

ANNO PRIMO

GEORGII IV. REGIS.

CAP. XLIII.

An Act to amend the Laws relating to Smuggling, and the Coasting Trade in *Great Britain*.

[15th *July* 1820.]

WHEREAS by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty, for, amongst other Things, making more effectual Provision for the Prevention of Smuggling, certain Rewards are granted to Officers of the Army, Navy, 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 Officers on Half Pay, and of all Officers acting under the Orders of the Commissioners of Customs or Excise of *England*, *Scotland*, or *Ireland* respectively; for and in respect of all Seizures of Ships, Boats, and Vessels, Goods, Wares and Merchandize, under any Law or Laws of Customs or Excise then in force, at Sea, or for being unshipped or landed without Payment of His Majesty's Duties of Customs or Excise respectively payable on the legal Importation of such Goods, Wares or Merchandize, or the Importation of which shall be wholly prohibited: And whereas it is expedient that the said Act, so far as regards the Rewards 56G.3.c.104.

 for

for Seizures as aforesaid, and the Deduction of Ten *per Centum* to be made thereupon, should be repealed, and other Rewards granted in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords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, so much of the before-recited Act as relates to the granting of such Rewards for such Seizures as aforesaid, and the Deduction of Ten *per Centum* to be made therefrom, shall be and the same is hereby repealed; and instead and in lieu thereof the following Rewards shall be paid and allowed for and in respect of all Seizures of Spirits, Tobacco and Snuff, under any Law or Laws of Customs or Excise now in force, at Sea, or for being unshipped or landed without Payment of His Majesty's Duties of Customs or Excise 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 of any Spirits, Tobacco or Snuff, 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, and shall have been imported and brought from Parts beyond the Seas; and shall also seize and secure such Ship, Boat, or other Vessel; or making such Seizure on Shore, shall also arrest, stop, and detain all and every the Person and Persons who shall be unlading, removing, carrying, or concealing such Goods, Wares, or Merchandize landed without Payment of Duty, or wholly prohibited as aforesaid, and then seized, and also seize and secure the Cart and other Carriages, and Horse and Horses and Cattle used for removing and carrying the same; and such Officer or Officers as aforesaid shall take and 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 and they may be dealt with according to Law; then and in every such Case such Officer or Officers making such Seizure shall be entitled to and shall be paid Seven-eighths of the Value of such Goods, after deducting Seven *per Centum* on account of the Costs and Charges incurred in the Seizure, Condemnation, and Disposal of the said Goods; 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, and shall, if Subjects of His Majesty, be found fit for His Majesty's Naval Service, and duly transferred thereto, and the rest shall unavoidably escape, and the Ship, Boat, or other Vessel, in which such Goods shall have been imported, or brought from Parts beyond the Seas, shall also be seized and secured as aforesaid, such Officer or Officers making such Seizure as last aforesaid, shall be entitled to, and shall be paid Three-fourths of the Value of such Goods, after such Deduction as aforesaid; and in case such Officer or Officers as aforesaid, making such Seizure as aforesaid, shall stop, arrest, and detain one or more of the Men from whom the same shall be seized, and shall produce such Person or Persons before the Justice or Justices, to be dealt with according to Law, and the Person or Persons so arrested shall, if Subjects of His Majesty,

So much of recited Act as relates to Rewards on Seizures repealed, and Officers making Seizures of Spirits, Tobacco or Snuff, and detaining Ship and Crew, &c. shall be entitled to Seven-eighths of the Value after deducting Seven per Cent. for Costs.

