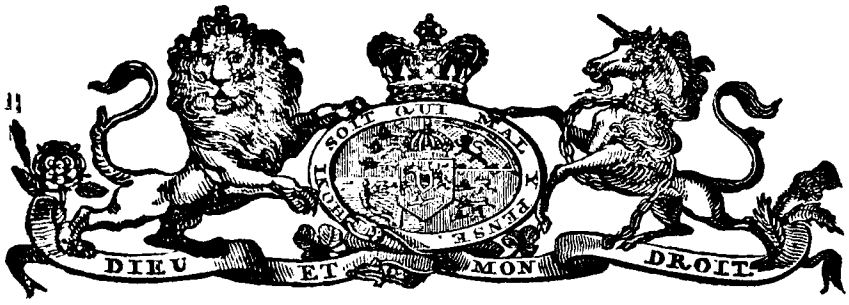


ANNO SEXTO

GEORGII IV. REGIS.

***

Vessels and Boats.

full Force and Operation, for the Prevention of Smuggling, and shall extend and be construed to extend to any Law in force, or hereafter to be made, relating to the Revenue or Management of the Customs.

Any Vessel belonging wholly or in part to His Majesty's Subjects, found within certain Distances of the Coast of the United Kingdom with prohibited Goods on board, and not proceeding on her Voyage, forfeited.

II. And be it further enacted, That if any Vessel or Boat belonging in the Whole or in Part to His Majesty's Subjects, or whereof One Half of the Persons on board or discovered to have been on board the said Vessel or Boat shall be Subjects of His Majesty, shall be found within Four Leagues of the Coast of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of the Coast of any other Part of the said United Kingdom, or shall be discovered to have been within the said Distances, not proceeding on her Voyage, Wind and Weather permitting, having on board or in any Manner attached or affixed thereto, or having had on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner, any Goods whatsoever liable to Forfeiture by this or any other Act relating to the Revenue of Customs upon being imported into the said United Kingdom, then not only all such Goods, together with their Packages, and all Goods contained therein, but also the Vessel or Boat, together with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited: Provided always, that such Distance of Eight Leagues may and shall be measured in any Direction between the Southward and Eastward of *Beachy Head*; and the Provisions of this Act shall extend to such Distance of Eight Leagues in every Direction from *Beachy Head*, although any Part of such Limits may exceed the Distance of Four Leagues from any Part of the Coast of *Great Britain* to the Eastward of *Beachy Head* aforesaid.

Any Vessel or Boat (not Square-rigged) belonging wholly or in part to His Majesty's Subjects, and found in the British or Irish Channels, or elsewhere within 100 Leagues of the Coast, with Spirits or Tobacco in certain Packages, or with certain other Goods on board, forfeited.

III. And be it further enacted, That if any Vessel or Boat, not being Square-rigged, belonging in the Whole or in Part to His Majesty's Subjects, or whereof One Half of the Persons on board or discovered to have been on board the said Vessel or Boat shall be Subjects of His Majesty, shall be found in any Part of the *British* or *Irish* Channels, or elsewhere on the High Seas, within One hundred Leagues of any Part of the Coasts of the United Kingdom, or shall be discovered to have been within the said Limits or Distances, having on board or in any Manner attached or affixed thereto, or having had on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner, any Brandy or other Spirits in any Cask or Package of less Size or Content than Forty Gallons (excepting only for the Use of the Seamen then belonging to and on board such Vessel or Boat, not exceeding Two Gallons for each Seaman), or any Tea exceeding Six Pounds Weight in the Whole, or any Tobacco or Snuff in any Cask or Package whatever, containing less than Four hundred and fifty Pounds Weight, or packed separately in any Manner within any such Cask or Package, (except loose Tobacco for the Use of the Seamen, not exceeding Five Pounds Weight for each Seaman), or any Cordage or other Article adapted and prepared for slinging small Casks, or any Casks or other Vessels whatsoever capable of containing Liquids, of less

Size

Size or Content than Forty Gallons, of the Sort or Description used or intended to be used or fit or adapted for the Smuggling of Spirits, or any Materials for the forming, making, or constructing such Casks or Vessels, or any Syphon, Tube, Hose, or Implements whatsoever, for the broaching or drawing any Fluid, or any Articles or Implements or Materials adapted for the repacking Tobacco or Snuff, (unless the said Cordage or other Articles as aforesaid are really necessary for the Use of the said Vessel or Boat, or are a Part of the Cargo of the said Vessel or Boat, and included in the regular official Documents of the said Vessel or Boat), then and in such Case the said Spirits, Tea, Tobacco, or Snuff, together with the Casks or Packages containing the same, and the Cordage or other Articles, and also the Vessel or Boat, with all her Guns, Furniture, Ammunition, Tackle, and Apparel therein, shall be forfeited.

Vessels and Boats.

IV. And be it further enacted, That if any Foreign Vessel or Boat (not being Square-rigged), in which there shall be One or more Subjects of His Majesty, shall be found within Four Leagues of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the Coast of the United Kingdom, to be measured as aforesaid, or shall be discovered to have been within the said Distances, not proceeding on her Voyage, Wind and Weather permitting, having on board or in any Manner attached or affixed thereto, or having had on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner, any Brandy or other Spirits, in any Cask or Package of less Size or Content than Forty Gallons, (except only for the Use of the Seamen belonging to and on board such Vessel, not exceeding Two Gallons for each Seaman), or any Tea, exceeding Six Pounds Weight in the Whole, or any Tobacco or Snuff in any Cask or Package whatsoever, containing less than Four hundred and fifty Pounds Weight, or packed separately in any Manner within such Cask or Package, (except loose Tobacco for the Use of the Seamen, not exceeding Five Pounds Weight for each Seaman on board such Vessel), that then such Vessel or Boat, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited.

Any Foreign Vessel (not Square-rigged) in which there shall be One or more Subjects of His Majesty found, or having been within certain Distances of the Coast, having on board Spirits, Tea, or Tobacco in small Quantities, forfeited.

V. And be it further enacted, That if any Foreign Vessel whatsoever shall be found within One League of the Coast of the United Kingdom, not proceeding on her Voyage, Wind and Weather permitting, having on board or in any Manner attached or affixed thereto, or having had on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner, within such Distance, any Goods whatsoever, liable to Forfeiture by this or any other Act relating to the Revenue of Customs, upon being imported into the United Kingdom, that then and in such Case the said Vessel, together with her Guns, Furniture, Ammunition, Tackle, and Apparel, and all such Goods laden therein, shall be forfeited.

Any Foreign Vessel whatever found at Anchor, or hovering within One League of the Coast, having on board forfeitable Goods, forfeited.

VI. And be it further enacted, That when any Vessel or Boat belonging in the Whole or in Part to His Majesty's Subjects, of whereof One Half of the Persons on board are Subjects of His Majesty,

Vessels throwing overboard Goods during Chace forfeited.

Vessels and Boats.

Majesty, shall be found within Four or Eight Leagues of the Coast of the United Kingdom as aforesaid, or shall be found as aforesaid in the *British* or *Irish* Channels, or elsewhere within One hundred Leagues of the Coast of this Kingdom, and Chase shall be given or Signal made by any Vessel in His Majesty's Service or in the Service of the Revenue, hoisting the proper Pendant and Ensign as hereinafter mentioned, in order to bring such Vessel or Boat to, if any Person or Persons on board such Vessel or Boat shall, during the Chase, or before such Vessel or Boat shall bring to, throw overboard the Cargo or any Part of the same (unless through unavoidable Necessity or for the Preservation of such Vessel or Boat, the said Vessel or Boat having a legal Cargo on board), or shall stave or destroy any Part of the Cargo to prevent Seizure thereof, that then and in such Case the said Vessel or Boat, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited.

Vessels (not Square-rigged) coming from Brest, or Places between Brest and Cape Finisterre, having on board for the Use of the Seamen Spirits, &c. exceeding a certain Quantity, forfeited.

VII. And be it further enacted, That if any Vessel (not being Square-rigged, nor a Galliott of not less than Fifty Tons Burthen) or any Boat coming from *Brest* on the Coast of *France*, or from any Place between *Brest* on the Coast of *France* and *Cape Finisterre* on the Coast of *Spain*, including all Islands on the Coast of *France* and *Spain* between those Places, or coming from any Place between the *Helder Point* on the Coast of *Holland* and *North Bergen* on the Coast of *Norway*, or from any Place as far up the *Cattegat* as *Gottenburgh*, including all the Islands on the Coasts between those Places, shall arrive in any of the Ports of the United Kingdom, or shall be found at Anchor or hovering within the Limits of any of the Ports thereof, and not proceeding on her Voyage, Wind and Weather permitting, having on board, for the Use of the Seamen then belonging to and on board such Vessel or Boat, any Spirits exceeding One Half Gallon for each Seaman, or having on board any Tea, exceeding Four Pounds Weight in the whole, or having on board any Tobacco (excepting loose Tobacco, not exceeding Two Pounds Weight for each Seaman), then not only all such Goods, but also the Vessel or Boat, with all her Materials, shall be forfeited.

Vessels (not Square-rigged) coming from Places between Brest and the Helder, having on board, for the Use of the Seamen, Spirits, &c. exceeding a certain Quantity, forfeited.

VIII. And be it further enacted, That if any Vessel (not being Square-rigged, nor a Galliott of not less than Fifty Tons Burthen) or any Boat coming from any Place between *Brest* on the Coast of *France* and the *Helder Point* on the Coast of *Holland*, including the *Texel Isle*, and all Places on the *Zuyder Zee*, and all Islands on the Coasts of *France*, the *Netherlands*, and *Holland*, between *Brest* and the *Texel*, shall arrive in any of the Ports of the United Kingdom, or shall be found at Anchor or hovering within the Limits of any of the Ports thereof, and not proceeding on her Voyage, Wind and Weather permitting, having on board, for the Use of the Seamen then belonging to and on board such Vessel or Boat, any Spirits exceeding One Half Gallon for each Seaman, or having on board any Tea exceeding Two Pounds Weight in the whole, or having on board any Tobacco, except loose Tobacco, not exceeding One Pound Weight for each Seaman, then not only all such Goods, but also the Vessel or Boat, with all her Materials, shall be forfeited.

