid recited Act paſſed in the Forty-fifth Year of His preſent Majeſty's Reign, or liable to Forfeiture under the Proviſions of any other Act or Acts, for being found or having been at Anchor or hovering within any ſuch Diſtances of any of the Dominions of His Majeſty, with ſuch Goods on board as ſubject ſuch Ship, Veſſel, or Boat, or Goods, to Forfeiture, and who ſhall not prove that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat; and every Perſon, not being a Subject of His Majeſty, found within One League of any of the Dominions of His Majeſty, aiding or aſſiſting in unſhipping to be laid on Land, or found carrying or conveying, concealing, or aſſiſting in carrying away, conveying, or concealing, any Foreign Brandy, Rum, Geneva, or Spirits ſubject to Forfeiture under the ſaid recited Act, or any Law or Act relating to the Revenue of Cuſtoms or Exciſe in the United Kingdom, ſhall forfeit for every ſuch Offence either Treble the Value of the Goods that ſhall be found or taken from ſuch Perſon or Perſons, or the Sum of One hundred Pounds, at the Option and ſubject to the Election and Diſcretion of the Commiſſioners of Cuſtoms or Exciſe reſpectively who ſhall direct any Proſecution or Suit to be commenced againſt any ſuch Perſon; ſuch Penalty of Treble the Value, or of One hundred Pounds, as the Caſe may be, to be recovered as any like Penalty may be recovered under any Act or Acts relating to the Revenue of Cuſtoms or Exciſe in the United Kingdom; and One Half of every ſuch Penalty of Treble the Value, or of One hundred Pounds, ſhall go and be applied to the Uſe of the Perſon or Perſons finding and taking and detaining ſuch Perſon, not being a Subject of His Majeſty, or informing for the ſame; and ſuch Perſon ſhall alſo be liable to ſuch other Puniſhment as may by any Law or Act of Parliament be inflicted on any ſuch Offender; and it ſhall be lawful for any Officer or Officers of the Army, Navy, Marines, Cuſtoms, Exciſe, or Smuggling Preventive Boat Service, and he and they is and are hereby authorized, empowered, and required, to ſtop, arreſt, and detain every ſuch Perſon, not being a Subject of His Majeſty, and to convey the ſaid Perſon before One or more of His Majeſty's Juſtices of the Peace reſiding near to the Port or Place into which ſuch Ship, Veſſel, or Boat ſhall be taken or carried, or near to the Place where any ſuch Perſon ſhall be ſo taken or arreſted; and it ſhall be lawful for ſuch

57 G. 3. c. 87.

Penalty on Foreigners, found on board Veſſels liable to Forfeiture, aſſiſting in conveying or concealing Spirits.

Penalty how to be recovered and applied.

Such Perſons may be arreſted and taken before a Juſtice, who may commit them if Penalty be not paid.

Juſtice or Juſtices of the Peace before whom any ſuch Perſon ſo arreſted as aforeſaid ſhall be carried, on the Confeſſion of any ſuch Perſon of any ſuch Offence as aforeſaid with which he may be charged in any Information or Complaint to be then and there laid or exhibited by any Officer of the Cuſtoms or Exciſe againſt him, or on Proof thereof on the Oath of One or more credible Witneſs or Witneſſes, to convict ſuch Perſon in ſuch Penalty reſpectively as aforeſaid; and every ſuch Perſon ſo convicted as aforeſaid ſhall immediately on ſuch Conviction pay down into the Hands of ſuch Officer the ſaid Penalty in which he or ſhe ſhall be ſo convicted; and if any ſuch Perſon or Perſons ſo convicted ſhall not forthwith pay down the ſaid Penalty, the ſaid Juſtice or Juſtices ſhall, and he and they is and are hereby reſpectively authorized and required, by Warrant under his or their Hand and Seal, to commit the Perſon ſo convicted as aforeſaid to any Gaol or Priſon or Houſe of Correction until ſuch Penalty ſhall be paid; and it ſhall be lawful for the Commiſſioners of the Cuſtoms or Exciſe in *England*, *Scotland*, or *Ireland* reſpectively, and they are hereby required, in Caſes where any ſuch Perſon has been ſo convicted and committed to Priſon as aforeſaid, to award to the Perſon ſo detaining any ſuch Man or Men any Sum not exceeding Twenty Pounds for each Man ſo convicted and committed to Priſon.

Commiſſioners may reward Perſons detaining Offenders.