In what Cases they shall be allowed Three-fourths of the Value;

Two-thirds of the Value;

Majesty, be found fit for His Majesty's Naval Service, and be duly transferred thereto, then and in such Case such Officer or Officers shall be entitled to and shall be paid Two Thirds of the Value of such Goods, with such Deduction as aforesaid; and in case such Officer or Officers as aforesaid, making any such Seizure as aforesaid, shall also seize and secure the Ship, Boat, or other Vessel as aforesaid, in which such Goods shall have been imported or brought from Parts beyond the Seas, or the Cart and 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, such Persons as aforesaid, or some or one of them, fit for His Majesty's Naval Service, if Subjects of His Majesty, then and in such Case such Officer or Officers making such Seizures shall be entitled to and shall be paid a Moiety of the Value of such Goods, after the Deduction 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 in which such Goods shall have been imported or brought from Parts beyond the Seas as aforesaid, or arrest, detain, and produce before the Justice or Justices, and if a Subject or Subjects of His Majesty, 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 Merchandize only, shall be entitled to and shall be paid, after such Deduction as aforesaid, One-third Part of the Value of such Goods as aforesaid.

One Half of the Value; and One-third of the Value.

II. And whereas it is expedient to make particular Provision in respect to the Rewards to be paid for Seizures of Spirits, Tobacco and Snuff, found at Sea, and brought into Port by Persons not in the Service of the Revenue, and delivered to the Officer for Seizure; and for Seizure of Spirits, Tobacco, and Snuff, on Information of the same having been sunk in the Sea, or floating thereon; be it therefore enacted, That in every Case of Seizures of Spirits, Tobacco and Snuff, found at Sea, and brought into Port by Persons not in the Service of the Revenue, and delivered to any Officer or Officers for Seizure; and in every Case of Seizure of Spirits, Tobacco and Snuff, on Information of the same having been sunk in the Sea, or floating thereon; the Officer or Officers making such Seizures shall be entitled to and shall be paid One-fourth Part of the Value of such Goods, after such Deduction as aforesaid; any Law, Custom, or Usage to the contrary in anywise notwithstanding: 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 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

Seizures of Spirits, Tobacco and Snuff, found at Sea by Persons not in the Service of the Revenue, Officers entitled to One-fourth of the Value.

Treasury may grant further Reward to Officers where Exertion was not wanting to make the Seizure more complete.

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, or to give such other Directions relative thereto, as by them may be deemed advisable.

Boats belonging to square-rigged Vessels exempt from Seizure on account of their Dimensions and Construction.

III. And whereas, by the Laws now in force, Boats of certain Dimensions and Constructions are liable to Seizure, unless licensed by the Commissioners of His Majesty's Customs, and Security given according to Law that such Boats shall not be used or employed in any Way or any Manner whatever contrary to the Laws in force or thereafter to be made relative to the Revenue of Customs: And whereas it is expedient to exempt Boats belonging to square-rigged Ships or Vessels from such Liability to Seizure; be it therefore enacted, That nothing in the said Law shall extend to require any Licence or Bond, or to forfeit any Boat for Want thereof, which shall belong to any square-rigged Ship or Vessel, on account of the Dimensions or Construction of such Boat, provided such Boat is with the Ship or Vessel, or employed on the Duty or Service of the Ship or Vessel to which it may belong.

Treasury may authorize Persons to survey and mark out Lands for Watch-houses, &c. for Protection of the Revenue.

IV. And whereas it is expedient that His Majesty should be enabled from Time to Time to procure and take for a Time or Term of Years, all such Lands, not exceeding One Half Acre at any one Station as are, shall, or may be wanted, for the Purposes of erecting and maintaining Watch Houses, Dwelling Houses, and other Buildings requisite and necessary for the Security and Protection of the Revenues of Customs and Excise, together also with all necessary Ways unto and from the same; be it therefore enacted, That it shall be lawful for the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or for any Three or more Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, from Time to Time, by any Writing under their Hands, to authorize any Person or Persons to survey and mark out any such Lands not exceeding One Half Acre at any one Station, which are, shall, or may be wanted for the Purposes aforesaid, or any or either of them; such Lands being situated within Half a Mile of the Sea Shore, or of the Tideway of any navigable River; and to treat and agree with the Owner or Owners thereof, or any Person or Persons interested therein, for the Possession thereof for such Time or Term of Years as the Public Service shall require.

Bodies Politic, &c. may contract for the Sale of Premises.

V. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators or Attornies of such of the Owners or Proprietors of, or Persons interested in any such Lands required for such Public Service, as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with such Person or Persons authorized as aforesaid, for the

Grant of any Lease of such Lands, either for any Term of Years certain therein, or for such Periods as the Public Service shall require, and to demise or grant the same unto the said Lord High Treasurer or Commissioners of His Majesty's Treasury, in Trust for His Majesty, His Heirs and Successors accordingly; and all such Leases and Agreements shall be valid and effectual in Law, to all Intents and Purposes whatsoever.

Persons refusing to sell, or to accept the Consideration offered, Two Justices, &c. may put His Majesty's Officers into Possession, and a Jury shall be summoned, who shall find the Compensation to be made.

VI. And be it further enacted, That in case any such Bodies or other Persons hereby authorized to contract on Behalf of themselves or others, as aforesaid, or any other Person or Persons interested in any such Lands which shall be so marked out and surveyed for the Public Service, shall, for the Space of Fourteen Days next after Notice in Writing, subscribed by such Person or Persons authorized as aforesaid, shall have been given to the principal Officer or Officers of any such Body, or to such other Persons hereby authorized to contract on Behalf of others, or interested themselves as aforesaid, or left at his, her, or their usual Place of Abode, refuse or decline to treat or agree, or by reason of Absence shall be prevented from treating or agreeing with such Person or Persons authorized as aforesaid, or shall refuse to accept such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Public Service may require; and in case also it shall not be practicable to procure by voluntary Bargain or Sale any other Land situated as aforesaid, and suited to the Purpose for which such Lands are required, then and in such case it shall be lawful for such Person or Persons so authorized as aforesaid, to require Two or more Justices of the Peace, or Three or more Deputy Lieutenants (one of whom shall be a Justice of the Peace), or Two or more Deputy Governors for the County, Riding, Stewartry, City, or Place where such Lands shall be, to issue their Warrant to the Sheriffs of the County, Riding, Stewartry, City, or Place wherein such Lands shall be situate, to summon a Jury; and every such Sheriff is hereby authorized and required to summon and return a Jury properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland* respectively, who shall meet at some convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* and *Ireland* respectively, and in such Manner as Juries are drawn by Law for the Trial of Offences in *Scotland*; and in case a sufficient Number shall not appear, the said Sheriff shall choose others of the Bye-standers, or that can speedily be procured, being qualified as aforesaid; and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants or Governors respectively, on the Application of the said Persons so authorized, or of any Parties concerned, may and shall summon Witnesses, and adjourn any such Meeting if Jurymen or Witnesses do not attend; and the Jury, on hearing any Witnesses and Evidence that

may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Governors respectively, are hereby empowered and required to administer), find the Compensation to be paid for the Possession or Use of such Lands, as the Case may be; and upon such Compensation being paid or tendered to the Persons entitled to receive the same, it shall be lawful for the said Justices, Deputy Lieutenants, or Deputy Governors, to put His Majesty's Officers into Possession of such Lands, and for that Purpose to issue a Warrant under their Hands and Seals requiring Possession to be delivered to such of His Majesty's Officers as shall be named in the said Warrant.

Lands that are suitable may be taken in lieu of such as have been marked out.

VII. Provided always, and be it further enacted, That if the Owners of any Lands so required, or any Person interested therein, shall at any Time before the summoning of such Jury as aforesaid, give Notice in Writing of any other Lands situate as aforesaid, and suited to the Purpose for which such Lands are required, and which the Owners thereof, or Persons interested therein, are willing to treat and agree for, then and in such Case the Jury so to be summoned shall previously find the Facts, whether the Lands so indicated in such Notice are situate within the Distance aforesaid, and are suited to the Purpose for which such Lands may be required, and whether the Owners thereof are willing to treat and agree for the same; and if they shall so find, the Owners of or Persons interested in the Lands so surveyed and marked out as aforesaid shall not be compellable by virtue of this Act to sell or dispose of the same: Provided also, that where the Owners of or Persons interested in any Lands required by virtue of this Act to be given up for the Purposes aforesaid shall prefer to sell the same outright, and shall be able to make a good Title to the Fee Simple thereof, it shall be lawful for them to insist on so doing; and in such Case the Jury so summoned as aforesaid shall find the Value of the Fee Simple of such Lands, and the same shall be paid to the Owners thereof, or Persons interested therein, in the Manner directed by this Act.