IX. And

Vessels and Boats.

Vessels found or discovered within certain Distances of Guernsey, &c. having on board Goods liable to Forfeiture, upon being imported, &c. into those Islands, forfeited with such Goods and Packages.

IX. And be it further enacted, That if any Vessel or Boat, whether *British* or Foreign, shall be found or discovered to have been within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively, not proceeding on her Voyage, Wind and Weather permitting, or within any Bay, Harbour, River, or Creek of or belonging to any one of the said Islands, having on board or in any Manner attached or affixed thereto, or having had on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner within the said last-mentioned Distances or Places, any Goods which, by this or any other Act relating to the Revenue of Customs, are liable to Forfeiture, upon being imported into, exported from, or carried Coastwise into the said Islands respectively, then and in such Case the said Vessel or Boat, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, and all such Goods as aforesaid with their Packages, and any other Goods which may be contained therein, shall be forfeited.

Vessels sailing from Guernsey, Jersey, Alderney, Sark, or Man, with a greater Number of Men than allowed, or taking on board small Cordage or other Articles, forfeited.

X. And be it further enacted, That if any Vessel or Boat, belonging wholly or in part to His Majesty's Subjects, or whereof Half the Persons on board are Subjects of His Majesty, shall sail from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, navigated by a greater Number of Persons than is allowed by this Act (as herein-after mentioned), in a Vessel or Boat of like Size and Description; or if any Vessel or Boat shall sail from any of the said Islands, having on board, or which shall take or have taken on board during the Voyage, any small Cordage adapted for slinging small Casks, or any more Ankers, Half Ankers, or other small Casks, or any Tin or other Cases, or Bladders of less Content than Forty Gallons, and capable of containing Fluids, of the Sort used for smuggling Spirits, than shall be necessary for the Use of such Vessel, or any Materials for making any such small Casks, Cases, Boxes, or Bladders, or any Syphon, Tube, Hose, or Implements for broaching or drawing off any Fluid, more than is usual and necessary for the fair and ordinary Purposes of the Voyage, or any Articles, Implements, or Materials adapted for repacking Tobacco or Snuff on board, during the Voyage, such Ship, Vessel, or Boat, with her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited, together with all such Articles as aforesaid.

Vessels sailing from Guernsey, Jersey, Alderney, Sark, or Man, without a Clearance, forfeited.

XI. And be it further enacted, That no Vessel or Boat, belonging wholly or in part to His Majesty's Subjects, shall sail from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, without a Clearance, whether in Ballast or having a Cargo, and if with a Cargo the Master shall give Bond to His Majesty, in double the Value of the Vessel or Boat and of the Cargo, for duly landing the same at the Port for which the Vessel clears; and every such Vessel or Boat not having such Clearance, or which having a Clearance for a Cargo shall be found light, or with any Part of the Cargo discharged before Delivery thereof at the Port specified in the Clearance, (unless through Necessity or for Preservation of the Vessel or Boat, to be proved to the Satisfaction of the Commissioners of His Majesty's Customs), shall be forfeited.

Vessels and Boats.

Vessels departing from Guernsey, &c. having on board Spirits, Wine, &c. breaking Bulk or unlading Cargo, &c. forfeited.

XII. And be it further enacted, That if after the Departure from *Guernsey*, *Jersey*, *Alderney*, or *Sark* respectively, of any Vessel or Boat belonging wholly or in part to His Majesty's Subjects, or whereof Half the Persons on board are His Majesty's Subjects, having on board any Spirits, Tobacco, Snuff, Tea, or Wine, Bulk be broken, or any of the Cargo unladen or unshipped, or any Alteration be made in the Form, Size, Description, or Number of the Packages shipped, or in the Quantity, Quality, or Mode of Package of the Goods therein, at any Time in the Prosecution of the Voyage towards the United Kingdom or any other Place for which the Vessel or Boat shall have cleared out, such Vessel or Boat, with her Tackle and Furniture, shall be forfeited; but no Forfeiture shall be incurred for breaking Bulk or unlading the Cargo, or any Part of it, through unavoidable Necessity and Distress, nor for any Alteration in the Cargo, if occasioned by Necessity or Accident, or made for the Preservation and Safety of the Vessel or Boat, such Necessity or Accident to be proved to the Satisfaction of the Commissioners of His Majesty's Customs.

Vessels found within the Limits of a Port with a Cargo, and afterwards found light and unaccounted for, to be forfeited.

XIII. And be it further enacted, That if any Vessel or Boat whatever shall be found within the Limits of any Port of the United Kingdom with a Cargo on board, and such Vessel shall afterwards be found light or in Ballast, and the Master is unable to give a due Account of the Port or Place within the United Kingdom where such Vessel shall have legally discharged her Cargo, such Vessel or Boat, with her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited.

Vessels liable to Seizure, not bringing to during Chace, may be fired at.

XIV. And be it further enacted, That in case any Vessel or Boat, liable to Seizure or Examination under any Act or Law for the Prevention of Smuggling, shall not bring to on being required so to do, on being chased by any Vessel in His Majesty's Navy, having the proper Pendant Ensign of His Majesty's Ships hoisted, or by any Vessel employed for the Prevention of Smuggling under the Authority of the Lords Commissioners of the Admiralty or the Commissioners of His Majesty's Customs, 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, shall have ordered and directed, or shall from Time to Time in that Behalf order and direct, it shall be lawful for the Captain, Master, or other Person having the Charge or Command of such Vessel in His Majesty's Navy, or employed as aforesaid (first causing a Gun to be fired as a Signal), to fire at or into such Vessel or Boat; and such Captain, Master, or other Person acting in his Aid or Assistance, or by his Direction, shall be and he is hereby indemnified and discharged from any Indictment, Penalty, or Action for Damages for so doing; and in case any Person or Persons shall be wounded, maimed, or killed by any such firing, and the said Captain, Master, or other Person, and any 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 firing, wounding, maiming, or killing as aforesaid, all

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 or them as aforesaid to Bail; any Law, Usage, or Custom to the contrary notwithstanding. *Vessels and Boats.*

XV. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, wear, carry, or hoist in or on board any Ship, Vessel or Boat whatever belonging to any of His Majesty's Subjects, whether the same be Merchant or otherwise, without particular Warrant for so doing from His Majesty or His High Admiral of *Great Britain*, or the Commissioners for executing the Office of High Admiral of *Great Britain*, His Majesty's Jack commonly called the Union Jack, or any Pendant, Ensign, or Colours usually worn by His Majesty's Ships, or any Flag, Jack, Pendant, Ensign, or Colours, resembling those of His Majesty, or those used on board His Majesty's Ships, or any other Ensign or Colours than the Ensign or Colours by any Proclamation of His Majesty now in force or hereafter to be issued prescribed to be worn, then and in every such Case the Master or other Person having the Charge or Command thereof, or the Owner or Owners being on board the same, and every other Person so offending, shall forfeit and pay the Sum of Fifty Pounds, which shall and may be recovered with Costs of Suit either in the High Court of Admiralty of *England*, or in any of His Majesty's Courts of King's Bench or Exchequer at *Westminster* or *Dublin*, or in the Courts of Session or Exchequer in *Scotland* respectively, or before any Two or more Justices of the Peace; and that it shall be lawful for any Officer of His Majesty's Navy, Customs, or Excise, to enter on board any such Ship, Vessel, or Boat, and to seize and take away any such prohibited Flag, Jack, Pendant, Ensign, or Colours, and the same shall thereupon become forfeited to His Majesty's Use. *Persons not to hoist Flags in Imitation of those used in His Majesty's Navy,* *Penalty, 50l.*

XVI. And be it further enacted, That all Vessels and Boats made use of in the Removal, Carriage, or Conveyance of any Goods liable to Forfeiture under this or any other Act relating to the Revenue of Customs, shall be forfeited. *Vessels and Boats made use of in the Removal of Goods liable to Forfeiture, to be forfeited.*

XVII. And be it further enacted, That the Owner of every Vessel belonging in the Whole or in Part to any of His Majesty's Subjects, shall paint or cause to be painted upon the Outside of the Stern of every Boat belonging to such Vessel, the Name of such Vessel, and the Port or Place to which she belongs, and the Master's Name within the Transum in White or Yellow Roman Letters, not less than Two Inches in Length, on a Black Ground, on pain of the Forfeiture of such Boat not so marked, wherever the same shall be found. *Boats belonging to Vessels, to have Name of Vessel painted upon the Outside of Stern, and Master's Name within the Transum.*

XVIII. And be it further enacted, That the Owner of every Boat, not belonging to any Vessel, shall paint or cause to be painted upon the Stern of such Boat in White or Yellow Roman Letters, of Two Inches in Length on a Black Ground, the Name of the Owner or Owners of the Boat, and the Port or Place to which she belongs, on pain *Boats not belonging to Vessels to have Name of Owners painted upon the Stern.*

Vessels and Boats.

pain of the Forfeiture of such Boat not so marked, wherever the same shall be found.

Boats having double Sides or Bottoms, or secret Places for concealing Goods, to be forfeited.

XIX. And be it further enacted, That all Vessels and Boats belonging in the Whole or in Part to His Majesty's Subjects, having false Bulkheads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of the said Vessel or Boat, for the Purpose of concealing Goods, or having any Hole, Pipe, or other Device in or about the Vessel or Boat adapted for the Purpose of running Goods, shall be forfeited, with all the Guns, Furniture, Ammunition, Tackle, and Apparel belonging to such Vessel or Boat; and all Goods liable to the Payment of Duties or prohibited to be imported into the United Kingdom, found concealed on board any Vessel or Boat, or in any of the Packages of Goods on board, or in or underneath the Ballast, or in any other Place on board such Vessel or Boat, shall be forfeited.