II. And whereas by an Act made in the Fifty-ſixth Year of the Reign of His preſent Majeſty, for, amongſt other Things, making more effectual Proviſion for the Prevention of Smuggling, and rewarding Officers and Perſons making Seizures and capturing Smuggling Veſſels, certain Rewards were allowed and made payable on the Value at which the Goods, Wares, or Merchandize therein mentioned, ſeized by any Officer or Officers, ſhould be reſpectively eſtimated or fixed by the Commiſſioners of Cuſtoms or Exciſe reſpectively ordering and directing the Proſecution: And whereas Doubts have ariſen whether ſuch Rewards allowed and made payable by the ſaid laſt-recited Act as aforeſaid, repealed or took away the Rewards reſpectively granted and made payable by a certain Act made in the Twenty-eighth Year of the Reign of His preſent Majeſty, for, amongſt other Things, amending ſeveral Laws relating to the Revenue of Cuſtoms; and by a certain other Act made in the Twenty-ninth Year of the Reign of His preſent Majeſty, for repealing the Duties on Tobacco and Snuff, and for granting new Duties in lieu thereof; and of another Act made in the Forty-ſeventh Year of the Reign of His preſent Majeſty, for making more effectual Proviſion for the Prevention of Smuggling, for or in reſpect of the Seizure of any Veſſel or Boat which by Law ſhould be liable to be broken up after Condemnation, and not be uſed in His Majeſty's Service, or ſold to be employed or uſed as a Privateer in the Manner therein mentioned, or which, on account of the Built, Conſtruction, Denomination, or Deſcription thereof, ſhould be liable to Forfeiture by any Act or Acts of Parliament to be broken up, and which at the Time of the Seizure ſhould be found in ballaſt or light, ſuch Rewards being by the ſaid Acts reſpectively made payable at and after certain Rates, according to the Tonnage of the Veſſel or Boat ſeized and condemned; and it is expedient to remove ſuch Doubts: Be it therefore declared and enacted, That the ſaid Rewards ſo granted and made payable by the ſaid Act made in the Fifty-ſixth Year aforeſaid do not repeal or take away, and ſhall not be deemed or conſtrued to repeal or take away, the ſaid Tonnage Rewards reſpectively granted by the ſaid recited Acts of the Twenty-eighth, Twenty-ninth, and Forty-ſeventh Years afore-

56G.3.c.104.

Rewards granted by 56G.3.c.104. do not take away the Tonnage Rewards

granted by 28G.3.c.34. 29G.3.c.68. 47G.3.c.66.

aforeſaid; but that the ſaid recited Tonnage Rewards reſpectively granted and made payable by the ſaid laſt-mentioned Acts ſhall be allowed, and payable and paid, in all Caſes to which the ſame reſpectively apply, in the ſame Manner as if the ſaid recited Act of the Fifty-ſixth Year aforeſaid, or a certain other Act made in the Fifty-ſeventh Year of the Reign of His ſaid Majeſty, for the Amendment thereof, had not been made; any Thing in the ſame or any other Act to the contrary notwithſtanding.

10G.1.c.10.

III. And whereas by an Act made in the Tenth Year of the Reign of His late Majeſty King *George* the Firſt, for, amongſt other Things, repealing certain Duties therein mentioned, payable upon Tea imported, and for granting certain Inland Duties in lieu thereof, it was enacted, that if any Perſon or Perſons ſhould import or bring any Tea which ought to be ſecured in ſuch Warehouſe as therein aforeſaid into *Great Britain*, and ſhould not make due Entry thereof and bring the ſame into ſuch Warehouſe, the ſame ſhould be and was thereby adjudged to be clandeſtinely run and unlawfully imported: And whereas it is expedient, for the Prevention of the Smuggling of Tea, to impoſe further Penalties in that Behalf; be it therefore further enacted, That if any Perſon or Perſons ſhall import or bring into, or unſhip or land, in *Great Britain*, or within the Limits of any of the Ports thereof, any Tea which ought by Law to be entered with the proper Officers of Cuſtoms and Exciſe reſpectively, and ſhall not make due Entries thereof, ſo that the Duties of Cuſtoms and Exciſe granted and impoſed in reſpect of Tea may be reſpectively ſecured and paid for and in reſpect thereof, all ſuch Tea ſo imported, brought, unſhipped, or landed, ſhall be deemed and is hereby adjudged to be clandeſtinely run, and ſhall be forfeited, and ſhall and may be ſeized by any Officer of Cuſtoms or Exciſe; and the Perſon or Perſons ſo offending, or aiding or aſſiſting therein, or removing, receiving, harbouring, or concealing any run Tea, ſhall for each and every ſuch Offence ſeverally forfeit and loſe the Sum of Ten Pounds for every Pound Weight thereof, or the Sum of One hundred Pounds, at the Election of His Majeſty's Attorney General, or the Perſon or Perſons who ſhall ſue or proſecute for the ſame; and no ſuch Penalty ſhall be mitigated by any Juſtice or Juſtices below One Fourth Part thereof; any Thing in any other Act or Acts to the contrary notwithſtanding.

Tea unſhipped in Great Britain, without Entry with the proper Officer, ſhall be forfeited; and the Perſons offending ſhall forfeit 10l. for every Pound of Tea, or 100l., at the Election of the Proſecutor.

Recovery and Application of Penalties.

IV. And be it further enacted, That all Fines, Penalties, and Forfeitures impoſed by this Act, and alſo by the laſt-mentioned Act made in the Fifty-ſeventh Year aforeſaid, ſhall be ſued for, recovered, levied, or mitigated by ſuch Ways, Means, or Methods as any Fine, Penalty, or Forfeiture may be ſued for, recovered, levied, or mitigated by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer in *Scotland* reſpectively; and that, unleſs where otherwiſe ſpecially directed, one Moiety of every ſuch Fine, Penalty, or Forfeiture ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him, her, or them who ſhall diſcover, inform, or ſue for the ſame.

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