If dissatisfied with Verdict, Appeal may be made to the Court of Exchequer, &c.

VIII. Provided always, and be it further enacted, That if the said Lord High Treasurer, or the said Commissioners of His Majesty's Treasury or any Person interested therein, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful for them, or their Attornies, in *England* and *Ireland*, to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively, in the Term next, and in *Scotland* to apply within Fourteen Days after the finding any such Verdict, to the Court of Session in *Scotland* in Time of Session, or Lord Ordinary on the Bills in Time of Vacation, and to suggest to the said Courts or Lord Ordinary respectively, that they have reason to be dissatisfied with such Verdict, and forthwith to give Notice thereof to the said Lord High Treasurer or Commissioners or Party (as the Case may be); and thereupon, in *England* and *Ireland*, the Proceedings that shall have been had, and the Verdict of such Jury, shall be returned into the said Courts of Exchequer

chequer respectively; and if it shall appear to the said Courts to be proper, a Suggestion shall be entered on such Proceedings as aforesaid, and a Writ shall thereupon by Rule of such Court, or Order of any Judge of such Court, be directed to the Sheriff of such County where the Lands shall lie, or if the same shall lie in Two Counties, to the Sheriff of either of such Counties, to summon either a Common or Special Jury, according to the Application that shall have been made on that Behalf, and as the Court or as such Judge shall allow, and who shall respectively be qualified according to Law, to appear before the said Justice or Justices of Assize or Nisi Prius of that County, at the next Assizes or Sittings of Nisi Prius, if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sittings; and the Compensation to be paid for the Possession or Use of such Lands shall at such Assizes or Sittings be ascertained by such Jury, in like Manner as any Damages may be enquired of upon any Inquisition or Enquiry of Damages by any Jury before any Judge of Assize or Nisi Prius, and the Verdict of such Jury shall be returned to the said Court of Exchequer, and shall be final and conclusive; and in *Scotland*, if it shall appear proper to the said Court of Session or Lord Ordinary upon such Application so to do, the said Court or Lord Ordinary shall order and direct the Sheriff of the County where such Lands shall lie, or if the same shall lie in Two Counties, the Sheriff of either of such Counties, to summon another Jury in the Manner in which Juries are summoned in *Scotland*, properly qualified according to Law, to appear before the Lords or Lord of Justiciary at the next Circuit, if the same shall not happen sooner than Twenty-one Days after such Application, otherwise at the next succeeding Circuit; and the Compensation as aforesaid for the Lands shall at such Circuit be ascertained by a Jury drawn from the Jury summoned as aforesaid, in such Manner as Juries are drawn in *Scotland*, under the Direction of the said Lords or Lord of Justiciary as aforesaid; and the Verdict of such last-mentioned Juries shall be final and conclusive, without being subject to Review or Challenge of any Kind, unless the Court that shall have allowed such Enquiry shall think fit, on any Application made within Four Days after the Commencement of the succeeding Term or Session, if in *Scotland*, to order any new Trial in relation thereto.

Jury in ascertaining the Compensation for Premises shall settle the Proportion to be paid Lessees, &c.

IX. Provided always, and be it further enacted, That it shall be lawful for any Jury impannelled before any Justice of the Peace or Magistrate, or Deputy Lieutenant or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands under this Act, and they are hereby required to ascertain and settle the Proportion to be paid out of such Compensation, to any Person or Persons having any Interest as Lessees or Tenants at Will, or otherwise, in any such Lands; and the Proportion to be paid out of such Compensation shall be returned on the Verdict: Provided also, that where any such Enquiry before any Judge of Assize or Nisi Prius,