Goods found concealed on board forfeited.

Licences.

Vessels not Square-rigged forfeited, unless licensed.

XX. And be it further enacted, That all Vessels belonging in the Whole or in Part to His Majesty's Subjects (unless Square-rigged); and all Vessels whatsoever belonging as aforesaid, the Length of which shall be greater than in the Proportion of Three Feet to One Foot in Breadth; and all Vessels belonging as aforesaid armed for Resistance (otherwise than is herein-after provided); and all Boats whatsoever belonging as aforesaid, which shall be found within any of the Limits or Distances as aforesaid; shall be forfeited, unless the Owners thereof shall have obtained a Licence for navigating the same from the Commissioners of His Majesty's Customs, as is herein-after directed.

Vessels to be navigated with a certain Number of Men, if exceeding specified Number, and found within certain Distances, forfeited, unless licensed.

XXI. And be it further enacted, That no Vessel or Boat 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 (not being a Lugger and at the Time fitted and rigged as such), shall be navigated by a greater Number of Men (Officers and Boys included) than in the following Proportions; that is to say, if of Thirty Tons or under, and above Five Tons, Four Men; if of Sixty Tons or under, and above Thirty Tons, Five Men; if of Eighty Tons or under, and above Sixty Tons, Six Men; if of One hundred Tons or under, and above Eighty Tons, Seven Men; and above that Tonnage, One Man for every Fifteen Tons of such additional Tonnage; or if a Lugger, in the following Proportions, that is to say, if of Thirty Tons or under, Eight Men; if of Fifty Tons or under, and above Thirty Tons, Nine Men; if of Sixty Tons or under, and above Fifty Tons, Ten Men; if of Eighty Tons or under, and above Sixty Tons, Eleven Men; if of One hundred Tons or under, and above Eighty Tons, Twelve Men; and if above One hundred Tons, One Man for every Ten Tons of such additional Tonnage; and if any Vessel, Boat, or Lugger belonging as aforesaid, and navigated with a greater Number of Men than in the Proportions before-mentioned, shall be found within any of the Distances or Places aforesaid, the same shall be forfeited, unless such Vessel, Boat, or Lugger shall be especially licensed for that Purpose by the Commissioners of His Majesty's Customs.

XXII. Pro-

Licences.

Licence not required for certain Vessels.

XXII. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to forfeit any Square-rigged Vessel of the Burthen of Two hundred Tons or upwards by Admeasurement, for being armed for Resistance, having on board Two Carriage Guns of the Calibre not exceeding Four Pounds, and Small Arms not exceeding Two Muskets for every Ten Men, or any Vessel, Boat, or Lugger belonging to the Royal Family, or being in the Service of the Navy, Victualling, Ordnance, Customs, Excise, or Post Office, nor any Whale Boat or Boat solely employed in the Fisheries, or any Boat belonging to any Square-rigged Vessel in the Merchants Service, nor any Life Boat or Tow Boat used in towing Vessels belonging to licensed Pilots, nor to any Boat used solely in Rivers or Inland Navigation, on account of such Ship, Vessel, Boat, or Lugger not being licensed as aforesaid.

Licence to contain certain Particulars.

XXIII. And be it further enacted, That every Licence granted by the Commissioners of His Majesty's Customs, for any Vessel requiring Licence under this Act, shall contain the proper Description of such Vessel, the Name or Names of the Owner or Owners, with his or their Place or Places of Abode, and the Manner and the Limits in which the same is to be employed, and if armed, the Numbers and Description of Arms, and the Quantity of Ammunition, together with any other Particulars which the said Commissioners may require and direct.

Before Licence granted to a Ship, Owners to give Security by Bond in certain Conditions.

XXIV. And be it further enacted, That before such Licence shall be issued or delivered, or shall have effect for the Use of any Vessel, the Owner or Owners thereof shall give or cause to be given Security by Bond of Two or more sufficient Persons (being Housekeepers), in Treble the Value of such Vessel (not exceeding in any Case the Sum of Three thousand Pounds for a Square-rigged Vessel) with Condition as follows; that is to say, that the Vessel shall not be employed in the Importation, Landing, or Removing of any prohibited or uncustomable Goods, contrary to the true Intent and Meaning of this Act, or any other Act relating to the Revenues of Customs or Excise, nor in the Exportation of any Goods which are or may be prohibited to be exported, nor in the Re-landing of any Goods contrary to Law, nor shall receive or take on board or be found at Sea or in Port with any Goods subject to Forfeiture, nor shall do any Act contrary to this Act, or any Act hereafter to be made relating to the Revenues of Customs or Excise, or for the Protection of the Trade and Commerce of the United Kingdom, nor shall be employed otherwise than mentioned in the Licence, and within the Limits therein mentioned; and in case of Loss, Breaking-up, or Disposal of the Vessel, that the Licence shall be delivered within Six Months from the Date of such Loss, Breaking-up, or Disposal of such Vessel, to the Collector or principal Officer at the Port to which such Vessel shall belong.

Licence Bond to be given at the Port to which the Vessel belongs.

XXV. And be it further enacted, That such Bond shall be given at the Port to which such Vessel shall belong, and at no other without the Consent of the Commissioners of His Majesty's Customs first obtained; and the Persons who are to become such Security shall be

Licences.

Persons, whether Owners or not, approved by the Collector and Comptroller of the Port where such Bond is given and residing at or near such Port; and the Collector and Comptroller shall certify upon such Licence before they issue the same, that the Security required by Law has been given in respect of such Licence.

Licence for Boat to contain certain Particulars.

XXVI. And be it further enacted, That every Licence granted by the Commissioners of His Majesty's Customs, for any Boat requiring Licence under this Act, shall contain the Description of the Boat with the Name or Names of the Owner or Owners thereof, and his or their Place or Places of Abode, and the Manner and Limits in which such Boat is to be used, together with any other Particulars which the said Commissioners may require and direct; and that the Owner or Owners of the said Boat shall give his or their own Security by Bond, in treble the Value thereof, with the like Condition as is herein-before required on Licences being granted for Vessels under this Act; and that such Bond shall not be liable to any Stamp Duty.

Commissioners may restrict Licences and require fresh Security.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Customs to restrict the granting of a Licence for any Vessel or Boat, in any way that they may deem expedient for the Security of the Revenue; and in case the said Commissioners shall have granted a Licence for any Vessel, and shall deem it necessary to require fresh Security for any Vessel which may have been licensed as aforesaid, they are hereby empowered so to do, by an Order in Writing to that Effect under their Hands; and a Copy of such Order shall be left either with the Owner or Owners of such Vessel, or with the Person in whose Custody the same shall then be; and from and after the Delivery of such Order as aforesaid, the Licence granted for such Vessel shall be deemed to be null and void, and the Owner or Owners is and are required to deliver up the said Licence to the Collector of the Customs at the Port to which such Vessel or Boat shall belong, within Three Months from the Day when such Order shall be delivered as aforesaid; and in default of such Delivery, the Owner or Owners shall forfeit the Sum of One hundred Pounds; and if any Vessel or Boat requiring such Licence as aforesaid shall be found without such Licence, or shall be found or discovered to have been used or employed in any Trade or in any Limits other than such as shall be specified in such Licence, that then and in such Case the said Vessel or Boat, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, and all the Goods laden on board, shall be forfeited.

Revoked Licence to be delivered up, on Penalty of 100*l.*

Forfeiture of Ship or Vessel without such Licence.

Licences to be taken to the Collector at the Port from whence Vessels, &c. about to sail, to be registered, and to be produced to Officers who may board Vessel.

XXVIII. And be it further enacted, That the Owner of every Vessel or Boat which shall be licensed as aforesaid shall, before such Vessel or Boat, after obtaining such Licence, first proceeds to Sea, or departs out of any Port of the United Kingdom, or *Isle of Man*, bring or cause to be brought such Licence to the Collector or other proper Officer at the Port from whence such Vessel or Boat is about to depart, and the said Collector or other proper Officer is hereby required duly to register the same; and in default of the Owner bringing the same, or causing the same to be brought as aforesaid, the said Licence shall be null and void; and the Master, Commander, or other Person having

Licences.

or taking the Charge or Command of any licensed Vessel or Boat, is hereby required to produce such Licence to any Officer of the Army, Navy, or Marines, duly authorized and on Full Pay, or Officer of Customs or Excise, who shall board such Vessel or Boat within any of the Limits or Distances aforesaid, and shall demand a Sight of the same; and in case of Refusal to produce the same, or the same shall not be on board, or if the Licence produced for any Vessel shall be without an Indorsement thereon that the proper Security hath been given, that then and in such Case the Vessel or Boat shall be forfeited, with her Guns, Furniture, Ammunition, Tackle, and Apparel.

Vessels in course of Removal in order to obtain Certificate, not to be forfeited.

XXIX. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, on Proof to their Satisfaction that the Master or Owner of any Vessel or Boat is desirous of removing such Vessel or Boat to the Port to which she belongs, for the Purpose of obtaining a Licence and giving the necessary Security for the same, to grant a Certificate to such Master or Owner of such Proof having been made; and in such Case, so long as such Vessel or Boat shall be in due course of her Voyage, Wind and Weather permitting, to the Port to which the Vessel or Boat belongs or is intended to belong, such Vessel or Boat shall not be liable to Forfeiture on account of not being licensed.

