ANNO QUINTO

GEORGII IV. REGIS.

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C A P. XCIV.

An Act to allow the Averment of the Order for Prosecution by Commissioners of Customs or Excise to be sufficient Proof of the Order having been made. [21st *June* 1824.]

WHEREAS by an Act passed in the Forty-fifth Year of the Reign of His late Majesty, intituled *An Act for the making* 45 G.3. *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;* it was amongst other Things enacted, that it should 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 then in force, or which should thereafter 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 should 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 Ma-

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jesty's Attorney General; and that if any Action, Bill, Plaint, Information, or Writ of Appraisement, should be 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, should 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, was or should be so commenced, prosecuted, entered, filed, or issued, should not permit or suffer any Proceeding or Proceedings to be had thereupon: And whereas Offenders against the Laws relating to His Majesty's Revenues of Customs and Excise respectively, have escaped Punishment, and Difficulties have occurred in the Condemnation of Goods and Chattels forfeited under the said Laws, by reason of the Necessity of giving or adducing legal Evidence, in Cases where Proceedings had been or were about to be commenced against them, for Offences against such Laws, or the Condemnation of Goods and Chattels forfeited under the same Laws, by Order of the Commissioners of Customs or Excise, that such Order had been actually made and issued by such Commissioners respectively: 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 the Statement, Allegation, or Averment of the Fact in the Information or Complaint, or in any Prosecution, or Proceeding or Proceedings 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 for the Condemnation of any Ship or Ships, Boat or Boats, or other Vessel or Vessels, or any Horse or Horses, Cart or Carts, or any other Carriage or Carriages, or any other Goods, Chattels, Wares, or Merchandize whatsoever, seized as forfeited, or forfeited under or by virtue of any such Act or Acts, that such Information or Complaint, or Prosecution, or other Proceeding or Proceedings, is or are commenced, prosecuted, entered, or filed by Order of the said Commissioners of Customs or Excise respectively, shall be and shall be deemed and taken to be sufficient Evidence in and throughout the United Kingdom of *Great Britain* and *Ireland*, that such Prosecution, Information, Complaint, or other Proceeding or Proceedings, was or were commenced, prosecuted, entered, or filed by Order of the said Commissioners of Customs or Excise respectively, without any other or further Evidence of the Fact that the said Commissioners of Customs or Excise respectively had ordered such Prosecution, Information, or Complaint, or other Proceeding or Proceedings, to be commenced, prosecuted, entered, or filed, unless by other positive Evidence the contrary shall be made to appear; any thing in the said recited Act to the contrary thereof notwithstanding.

Averment of the Fact in the Information or Proceeding for the Recovery of any Fine relating to the Customs or Excise shall be sufficient Evidence that the Proceeding was commenced by Order of the Commissioners.

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