Prius, or Lords or Lord of Justiciary, shall be had on the Application of any such Lessee or Tenant at Will, or other Person having any inferior Interest in any such Lands, who may have been dissatisfied with the Proportion of Compensation settled by the Jury, to be paid in respect of such Interest, it shall not be lawful for the Jury in any such Case, to alter the Amount of the entire Compensation awarded by any former Verdict to be paid for such Lands, but only the Proportion thereof to be paid to the Person or Persons having separate Interest therein; and it shall not be lawful for any Jury, on any Inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any such Compensation, on the Application of the said Lord High Treasurer or Commissioners of His Majesty's Treasury, in any Case in which the whole Compensation awarded by the former Jury is confirmed by the Jury on such Inquiry, to alter the Proportion that shall have been settled by any such former Jury as to any separate Interest in any such Lands.

Courts to require Security to be given for Costs.

X. Provided also, and be it further enacted, That it shall be lawful for the Court or Judge, or Lord Ordinary, making any such Rule or Order, to require that the Party on whose Application the same shall be made, shall give such Security as shall to such Court, Judge, or Lord Ordinary seem proper for Payment of Costs, under such Circumstances as shall be specified in any Rule or Order made for that Purpose.

In Cases where Lands are taken for any Term of Years, all Erections for the Public Service shall be removed, on delivering up the Lands to the Owners.

XI. And be it further enacted, That in all Cases where any Lands shall be taken under the Provisions of this Act, for any Term of Years or for such Period only as the Public Service shall require, it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury, or any other Person or Persons so authorized as aforesaid, at any Time before the Possession of any Lands which shall have been taken for the Purposes aforesaid shall be delivered up to the Owner or Owners thereof, or other Person or Persons acting on his, her, or their Behalf, to take down and remove all such Buildings or other Erections which shall or may have been built or erected thereon for the Public Service, and to carry away the Materials thereof; making such Compensation to the Owner or Owners of such Lands or other Person or Persons acting on his, her, or their Behalf, for the Damage or Injury which may have been done thereto, or to the Soil thereof, by the Erection of any such Buildings, or removing and carrying away the same or otherwise, in consequence of the same having been occupied for the Public Service, as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury, or such other Person or Persons authorized as aforesaid, shall think reasonable, and as shall be agreed upon in that Behalf; and if such Owner or Owners, or other Person or Persons acting on his, her, or their Behalf, shall not be willing to accept the Compensation so offered, it shall be lawful for the said Lord High Treasurer or Commissioners of His Majesty's Treasury, or other Person or Persons so authorized as aforesaid, to apply to and require Two Justices of the Peace of the County, Riding,

Riding, Stewartry, City or Place, to settle and ascertain the Compensation which ought to be made for such Damage or Injury as aforesaid; and such Justices shall settle and ascertain the same accordingly, and shall grant a Certificate thereof; and the Amount of such Compensation so settled and ascertained and certified, shall forthwith be paid by Warrant of the Commissioners of His Majesty's Treasury, or any Three or more of them, to the Person or Persons entitled thereto: Provided always, that nothing in this Act contained shall extend or be construed to extend to alter, prejudice, or affect any Agreement which hath been or shall or may be entered into by any such Person or Persons authorized as aforesaid, with any Owner or Owners of any such Lands, or other Person or Persons acting on his, her, or their Behalf, in relation to any such Buildings or Erections, but every such Agreement shall remain valid and effectual, in like Manner as if this Act had not been passed.

Purchase Money belonging to incapacitated Persons, &c. to be paid to the proper Officer of the Exchequer for their Use.