Persons counterfeiting Licences to forfeit 500*l.*

XXX. And be it further enacted, That if any Person or Persons shall counterfeit, erase, alter, or falsify, or cause to be counterfeited, erased, altered, or falsified, any Licence so to be granted as aforesaid, or shall knowingly or wilfully make use of any Licence so counterfeited, erased, altered, or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Upon licensed Vessel being lost, or broken up, &c. Licence to be delivered up, or if Licence lost, Proof to be within Six Months made, under Penalty of 100*l.*

XXXI. And be it further enacted, That whenever any licensed Vessel or Boat shall be lost, broken up, captured, burnt, seized, and condemned, sold, or otherwise disposed of, the Licence shall be delivered up to the Collector or other proper Officer of the Customs at the Port to which such Vessel or Boat belongs, within Six Calendar Months from the Time thereof; or in case of the Licence being lost or taken by the Enemy, satisfactory Proof thereof, on Oath, shall be made within the same Period, before the Collector or other Chief Officer of such Port; and in default thereof the Owner or Owners, and the Master of such Vessel or Boat, shall forfeit the Sum of One hundred Pounds.

Vessels and Goods.

Uncustomed or prohibited Goods unshipped or removed illegally, &c. forfeited.

XXXII. And be it further enacted, That if any Goods liable to the Payment of Duties shall be unshipped from any Vessel or Boat, (Customs and other Duties not being first paid or secured), or if any prohibited Goods whatsoever shall be imported into any Part of the United Kingdom; or if any Goods whatsoever, which shall have been imported, warehoused, or otherwise secured in the United Kingdom, either for Home Consumption or Exportation, shall be clandestinely or illegally removed from or out of any Warehouse or Place of Security; that then and in such Case all such Goods as aforesaid shall be forfeited, together with all Horses and other Animals, and all Carriages and other Things made use of in the Removal of such Goods.

XXXIII. And

Vessels and Goods.

Goods prohibited to be exported, shipped or brought to the Quay, forfeited, with Goods packed therewith.

XXXIII. And be it further enacted, That if any Goods which are or may be prohibited to be exported, shall be put on board any Vessel or Boat with Intent to be laden or shipped for Exportation, or shall be brought to any Quay, Wharf, or other Place in the United Kingdom, in order to be put on board any Vessel or Boat, for the Purpose of being exported; or if any Goods which are prohibited to be exported, shall be found in any Package produced to the Officers of the Customs, as containing Goods not so prohibited, that then and in such Case not only all such prohibited Goods, but also all other Goods packed therewith, shall be forfeited.

Goods liable to Forfeiture may be seized by Officers of Army, &c.

XXXIV. And be it further enacted, That all Vessels and Boats, and all Goods whatsoever liable to Forfeiture, under this or any other Act relating to the Revenue of Customs, shall and may be seized in any Place either upon Land or Water, by any Officer or Officers of His Majesty's Army, Navy, or Marines, duly authorized and on Full Pay, or Officers of Customs or Excise, or any Person having Authority to seize from the Commissioners of His Majesty's Customs or Excise; and all Vessels, Boats, and Goods so seized shall, as soon as conveniently may be, be delivered into the Care of the proper Officer appointed to receive the same.

Officers making collusive Seizures or taking Bribes, and Persons offering same, to forfeit 500*l.*

XXXV. And be it further enacted, That if any Officer of the Customs, or any Officer of the Army, Navy, or Marines, duly authorized and on Full Pay, and any other Person or Persons whatsoever, employed by or under the Direction of the Commissioners of the Customs, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up, or not to seize, any Vessel or Boat, or any Goods liable to Forfeiture, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Non-performance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving His Majesty in any Office whatever, either Civil or Military; and every Person who shall give or offer or promise to give any Bribe, Recompence or Reward, or make any collusive Agreement with any such Officer as aforesaid, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any Act, whereby any of the Provisions of any Act of Parliament may be evaded, every such Person shall, whether the Offer be accepted or performed or not, forfeit the Sum of Five hundred Pounds.

Officers may go on board Vessels, and search for prohibited and uncustomed Goods;

and may search the Person upon good Reason.

XXXVI. And be it further enacted, That it shall and may be lawful to and for any Officer or Officers of the Army, Navy, or Marines, duly authorized and on Full Pay, or for any Officer of Customs, producing his or their Warrant or Deputation (if required) to go on board any Vessel which shall be within the Limits of any of the Ports of this Kingdom, and to rummage and to search the Cabin and all other Parts of such Vessel for prohibited and uncustomed Goods, and to remain on board such Vessel during the whole Time that the same shall continue within the Limits of such Port; and also to search any Person or Persons either on board, or who shall have landed from any Vessel; provided such Officer or Officers shall have good Reason to suppose that such Person or Persons hath any uncustomed

uncustomed or prohibited Goods secreted about his Person; and if any Person shall obstruct, oppose, or molest any such Officer or Officers in going or remaining on board, or in entering or searching such Vessel or Person, every such Person shall forfeit and lose the Sum of One hundred Pounds.

Persons and Goods.

Penalty on Obstruction, 100*l*.

XXXVII. And be it further enacted, That before any Person shall be searched by any such Officer as aforesaid, it shall be lawful for such Person to require such Officer to take him or her before any Justice of the Peace, or before the Collector, Comptroller, or other superior Officer of Customs, who shall determine whether there is reasonable Grounds to suppose that such Person has any uncustomed or prohibited Goods about his or her Person; and if it shall appear to such Justice, Collector, Comptroller, or other superior Officer of Customs, that there is reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, that then such Justice, Collector, Comptroller, or other superior Officer of Customs shall direct such Person to be searched in such Manner as he shall think fit; but if it shall appear to such Justice, Collector, Comptroller, or other superior Officer of Customs, that there is not reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, that then such Justice, Collector, Comptroller, or other superior Officer of Customs, shall forthwith discharge such Person, who shall not in such Case be liable to be searched; and every such Officer as aforesaid is hereby authorized and required to take such Person, upon Demand, before any such Justice, Collector, Comptroller, or other superior Officer of Customs, detaining him or her in the meantime: Provided always, that no Person, being a Female, so directed to be searched, shall be searched by any other Person than a Female, duly authorized for that Purpose by the Commissioners of His Majesty's Customs.

Officers, before searching Persons, to take them before a Justice, Collector, or Comptroller of Customs, if required, who may direct the Search, or discharge such Persons.

XXXVIII. And be it further enacted, That if any such Officer shall not take such Person with reasonable Dispatch before such Justice, Collector, Comptroller, or other superior Officer of Customs, when so required, or shall require any Person to be searched by him, not having reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, that such Officer shall forfeit and pay the Sum of Ten Pounds.

Penalty on Officer not taking suspected Persons before Magistrate with Dispatch, or requiring to search without reasonable Ground.

XXXIX. And be it further enacted, That if any Passenger or other Person on board any Vessel or Boat shall, upon being questioned by any Officer of His Majesty's Customs, whether he has any Foreign Goods upon his Person, or in his Possession, deny the same, and any such Goods shall, after such Denial, be discovered upon his Person, or in his Possession, such Goods shall be forfeited, and such Person shall forfeit Treble the Value of such Goods.

Passengers having Goods in Possession, and denying it, to forfeit Treble the Value thereof.

XL. And be it further enacted, That it shall and may be lawful for any Officer of Customs, or Person acting under the Direction of the Commissioners of His Majesty's Customs, authorized by Writ of Assistance under the Seal of His Majesty's Court of Exchequer, to take a Constable, Headborough, or other Public Officer residing near

Officers, with Writs of Assistance, may enter Houses to search for uncustomed or prohibited Goods.

Vessels and Goods.

near the Place, and in the Day-time, to enter into any House, Shop, Cellar, Warehouse, Room, or other Place, and in case of Resistance to break open Doors, Chests, Trunks, and other Packages, there to seize and from thence to bring any uncustomed or prohibited Goods, and to put and secure the same in the Customhouse Warehouse in the Port next to the Place from whence such Goods shall be so taken as aforesaid: Provided always, that for the Purposes of this Act, any such Constable, Headborough, or other Public Officer duly sworn as such, may act as well without the Limits of any Parish, Ville, or other Place for which he shall be so sworn, as within such Limits.

Writs of Assistance to be in force during King's Reign, and for Six Months afterwards.

XLI. And be it further enacted, That all Writs of Assistance so issued from the Court of Exchequer as aforesaid, shall continue and be in force during the whole of the Reign in which such Writs shall have been granted, and for Six Months from the Conclusion of such Reign.

Police Officers seizing Goods to carry them to the Customhouse Warehouse.

XLII. And be it further enacted, That if any Goods subject or liable to Forfeiture under this or any other Act relating to the Revenue of Customs, shall be stopped or taken by any Police Officer, or other Person acting by virtue of any Act of Parliament, or otherwise duly authorized, such Goods shall be carried to the Customhouse Warehouse next to the Place where the Goods were stopped or taken, and there delivered to the proper Officer appointed to receive the same, within Forty-eight Hours after the said Goods were stopped and taken.

Goods stopped by Police Officers may be retained until Trial of Persons charged with stealing them.

XLIII. And be it further enacted, That if any such Goods shall be stopped or taken by such Police Officer, on Suspicion that the same have been feloniously stolen, it shall be lawful for the said Officer to carry the same to the Police Office to which the Offender is taken, there to remain until and in order to be produced at the Trial of the said Offender; and in such Case the Officer is required to give Notice in Writing to the Commissioners of His Majesty's Customs, of his having so detained the said Goods, with the Particulars of the same, and immediately after the Trial, all such Goods are to be conveyed and deposited in the Customhouse Warehouse as aforesaid, to be proceeded against according to Law; and in case any Police Officer making Detention of any such Goods, shall neglect to convey the same to such Warehouse, or to give the Notice of having stopped the same as before described, such Officer shall forfeit the Sum of Twenty Pounds.

Commissioners of Treasury or Commissioners of Customs may restore Seizures.

XLIV. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them for the Time being, or the Commissioners of His Majesty's Customs, by any Order made for that Purpose under their Hands, to direct any Vessel, Boat, Goods, or Commodities whatever, seized as aforesaid under this or any Act relating to the Revenue of Customs, to be delivered to the Proprietor or Proprietors, whether Condemnation shall have taken place or not, upon such Terms and Conditions as they may deem expedient, and which shall be mentioned in the said Order; and it

shall be also lawful for the said Commissioners of His Majesty's Treasury, and the said Commissioners of His Majesty's Customs, to mitigate or remit any Penalty or Fine which shall have been incurred, or any Part of such Penalty or Fine incurred under any Law or Laws relating to His Majesty's Customs, or to the Trade and Navigation of this Kingdom: Provided always, that no Person shall be entitled to the Benefit of any Order for Delivery or Mitigation, unless the Terms and Conditions expressed in the said Order are fully and effectually complied with.

Penalties.

Penalty on Persons unshipping, harbouring, or having Custody of any prohibited or uncustomed Goods.

XLV. And be it further enacted, That every Person not arrested and detained as herein-after mentioned, who shall, either in the United Kingdom or the *Isle of Man*, assist or be otherwise concerned in the unshipping of any Goods which are prohibited, or the Duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any Goods which have been illegally unshipped without Payment of Duties, or which have been illegally removed without Payment of the same, from any Warehouse or Place of Security in which they may have been originally deposited, or shall knowingly harbour, keep, or conceal, or permit or suffer to be harboured, kept, or concealed, any Goods prohibited to be imported, or to be used or consumed in the United Kingdom, or in the *Isle of Man*; and every Person, either in the United Kingdom, or the *Isle of Man*, to whose Hands and Possession any such uncustomed or prohibited Goods shall knowingly come, shall forfeit either the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of His Majesty's Customs.

Penalty on Persons unshipping, having Possession, or harbouring Drawback or Bounty Goods.

XLVI. And be it further enacted, That if any Goods, upon which there is a Drawback or Bounty, shall be shipped to be exported into Parts beyond the Seas, and shall afterwards be unshipped with Intention to be relanded in the United Kingdom (unless in case of Distress, to save the Goods from perishing), that then and in such Case the said Goods shall be forfeited, and the Master of the Vessel from which they shall be unshipped, and every Person concerned in the unshipping, and the Person or Persons to whose Hands the same shall knowingly come, or who shall knowingly harbour, keep, or conceal, or suffer to be harboured, kept, or concealed such Goods, shall for every such Offence forfeit the Treble Value of the Goods, or the Penalty of One hundred Pounds, at the Election of the Commissioners of His Majesty's Customs.

Persons insuring the Delivery of prohibited or uncustomed Goods to forfeit 500*l.*

XLVII. And be it further enacted, That every Person who, by way of Insurance or otherwise, shall undertake or agree to deliver any Goods to be imported from beyond the Seas, at any Port or Place in the United Kingdom, without paying the Duties due on such Importation, or any prohibited Goods, or in pursuance of such Insurance, or otherwise, shall deliver or cause to be delivered any uncustomed or prohibited Goods, every such Person, and every Aider or Abettor thereof, shall for such Offence forfeit the Sum of Five hundred Pounds, over and above any other Penalty to which by Law he may be liable; and every Person who shall agree to pay any Money for the

Penalties.

the Insurance or Conveyance of such Goods, or shall receive or take such Goods into his Custody or Possession, or suffer the same to be so received or taken, shall also forfeit Five hundred Pounds, over and above any Penalty to which by Law he may be liable on account of such Goods.

Penalty on Persons offering Goods for Sale under Pretence of being run or prohibited.

XLVIII. And be it further enacted, That if any Person or Persons shall offer for Sale any Goods, under Pretence that the same are prohibited, or have been unshipped and run on Shore without Payment of Duties, that then and in such Case all such Goods (although not liable to any Duties or prohibited) shall be forfeited, and the Person or Persons, and every of them, offering the same for Sale, shall forfeit the Treble Value of such Goods, or the Penalty of One hundred Pounds, at the Election of the Commissioners of His Majesty's Customs.

Persons found or discovered to have been on board Vessels liable to Forfeiture, for being found within certain Limits of the Coast, subject to the Penalty of 100*l.* and may be detained.

XLIX. And be it further enacted, That every Person being a Subject of His Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture, under this or any other Act relating to the Revenue of Customs, for being found within Four or Eight Leagues of the Coast of the United Kingdom as aforesaid, or for being found or discovered to have been within any of the Distances or Places in this Act mentioned, from or in the United Kingdom, or from or in the *Isle of Man*, having on board or in any Manner attached or affixed thereto, or having had on board or in any Manner attached or affixed thereto, or conveying or having conveyed in any Manner, such Goods or other Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat, from which any Part of the Cargo shall have been thrown overboard during Chace, or staved or destroyed, shall forfeit the Sum of One hundred Pounds; and that every Person, not being a Subject of His Majesty, who shall be found or discovered to have been on board any Vessel or Boat, liable to Forfeiture for any of the Causes aforesaid, within One League of the Coast of the United Kingdom, or of the *Isle of Man*, or within any Bay, Harbour, River, or Creek of the said Island, shall forfeit for such Offence the Sum of One hundred Pounds; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required to stop, arrest, and detain every such Person, and to carry and convey such Person before Two or more Justices of the Peace in the United Kingdom, or a Governor, Deputy Governor, or Deemster in the *Isle of Man*, to be dealt with as hereinafter directed: Provided always, that any such Person proving, to the Satisfaction of such Justices, Governor, Deputy Governor, or Deemster, that he was only a Passenger in such Vessel or Boat, and had no Interest whatever either in the Vessel or Boat, or in the Cargo on board the same, shall be forthwith discharged by such Justices.

Persons unshipping or concerned in the carrying away or con-

L. And be it further enacted, That every Person whatsoever, who shall unship, or be aiding, assisting, or concerned in the unshipping of any

any Spirits or Tobacco, liable to Forfeiture under this or any other Act relating to the Revenue of Customs or Excise, either in the United Kingdom or the *Isle of Man*, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of any such Spirits or Tobacco, shall forfeit for such Offence the Sum of One hundred Pounds; and every such Person may be detained by any Officer or Officers of His Majesty's Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before Two Justices of the Peace in the United Kingdom, or a Governor, Deputy Governor, or Deemster in the *Isle of Man*, to be dealt with as herein-after directed.

Penalties.

cealing Spirits or Tobacco, to forfeit 100*l.* and may be detained.

LI. And be it further enacted, That if any Person or Persons liable to be arrested and detained, under the Provisions of this or any other Act relating to the Revenue of Customs, shall not be detained at the Time of so committing the Offence for which he or they is or are so liable, or after Detention shall make his or their Escape, it shall and may be lawful for any Officer of the Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, or any other Person acting in his or their Aid or Assistance, or duly employed under such Officer, to stop, arrest, and detain such Person so liable to Detention as aforesaid, at any Time afterwards, and to carry him before Two Justices of the Peace, to be dealt with as if detained at the Time of committing the said Offence.

Persons liable to be arrested, and making Escape, may afterwards be detained by any Officer of the Customs, &c.

LII. And be it further enacted, That no Person shall, after Sunset and before Sun-rise, between the Twenty-first Day of *September* and the First Day of *April*, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning at any other Time in the Year, make, aid, or assist in making, or be present for the Purpose of aiding or assisting in the making of any Light, Fire, Flash, or Blaze, or any Signal by Smoke, or by any Rocket, Fireworks, Flags, firing of any Gun or other Fire Arms, or any other Contrivance or Device, or any other Signal in or on board or from any Vessel or Boat, or on or from any Part of the Coast or Shore of the United Kingdom, or within Six Miles of any Part of such Coasts or Shores, for the Purpose of making or giving any Signal to any Person on board any Smuggling Vessel or Boat, whether any Person so on board of such Vessel or Boat be or be not within Distance to see or hear any such Light, Fire, Flash, Blaze, or Signal; and if any Person, contrary to the true Intent and Meaning of this Act, make or cause to be made, or aid or assist in making any such Light, Fire, Flash, Blaze, or Signal, such Person so offending shall be guilty of a Misdemeanor; and it shall be lawful for any Person to stop, arrest, and detain the Person or Persons who shall so make, or aid or assist in the making, or who shall be present for the Purpose of aiding or assisting in making, any such Light, Fire, Flash, Blaze, or Signal, and to carry and convey such Person or Persons so offending before any Two or more of His Majesty's Justices of the Peace residing near the Place where such Offence shall be committed, who, if they see Cause, shall commit the Offender to the next County Gaol, there to remain until the next

Penalty on Persons making Signals to smuggling Vessels at Sea.

Penalties.

Court of Oyer or Terminer, Great Session or Gaol Delivery, or until such Person or Persons shall be delivered by due Course of Law, and it shall not be necessary to prove, on any Indictment or Information, that any Vessel or Boat was actually on the Coast; and the Offender or Offenders being duly convicted thereof shall, by order of the Court before whom such Offender or Offenders shall be convicted, either forfeit and pay the Penalty or Forfeiture of One hundred Pounds, or, at the Discretion of such Court, be sentenced or committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding One Year.

Proof of a Signal not being intended to lie on the Defendant.

LIII. Provided always, and be it further enacted, That in case any Person be charged with or indicted for having made or caused to be made, or been aiding or assisting in making, or been present for the Purpose of making or aiding or assisting in making any such Fire, Light, Flash, Blaze, or other Signal as aforesaid, the Burthen of Proof that such Fire, Light, Flash, Blaze, Noise, or other Thing, so charged as having been made with Intent and for the Purpose of giving such Signal as aforesaid, was not made with such Intent and for such Purpose, shall be upon the Defendant against whom such Charge is made or such Indictment is found.

Any Person may put out and extinguish and prevent Signals.

LIV. And be it further enacted, That it shall be lawful for any Person whatsoever to put out and extinguish or prevent any such Light, Fire, Flash, or Blaze, or any Smoke, Signal, Rocket, Firework, Noise, or other Device or Contrivance so made or being made as aforesaid, and to enter and go into and upon any Lands for that Purpose, without being liable or subject to any Indictment, Suit, or Action for the same.

Persons resisting Officers, or rescuing or destroying Goods to prevent Seizure, to forfeit 200l.