XII. And be it further enacted, That in all Cases where any Money shall have been or shall be agreed, or shall have been or shall be found by the Verdict of any Jury, to be paid or given for the Use of any Lands taken by virtue of this Act belonging to any Person or Persons under any Disability or Incapacity, or not having the absolute Interest therein, the same shall be paid by Warrant of the Commissioners of His Majesty's Treasury, or any Three of them, into the Hands of the proper Officer of His Majesty's Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively for the Time being, for receiving the Monies belonging to the Suitors of the said Court respectively, for the Use and Benefit of such Person or Persons; and such Officer is hereby authorized and required to receive or accept and to give a Discharge for such Money, and upon the Acceptation or Receipt thereof to sign a Certificate to the Barons or Judges of the said Courts of Exchequer respectively, under his Hand, purporting and signifying that such Money or other Consideration was received or accepted by and paid to him in pursuance of this Act, for the Use and Benefit of such Person or Persons who shall be named and described in such Certificate; and the said Certificate shall be filed or deposited in the said Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively, and a true Copy thereof, signed by such Officer of such Court, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and such Officer of such Court is hereby required, upon Receipt of any such Sum or Sums of Money as aforesaid, to pay the same into the Bank of *England*, or Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of *Ireland*, as the Case may require; and immediately upon the filing or depositing of such Certificate, the said Lands shall be and become vested in or to the Use of His Majesty, His Heirs and Successors.

Money to be paid into the Bank.

Barons of the Exchequer, &c. on Petition of the Parties inte-

XIII. And be it further enacted, That the Barons or Judges of His Majesty's Court of Exchequer at *Westminster*, and the Barons or Judges of His Majesty's Court of Exchequer at *Edinburgh* or *Dublin*,

rested, to order the Application of the Money.

of the Degree of the Coif, for the Time being respectively, or any Two or more of them, shall be and they are hereby authorized and empowered in a summary Way, upon Motion or by Petition for and on Behalf of any Person or Persons interested in or entitled to the Benefit of the Money so paid to and received by the proper Officer of the said Courts repectively, or the Interest or Produce thereof; and upon reading the Certificate directed to be signed by the said Officer concerning the same as aforesaid, and receiving such further Satisfaction as they shall think necessary, to make and pronounce such Orders and Directions for paying the said Money, or any Part of the same, or for placing out such Part thereof as shall be Principal, in the Public Funds, or upon Government or Real Securities, and for Payment of the Dividends or Interest thereof, or any Part thereof, to the respective Persons entitled to receive the same; or for laying out the Principal or any Part thereof in the Purchase of other Lands, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, and Purposes, as the said Lands so taken stood settled at the Time of the Payment of such Money as aforesaid, as near as the same can be done, or otherwise, concerning the disposing of the said Money, or any Part thereof, and the Interest of the same or any Part thereof, for the Benefit of the Person or Persons entitled to and interested in the same respectively, or for appointing any Person or Persons to be Trustee or Trustees for all or any of such Purposes, as the said Court shall think just and reasonable.

On Death or Removal of Officer of the Exchequer, Stocks and Securities shall vest in Successor.

XIV. And be it further enacted, That upon the Death or Removal of any such Officer of the said Courts of Exchequer, all Stocks and Securities vested in him, by virtue of this Act, shall vest in the succeeding Officer of the Exchequer, for the Purposes herein-before mentioned, without any Assignment or Transfer; and all Monies paid into the said Banks respectively, in pursuance of this Act, or remaining in the Hands of any such Officer at his Death or Removal, and not vested in the Funds or placed out on Securities as aforesaid, shall be paid over to the succeeding Officer, for the like Purpose, for the Time being.

Gardens, &c. not to be affected.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to extend to any Garden or Pleasure Ground, or to any Land immediately contiguous to and used as the Curtilage or Homestead of any Dwelling House.

Commanding Officers of Vessels employed to prevent Smuggling, may haul their Vessels on Shore,

XVI. And whereas, at divers Stations on the Coast of the United Kingdom of *Great Britain* and *Ireland*, and on the Shores and Banks of the Rivers, and of the Breaks and Inlets thereof, the Officers and Crews of the Ships, Vessels, and Boats employed in the Prevention of Smuggling, have no Dwelling Houses appropriated for their Habitation on such Coasts, Shores, and Banks, and it is expedient at some of them, that such Officers and Crew, or some of them, shall and may reside