LV. And be it further enacted, That if any Person whatsoever shall hinder, oppose, molest, or obstruct any Officer of the Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, in the Execution of his Duty, or in the due seizing of any Goods liable to Forfeiture by this or any other Act relating to the Revenue of Customs, or any Person acting in his Aid or Assistance, or duly employed for the Prevention of Smuggling, or shall rescue or cause to be rescued any Goods which have been seized, or shall attempt or endeavour to do so, or shall before, or at or after any Seizure, stave, break, or otherwise destroy any Goods, to prevent the Seizure thereof, or the securing the same, then and in such Case the Parties offending shall forfeit for every such Offence the Sum of Two hundred Pounds.

Felonies.

Three or more Persons armed with Fire Arms assembled to assist in the illegal Exportation or Landing of

LVI. And be it further enacted, That if any Persons to the Number of Three or more, armed with Fire Arms or other offensive Weapons, shall within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be assembled in order to be aiding and assisting in the illegal Exportation of any Goods prohibited to be exported, or in the carrying of such Goods in order to such Exportation, or in the illegal landing, running, or carrying away of prohibited or uncustomed Goods, or Goods liable to pay any Duties which have not been paid or secured, or in the illegal carrying of any,

Goods from any Warehouse or other Place, as shall have been deposited therein, for the Security of the Home Consumption Duties thereon, or for preventing the Use or Consumption thereof in the United Kingdom, or in the illegal relanding of any Goods which shall have been exported upon Debenture or Certificate, or in rescuing or taking away any such Goods as aforesaid, after Seizure, from the Officer of the Customs or other Officer authorized to seize the same, or any Person or Persons employed by them or assisting them, or from the Place where the same shall have been lodged by them, or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by this or any Act relating to the Revenue of Customs, or in the preventing the Apprehension of any Person who shall have been guilty of such Offence; or in case any Persons to the Number of Three or more, so armed as aforesaid, shall, within this Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting; every Person so offending, and every Person aiding, abetting, or assisting therein shall, being thereof convicted, be adjudged guilty of Felony, and suffer Death as a Felon without Benefit of Clergy.

Felonies.

prohibited or uncustomed Goods, or in the relanding Goods shipped for Exportation, or in the rescuing any such Goods, to be deemed guilty of Felony.

LVII. And be it further enacted, That if any Person shall maliciously shoot at or upon any Vessel or Boat belonging to His Majesty's Navy, or in the Service of the Revenue in any Part of the *British* or *Irish* Channels, or elsewhere on the High Seas, within One hundred Leagues of any Part of the Coast of the United Kingdom, or shall maliciously shoot at, maim, or dangerously wound any Officer of the Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, or any Person acting in his Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his Office or Duty, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being lawfully convicted, be adjudged guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

Persons shooting at any Boat belonging to Navy or in the Service of the Revenue, or shooting at or wounding Officers of the Army, Navy, or Marines, deemed guilty of Felony.

LVIII. And be it further enacted, That if any Person, being in Company with more than Four other Persons, be found with any Goods liable to Forfeiture under this or any other Act relating to the Revenue of Customs or Excise, or in Company with One other Person within Five Miles of any navigable River, carrying offensive Arms or Weapons, or disguised in any way, every such Person shall be adjudged guilty of Felony, and shall on Conviction of such Offence be transported as a Felon for the Space of Seven Years; and if such Offender shall return into the United Kingdom before the Expiration of the said Seven Years, he shall suffer as a Felon, and have Execution awarded against him as a Person attainted of Felony, without Benefit of Clergy.

Any Person in Company with Four others, found with Goods liable to Forfeiture, or in Company with One other Person carrying Arms or disguised, to be deemed guilty of Felony.

LIX. And be it further enacted, That if any Person shall by Force or Violence assault, resist, oppose, molest, hinder, or obstruct any Officer of the Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his or their Office

Persons assaulting Officer by Force or Violence may be transported, &c.

or

Officers.

or Duty, such Person being thereof convicted shall be adjudged a Felon, and shall be transported for Seven Years, or sentenced to be imprisoned in any House of Correction or Common Gaol, and kept to Hard Labour for any Term not exceeding Three Years, at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid.

Commanding Officers of Vessels in the Service may haul their Vessels on Shore, without being liable to any Action for so doing.

LX. And be it further enacted, That it shall and may be lawful to and for the Commanding Officer for the Time being of any Vessel or Boat employed for the Prevention of Smuggling to haul any such Vessel or Boat upon any Part of the Coasts of the United Kingdom, or the Shores, Banks, or Beaches of any River, Creek, or Inlet of the same (not being a Garden or Pleasure Ground, or Place ordinarily used for any Bathing Machine or Bathing Machines), which shall be deemed most convenient for that Purpose, and to moor any such Vessel or Boat on such Part of the aforesaid Coasts, Shores, Banks, and Beaches below High-water Mark, and over which the Tide flows on ordinary Occasions, and to continue such Vessel or Boat so moored as aforesaid, for such Time as the said Commanding Officer shall deem necessary and proper; and such Commanding Officer, or Person or Persons acting under his Direction, shall not be liable to any Indictment, Action, or Suit for so doing; any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Officer, if wounded in the Service of the Customs, to be provided for, &c.

LXI. And be it further enacted, That in all Cases where any Officer or Seaman employed in the Service of the Customs or Excise shall be killed, maimed, wounded, or in any way injured in the due Execution of his Office, or if any Person acting in his Aid shall be so killed, maimed, wounded, or in any way injured while so aiding such Officer or Seaman, it shall and may be lawful for the Commissioners of His Majesty's Customs and Excise respectively to make such Provision for the Officer or Person so maimed, wounded, or injured as aforesaid, or for the Widows and Families of such as shall be killed, as they shall be authorized and empowered to do by Warrant from the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being.

Seizures.

Condemned Vessels and Goods how to be disposed of.

LXII. And be it further enacted, That all Vessels and Boats, and all Goods whatsoever, which shall have been seized and condemned for breach of any Law relating to the Revenue of Customs, shall be disposed of as soon as conveniently may be after the Condemnation thereof, in the following Manner; (that is to say), all Goods of a Description admissible to Duty shall be sold by public Auction to the best Bidder, at a Price not less than the Duty upon the Importation of the like Sort of Goods; and in case such Goods will not fetch the Duty, shall be put up to Sale for Exportation, and in case they do not sell for Exportation, then the said Goods shall be destroyed; and all prohibited Goods shall be put up for Sale for Exportation to the best Bidder, and in case they do not sell, then shall be destroyed; all Vessels or Boats calculated for the fair and mercantile Trade of this Kingdom shall be put up to Sale to the best Bidder; and all Vessels or Boats calculated for Smuggling shall be broken up and destroyed, and the Materials shall be put up to Sale to the best Bidder:

Provided

Rewards.

Provided always, that if the Commissioners of His Majesty's Customs shall deem any of the Vessels or Boats necessary or required for the public Service, it shall be lawful for them to cause the same to be used for the said Purpose.

Reward to Officers for detaining Smugglers.

LXIII. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, and they are hereby authorized and empowered to award to any Officer or other Person detaining any Person liable to Detention under this or any other Act relating to the Revenue of Customs, to be paid upon the Conviction of such Person, any Reward they may think fit to direct, not exceeding the Sum of Twenty Pounds for each Person.

Rewards to Officers where pecuniary Penalties are recovered.

LXIV. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, and they are hereby authorized and empowered to pay the following Reward to any Officer or Officers, or Persons as aforesaid, by whose Means any pecuniary Penalty or Composition is recovered; (that is to say), One-third of the Penalty or Sum recovered.

Rewards for Seizures.

LXV. And be it further enacted, That there shall be paid and allowed for and in respect of any Seizure made by any Officer or Officers of the Army, Navy, or Marines, duly authorized and on Full Pay, or any Officer or Officers of the Customs or Excise, or other Person or Persons deputed or employed by the Commissioners of His Majesty's Customs or Excise, under this or any other Act relating to the Revenue of Customs, the following Rewards; (that is to say),

In the Case of Seizures of Spirits and Tobacco:

If all the Parties are detained and carried before Two Justices of the Peace, the Whole:

If Two or more, not being the Whole, are detained and convicted, Seven-eighths:

If One, being a seafaring Man and convicted, Three-fourths:

If One is detained with the Vessel or Means of Conveyance, Three-fourths:

If One Person is detained and convicted, not a seafaring Man, Five-eighths:

If Vessel or Carriage with its Lading is seized, without any Person being detained, One-third:

If Goods found sunk and concealed, and the Smuggler afterwards convicted in consequence thereof, and by the Exertions of the Individuals so finding them, One-half:

If Goods found and no Person subsequently convicted, One-eighth:

If Goods seized and Parties subsequently convicted in consequence of such Seizure, and by the Exertion of the Seizors, One-half:

If Goods seized only, One-eighth, or such other Part as the Commissioners of the Customs shall think proper, not exceeding One-fourth:

Rewards.

In the Case of Seizures of Goods prohibited to be imported:

If Vessel after Importation or other Means of Conveyance seized, or any Person prosecuted to Conviction on account of same, Two-thirds:
If Goods only, One-half.

In the Case of Seizures of Goods not before enumerated:

If Vessel, or other Means of Conveyance, seized, or any Person prosecuted to Conviction on account of same, One-half:
If Goods only, One-fourth.

In the Case of Goods destroyed:

If Vessel, or other Means of Conveyance, seized, or any Person prosecuted to Conviction on account of the same, a Moiety of the appraised Value or Amount of Duty:
If Goods only, One-fourth of appraised Value or Amount of Duty.

In the Case of Seizures of Vessels and Boats:

If sold, a Moiety of the Produce:
If taken into the public Service or broken up, a Moiety of appraised Value.

In the Case of Seizures of Cattle and Carriages:

In all Cases, Three-fourths of the Produce of the Sale.

LXVI. Provided always and be it further enacted, That the aforesaid Rewards shall be paid, subject to a Deduction of Ten Pounds *per Centum*, on account of Law Charges and other Expences.