reside and remain in the said Ships, Vessels, or Boats, and that such Ships, Vessels, or Boats, may and shall be hauled upon the said Coasts, Shores, and Banks, or the Beaches thereof, and be moored thereon or thereto; be it therefore further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the Commanding Officer for the Time being of any Ship, Vessel, or Boat whatsoever, employed in the Prevention of Smuggling, to haul any such Ship, Vessel, or Boat upon any Part of the Coasts of any Part of the United Kingdom of *Great Britain* and *Ireland*, or the Shores, Banks, or Beaches of any River, Creek, or Inlet in the same, not being a Garden or Pleasure Ground, or Places which have been ordinarily used for Bathing Machines, which shall be deemed best adapted and most convenient for that Purpose, and to moor any such Ship, Vessel, or Boat on such Part of the same Coasts, Shores, Banks, and Beaches below High Water Mark, and over which the Tide flows on ordinary Occasions, and to continue every such Ship, Vessel, and Boat so moored as aforesaid, for such Time as such Commanding Officer respectively shall think necessary and proper; and such Commanding Officer, and the Crew of any such Ship, Vessel, or Boat, or any of them, shall not be subject or liable to any Indictment, or to any Action or Actions at Law, or to any Suit or Suits in Equity, or other Proceedings whatsoever, at the Suit or Prosecution of the Lord of any Manor, within which the said Coasts, Shores, Banks, and Beaches respectively may be, or to which the same may respectively adjoin or be contiguous, or at the Suit of any Owner, Proprietor, or Occupier of any Lands, Tenements, or Hereditaments on any such Coasts, Shores, Banks, or Beaches, for the hauling or mooring any such Ship, Vessel, or Boat on the said Coasts, Banks, Shores or Beaches, or any of them, or any Part thereof respectively, or for or on account of any such Ship, Vessel, or Boat so hauled and moored as aforesaid, any Law, Statute, or Usage to the contrary thereof in any wise notwithstanding.

without being liable to any Action for the same.

XVII. And whereas every Person who is found or taken on board, or discovered to have been on board any Ship, Vessel, or Boat liable to Forfeiture for being found or having been at Anchor or hovering within certain 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 every Person found aiding or assisting in unshipping to be laid on Land or Ground, or carrying, conveying, concealing, or assisting in the carrying away, conveying, or concealing any Foreign Brandy, Rum, Geneva, or Spirits subject to Forfeiture, is in certain Cases liable to the Penalty or Forfeiture of either Treble the Value of the Goods that shall be found or taken from such Person, or of the Sum of One hundred Pounds, under the Provisions contained in certain Acts of Parliament, that is to say, in an Act passed in the Forty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Prevention of Smuggling*; and also in an Act passed in the Fifty-seventh Year of His said late

Power of mitigating certain Penalties imposed for Smuggling Offences, repealed.

45G.3.c.121.

57G.3.c.87. late 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;* and also in an Act passed in the Fifty-eighth Year of
58G.3.c.76. His said Majesty's Reign, intituled *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*; and also in an Act passed in the Fifty-ninth Year of His
59G.3.c.121. said Majesty's Reign, intituled *An Act to make further Regulations for the Prevention of Smuggling;* or some or one of the said Acts: And whereas it is expedient, for the further Prevention of Smuggling, that no such Forfeiture of Treble the Value, or of the Sum of One hundred Pounds, should in any such Case be mitigated; be it therefore enacted, That in every such Case all Power of Mitigation of the said Penalty or Forfeiture of Treble the Value, or of the Sum of One hundred Pounds, in which any such Person or Persons shall be convicted, under and by virtue of any or either of the said recited Acts, shall be and the same is hereby wholly repealed and taken away.

Not to affect the Powers of the Treasury under 54G.3. c. 171.

XVIII. Provided always, and be it enacted, That nothing in this Act shall extend, or be construed to extend, to repeal or take away the Powers granted to the Commissioners of His Majesty's Treasury, to mitigate or remit any such Penalty or Forfeiture as aforesaid, by an Act passed in the Fifty-fourth Year of His late Majesty's Reign, intituled *An Act to empower the Commissioners of His Majesty's Treasury to restore Seizures, or remit or mitigate Fines, Penalties, or Forfeitures, incurred concerning any Laws relating to the Customs or Excise, or Navigation and Trade of* Great Britain.

Masters of Ships shall provide Officers of the Customs with Room for their Beds or Hammocks,

XIX. And whereas, for the Protection of the Revenue, Officers of the Customs and Excise are stationed on board Ships and Vessels arriving at any Port or Place in *Great Britain*, or departing therefrom, and it is reasonable that such Officers should have fit and proper Room to place their Beds or Hammocks in, protected from the Weather; be it further enacted, That every Master or other Person having or taking the Charge or Command of any Ship or Vessel wherein any Officer or Officers shall be so stationed for the Protection of the Revenue, shall provide every such Officer or Officers with proper and sufficient Room, under the Deck, in some Part of the Forecastle or Steerage of the Ship or Vessel, for his or their Beds or Hammocks; and in case of Neglect or Refusal, such Master or other Person shall forfeit the Sum of One hundred Pounds, and such Penalty shall and may be sued for, prosecuted, recovered, and applied in like Manner as any Penalty imposed by any Law or Laws relating to the Customs or Excise may now be sued for, prosecuted, recovered, and applied.

XX. And

Principal Coast Officer of the Customs at Creeks empowered to receive Coast Documents.

XX. And whereas Ships and Vessels employed in the Coasting Trade of *Great Britain* frequently discharge their Ladings at Creeks, Harbours, Basins, and other Outstations, where there are no Officers of the Customs authorized to receive the Cocquet, Transire, or Let-pass, or Sufferance Warrant or Permit, required by Law to accompany such Ladings, and great Inconvenience has arisen to the Merchants and Traders and to the Masters of such Vessels in consequence thereof; be it therefore enacted, That it shall and may be lawful for the Commissioners of the Customs in *England*, or any Four or more of them, and the Commissioners of the Customs in *Scotland*, or any Three or more of them, whenever it shall appear to them to be necessary and proper for the Relief and Accommodation of the Coasting Trade of *Great Britain*, to authorize the Delivery of such Cocquet, Transire or Let-pass, or Sufferance Warrant or Permit, to the principal Coast Officer of the Customs stationed at any Creek, Harbour, Basin, or Outstation in *Great Britain*, and such Officer is hereby required to receive the same, for any Goods, Wares, or Merchandize not liable to the Coast Duties brought from any other Port or Place in *Great Britain*, and to make and give a Warrant or Sufferance for the landing and discharging of such Goods, Wares, and Merchandize, and to grant a Return for the same; and such Delivery to, and such Warrant, Sufferance, or Return made and given by such Officer, shall be deemed and taken to be as valid and effectual to all Intents and Purposes, as if such Delivery had been made to, and such Warrant, Sufferance, or Return had been made and given by, the Collector and Comptroller of the Customs for the Port to which such Creek, Harbour, Basin, or Outstation may belong or appertain; any thing contained in any Act or Acts of Parliament to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall be construed to allow such Officer so stationed at any Creek, Harbour, Basin, or Outstation of *Great Britain*, to receive any Duties of Customs whatever.

But not to receive Duties.

Importation of certain East India Goods into the Islands of Jersey, Guernsey, Alderney, and Sark prohibited:

XXI. And whereas Wrought Silks, Bengals, and Stuffs mixed with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East India*, and Calicoes painted, dyed, printed, or stained there, and prohibited to be used or worn in this Kingdom, which have been condemned, and sold at the Custom House Sales, and exported to the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, may afterwards be clandestinely brought back into this Kingdom; be it enacted, That the said Islands shall be added to and included in the Bond which is now by Law required to be given, that such Goods shall be duly exported and not relanded in any Part of *Great Britain*.

And if imported into said Islands, shall be forfeited and seized.

XXII. And be it further enacted, That if any of the said Goods shall be imported into any of the said Islands, the same shall be forfeited, and shall and may be seized by any Officer or Officers of the Army, Navy, Marines, Customs or Excise, and shall and may be sued for, prosecuted, and recovered in the Royal Courts of *Jersey* and *Guernsey* respectively, by Bill, Plaint, or Information, wherein no

Essoign, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance; one Moiety of which Forfeiture shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall seize or sue for the same.

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