All Rewards and Seizures payable to Officers of Army, Navy, or Marines, to be regulated by His Majesty's Orders in Council, &c.

LXVII. And be it further enacted, That every such Reward, or Part or Share of any such Seizure, or of the Value thereof, as shall 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 Commissioners of the Admiralty, 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 and appoint.

Commissioners may distribute Officers Shares of Seizures in certain Cases, so as to reward Persons not actually present.

LXVIII. And whereas it frequently happens that Officers of the Customs and Excise, who from their Stations on the Coast, and other Circumstances, are instrumental in causing the Seizure of Spirits and other Goods, but who, from their not being actually present at and assisting in the making such Seizure, have hitherto not been considered as entitled to participate in the Officers Share of the same: And whereas it is expedient in order to provide for such Cases, that the Commissioners of His Majesty's Customs and Excise respectively should be authorized to direct Distribution of the Shares of all Seizures made by Officers or Persons acting under their Authority or

Rewards.

Direction, or of any Penalties recovered or Rewards paid for the Apprehension of Smugglers, in such Manner as may appear to them to be most conducive to the Protection of the Revenue; be it therefore enacted, That it shall be lawful for the Commissioners of His Majesty's Customs or Excise respectively, and they are hereby authorized, in case of any Seizure of Vessels, Boats, or Goods, or the Apprehension of any Parties under this or any other Act relating to the Revenue of Customs, to direct the Distribution of the Seizor's Share of such Vessels, Boats, or Goods, or of any Penalties or Rewards, so as to enable any Officer or Officers, or other Person or Persons acting under the Authority of the said Commissioners respectively, or through whose Information or Means such Seizure shall have been made, or Penalty recovered, or Party apprehended, who shall not have been actually present at the making of the same, to participate in such Proportions as the said Commissioners shall respectively deem expedient.

Where Officers act negligently or collusively, Commissioners may direct the Whole or any Part of Seizure to be applied to His Majesty's Use.

LXIX. And be it further enacted, That upon Proof being made to the Satisfaction of the Commissioners of His Majesty's Customs or Excise, that any Officer or Officers, or Person or Persons as aforesaid, shall have acted collusively or negligently in the making of any Seizure, it shall be lawful for the said Commissioners to direct that the Whole, or any Part of the Proportion of such Seizure, be applied to the Use of His Majesty.

Spirits floating on the Sea not to be taken up but by Officers.

LXX. And whereas it hath frequently happened that Spirits have been imported and brought into the Ports of this Kingdom in small Casks, and that the Persons importing and bringing the same have alleged that the same had been found floating upon or sunk in the Sea; and there is Reason to believe that great Frauds have been practised with regard to such Spirits, by the Persons so importing and bringing in the same, and so alleging as aforesaid; and it is therefore expedient, in order to prevent the like Frauds in future, that Persons not lawfully authorized to make Seizure of such Spirits should be restrained from intermeddling with or taking up any such Spirits, being in Casks of less Content than Forty Gallons, which may be found floating upon or sunk in the Sea; be it therefore enacted, That no Person or Persons whatsoever, being a Subject or Subjects of His Majesty, His Heirs and Successors, other than an Officer or Officers of the Navy, Customs, or Excise, or some Person or Persons authorized in that Behalf, shall intermeddle with or take up any Spirits, being in Casks of less Content than Forty Gallons, which may be found floating upon or sunk in the Sea; and that if any Spirits shall be taken up, and shall be found or discovered on board any Vessel or Boat belonging as aforesaid, within the Limits of any Port of the United Kingdom or *Isle of Man*, or within the Distances in this Act before mentioned, the Vessel or Boat on which the same shall be found or discovered, together with such Spirits, shall be forfeited, and the Person or Persons in whose Custody or Possession the same shall be found shall forfeit the Penalty of Treble the Value of such Spirits, or the Sum of Fifty Pounds, at the Election of the Commissioners of His Majesty's Customs.

Penalty, Forfeiture of Spirits, &c.

LXXI. Pro-

Rewards.

Reward to Persons giving Information of Goods floating or sunk in the Sea.

LXXI. Provided always, and be it further enacted, That if any Person or Persons shall discover any Spirits, being in Casks of less Content than Forty Gallons, which may be found floating upon or sunk in the Sea, and shall give Information to any Officer of the Customs, or other Person or Persons duly authorized to make Seizure of such Spirits, so that Seizure shall be made of the same, the Person or Persons giving such Information shall be entitled to and shall receive such Reward as the Commissioners of His Majesty's Customs may deem it expedient to direct.

Allowance to poor Persons confined for Offences against Laws of Customs and Excise.

LXXII. And be it further enacted, That for the necessary Subsistence of any poor Person confined in the United Kingdom, or in the *Isle of Man*, under or by virtue of any Exchequer or other Process for the Recovery of any Duties or Penalties, either upon Bond or otherwise, under this or any other Act relating to the Revenue of Customs or Excise, sued for under or by virtue of any Order of the Commissioners of His Majesty's Customs or Excise, it shall and may be lawful to and for the Commissioners of Customs or Excise to cause an Allowance, not exceeding the Sum of Seven-pence Halfpenny, and not less than Four-pence Halfpenny *per* Day, to be made to any such poor Person, out of any Money in their Hands arising from the Duties of Customs or Excise, as the Case may require.

Jurisdiction.

Penalties and Forfeitures, how to be sued for.

LXXIII. And be it further enacted, That all Penalties and Forfeitures incurred or imposed by this or any other Act relating to the Revenue of Customs, shall and may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or in the Courts of Exchequer in *Scotland*, or in *Dublin*, or in the Royal Courts of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, in the Name of His Majesty's Attorney General, or in the Name or Names of some Officer or Officers of His Majesty's Customs, or by Information before any Two or more of His Majesty's Justices of the Peace in the United Kingdom, or before any Governor, Deputy Governor, or Deemster in the *Isle of Man*: Provided always, that all the Powers vested in any Justices of the Peace by virtue of this Act shall be and the same are hereby vested in the Commissioners or Assistant Commissioners of His Majesty's Customs in and for *Ireland*, or any Two of them, and the Sub-Commissioners lawfully appointed in *Ireland* to hear and determine Complaints and Informations for the Recovery of any Fine, Penalty, or Forfeiture imposed by this or any other Act relating to the Revenue of Customs, or any Three or more of such Sub-Commissioners, so far as regards any Offences committed in *Ireland* against this or any other Act relating to the Revenue of Customs.

Offences on the High Seas deemed to have been committed at the Place into which the Offender is taken.

LXXIV. And be it further enacted, That in case any Offence shall be committed upon the High Seas against this or any other Act relating to the Revenue of Customs, or any Penalty or Forfeiture shall be incurred upon the High Seas, for any Breach of such Act, such Offence shall, for the Purpose of Prosecution, be deemed and taken to have been committed, and such Penalties and Forfeitures to have been incurred, at the Place on Land in the United Kingdom, or

Jurisdiction.

or the *Isle of Man*, into which the Person committing such Offence, or incurring such Penalty or Forfeiture, shall be taken, brought, or carried; and in case such Place on Land is situated within any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice of the Peace for such City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justice of the Peace of the County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine all Cases of Offences against such Act so committed upon the High Seas; any Charter or Act of Parliament to the contrary notwithstanding: Provided always, that all Offences against this or any other Act relating to the Revenue of Customs committed in any City, Borough, Liberty, Division, Franchise, or Town Corporate, shall be deemed and taken to have been committed in the County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, and as well any Justices of the said City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justices of any County in which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine the same.

Justices to summon Party accused, and in default of Appearance to proceed to the Hearing and Conviction.

LXXV. And be it further enacted, That in Cases where any Information shall be exhibited before Two or more Justices of the Peace, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, for the Recovery of any Penalty under this or any other Act relating to the Revenue of Customs (except as is herein-after otherwise provided for), it shall and may be lawful for the said Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, and he or they is or are hereby authorized and required to summon the Party accused, and upon his, her, or their Appearance or Default, to proceed to the Examination of the Matter, and upon due Proof thereof, either upon the voluntary Confession of such Party, or upon the Oath of One or more credible Witness or Witnesses, (which Oath the said Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, is and are hereby empowered to administer), to convict the Offender or Offenders in the said Penalty or Penalties; and in case of the Non-payment thereof, the said Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, is and are hereby authorized and required to cause the same, by Warrant of Distress and Sale under their Hands and Seals, to be levied upon the Goods and Chattels of the said Offender or Offenders; (or in case it shall appear to such Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, either upon the Confession of such Offender or Offenders, or otherwise, that such Offender or Offenders, has or have not sufficient Goods and Chattels whereon to levy the said Penalty or Penalties, it shall be lawful for such Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, in default of sufficient Distress) to commit such Offender or Offenders to any of His Majesty's Gaols in the County where the Offence shall have arisen, or wherein the Offender or Offenders shall have been found, there to remain until the Penalty or Penalties shall be paid: Provided always, that when any Person or Persons shall have been committed by any Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, to

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to any Prison for the Nonpayment of such Penalty, or in default of Distress, it shall be lawful for the Gaoler or Keeper of such Prison, and he is hereby required to discharge such Person at the End of Six Calendar Months from the Date of such Warrant by which the said Person is committed to his Custody, and he or they shall be wholly discharged from the Payment of such Penalty or Penalties.

Justices empowered to mitigate in certain Cases.

LXXVI. And be it further enacted, That where any Party shall or may be convicted before any Two or more of His Majesty's Justices of the Peace, or Governor, Deputy Governor, or Deemster as aforesaid, in any Penalty or Penalties incurred as aforesaid, (except as is herein-after provided) it shall and may be lawful for the said Justices, or Governor, Deputy Governor, or Deemster of the *Isle of Man*, in Cases where upon Consideration of the Circumstances he or they shall deem it expedient so to do, to mitigate the Payment of the said Penalty or Penalties, so as the Sum to be paid by such Party be not less than One-fourth of the Amount of the Penalty in which such Party shall have been convicted.

Suits in Courts of Record to be commenced within Three Years.

LXXVII. And be it further enacted, That all Suits, Indictments, or Informations exhibited for any Offence against this or any other Act relating to the Revenue of Customs, in any of His Majesty's Courts of Record at *Westminster*, or in the Courts of Exchequer in *Scotland*, or in *Dublin*, or in the Royal Courts of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, shall and may be had, brought, sued or exhibited, within Three Years next after the Date of the Offence committed; and shall and may be exhibited before any Two or more Justices of the Peace, or Governor, Deputy Governor, or Deemster in the *Isle of Man*, within Six Months next after the Date of the Offence committed.

Informations before Justices, &c. within Six Months.

Indictments for Offences against this Act, may be inquired into in any County of England.

LXXVIII. And be it further enacted, That any Indictment or Information which shall be found or prosecuted for any Offence against this or any other Act relating to the Revenue of Customs, shall and may be inquired of, examined, tried, and determined in any County of *England*; and any such Indictment or Information which shall be found, commenced, or prosecuted in *Scotland*, may be inquired of, examined, tried, and determined in any County in *Scotland*; and any such Indictment or Information which shall be found or commenced in *Ireland*, may be inquired of, examined, tried, and determined in any County in *Ireland*, in such Manner and Form as if the Offence had been committed in the said County where the said Indictment or Information shall be tried.

Mode of Proceeding before Justices for Condemnation of seized Goods.

LXXIX. And be it further enacted, That in all Cases of Information exhibited before any Two or more Justices of the Peace, or any Governor, Deputy Governor, or Deemster as aforesaid, for the Forfeiture of any Goods whatsoever, seized under any Act or Acts relating to the Revenue of Customs, or for the Prevention of Smuggling, and where the Party to whom such Goods belonged, or from whom they were seized, is known, it shall be lawful for the said Justices, or Governor, Deputy Governor, or Deemster, and he and they is and are hereby authorized and required to summon the said Party, and

upon his, her, or their Appearance or Default to proceed to the Examination of the Matter of Fact, and upon due Proof that the said Goods are liable to Forfeiture under this or any Act relating to the Revenue of Customs, to condemn the said Goods; and in case the Party from whom the said Goods have been seized is not known, it shall and may be lawful for the said Justices, or Governor, Deputy Governor, or Deemster, and he or they is and are hereby required, to cause public Notice to be stuck up in the Royal Exchange if the Seizure is made in *London*, at the Market Cross if in *Edinburgh*, and at the Royal Exchange if in *Dublin*, and if the Seizure is made at any other Place, then a Notice shall be publicly read by the public Crier at the next Market Place, stating that the Goods have been so seized, and that the Hearing relative to the same will take place on a certain Day, not being less than Eight Days from the Date of the said Notice; and in default of any Persons Attendance in consequence of the said Notice, the said Justices, or Governor, Deputy Governor, or Deemster, are to proceed to the Hearing and Condemnation of the said Goods as aforesaid. *Jurisdiction.*

Persons detained for certain Offences, to pay 100*l.*, or if seafaring Men, to be sent into the Naval Service

LXXX. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace, or Governor, Deputy Governor or Deemster as aforesaid, before whom any Person liable to be arrested and detained, and who shall have been arrested and detained, for being found or discovered to have been on board any Vessel or Boat liable to Forfeiture under this or any other Act relating to the Revenue of Customs, or for unshipping, carrying, conveying, or concealing, or aiding, assisting, or being concerned in unshipping, carrying, conveying, or concealing any Spirits, or Tobacco liable to Forfeiture under this or any such Act, shall be carried, on the Confession of such Person of such Offence, or on Proof thereof upon the Oaths of one or more credible Witness or Witnesses, to convict such Person of any such Offence; and every such Person so convicted as aforesaid shall immediately upon such Conviction pay into the Hands of such Justices, or Governor, Deputy Governor, or Deemster, for the Use of His Majesty, the Penalty of One hundred Pounds, without any Mitigation whatever, for any such Offence of which he shall be so convicted as aforesaid; or in default thereof the said Justices, or Governor, Deputy Governor, or Deemster, shall and he and they is and are hereby respectively authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Person so convicted as aforesaid and making such Default as aforesaid, to any Gaol or Prison, there to remain until such Penalty shall be paid: Provided, that if the Person convicted of any such Offence or Offences shall be a Seaman or seafaring Man, and fit and able to serve His Majesty in His Naval Service, and shall not prove that he is not a Subject of His Majesty, it shall and may be lawful for any such Justices, or Governor, Deputy Governor, or Deemster, and he and they is and are hereby required, in lieu of such Penalty, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Officer of the Army, Navy, or Marines, being duly authorized and on Full Pay, or Officer of Customs or Excise, to carry or convey, or cause to be carried or conveyed, such Person on board

Jurisdiction.

board of any of His Majesty's Ships, in order to his serving His Majesty in His Naval Service for the Term of Five Years; and if such Person shall at any Time within that Period by any Means escape or desert from such Custody or Service respectively, he shall be liable at any Time or Times afterwards to be again arrested and detained by any Officer of the Customs, or any other Person, and delivered over as aforesaid to complete his Service of Five Years: Provided also, that if it shall be made to appear to any such Justices, or Governor, Deputy Governor, or Deemster, that convenient Arrangement cannot be made at the Time of the Conviction of the said Party, for immediately carrying or conveying such Seaman or seafaring Man, so convicted as aforesaid, on board any of His Majesty's Ships in order to serve His Majesty, it shall and may be lawful for any such Justices, or Governor, Deputy Governor, or Deemster, to commit any such Seaman or seafaring Man so convicted as aforesaid to any Prison or Gaol, there to remain in safe Custody for any Period not exceeding One Month, in order that Time may be given to make Arrangements for so conveying such Seaman or seafaring Man on board any of His Majesty's Ships as aforesaid: Provided also, that the Commissioners of His Majesty's Treasury, or any Three or more of them, shall have full Power and Authority to remit or mitigate any such Penalty, Punishment, or Service as aforesaid, whether the Parties shall be seafaring Men or otherwise.

If on Examination of Persons convicted and sent on board His Majesty's Ships, they shall be found unfit, to be again conveyed before Magistrates and convicted in Penalty of 100*l.*, and in default of Payment, to be sent to Gaol.

LXXXI. And be it further enacted, That if any Person so convicted as a Seaman or a seafaring Man, and carried on board any of His Majesty's Ships of War, shall, on Examination by any Surgeon or Surgeons of His Majesty's Navy, within One Week after being so carried on board, be deemed to be unfit, and shall be refused on that Account to be received into His Majesty's Service, such Person shall, as soon as convenient, be conveyed before any Two or more Justices of the Peace, or any Governor, Deputy Governor, or Deemster as aforesaid; and upon Proof that he has been refused to be received on board any of His Majesty's Ships as fit for His Majesty's Service, such Justices, Governor, Deputy Governor, or Deemster shall and he and they is and are hereby authorized and required to call upon the said Person to pay the Penalty of One hundred Pounds, without hearing any Evidence other than such Proof as last aforesaid; and in default of immediate Payment of the same into the Hands of the said Justices, Governor, Deputy Governor, or Deemster, for the Use of His Majesty, to commit the said Person to any Gaol or Prison, there to remain until such Penalty shall be paid: Provided always, that no Person so convicted as aforesaid, and ordered to serve on board any of His Majesty's Ships, shall be sent away from the United Kingdom on board of any such Ship in a less Time than One Month from the Date of such Conviction.

Informations, &c. to be in the Form given in the Schedule.

LXXXII. And be it further enacted, That all Informations before Justices of the Peace, Governors, Deputy Governors, or Deemsters, for any Offences committed against this or any other Act relating to the Revenue of Customs, and all Convictions for such Offences, and Warrants of Justices of the Peace, Governors, Deputy Governors, or

or Deemsters, founded upon such Convictions, shall be drawn respectively in the Form or to the Effect in the Schedules to this Act annexed. *Jurisdiction.*

Persons arrested for certain Offences may be detained by Order of Justices.

LXXXIII. And whereas it is expedient that Time should be allowed to prepare Informations, Convictions, and Warrants of Commitment; be it declared and enacted, That where any Person or Persons shall have been arrested and detained by any Officer or Officers of the Army, Navy, or Marines, being duly authorized and on Full Pay, or any Officer of Customs or Excise, or any Person or Persons acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, for any Offence under this or any other Act relating to the Revenue of Customs, and shall have been taken and carried before any Two Justices of the Peace, to be dealt with according to Law, if it shall appear to such Justices that there is reasonable Cause to detain such Person or Persons, such Justices may and they are hereby authorized to order such Person or Persons to be detained a reasonable Time, as well before as after any Information has been exhibited against such Party; and at the Expiration of such Time, such Justices may proceed finally to hear and determine the Matter.

Capias may issue against Persons sued under this Act.

LXXXIV. And be it further enacted, That whenever any Penalty shall be sued for as aforesaid, by Information against any Person in any of His Majesty's Courts of Record at *Westminster*, or in the Courts of Exchequer in *Scotland* or in *Dublin*, a Capias shall thereupon issue as the First Process, specifying the Amount of the Penalty sued for; and such Person against whom such Capias shall issue shall be obliged to give sufficient Bail or Security, by natural-born Subjects or Denizens, to the Person or Persons to whom such Capias shall be directed, to appear in the Court out of which such Capias shall issue at the Day of the Return of such Writ, to answer such Suit and Prosecution; and shall likewise at the Time of such appearing give sufficient Bail or Security, by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred for such Offence or Offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their Body or Bodies to Prison.

Persons arrested on Capias and not pleading, Judgment may issue.

LXXXV. And be it further enacted, That if any Person against whom a Capias shall issue out of any of His Majesty's Courts of Record as aforesaid, shall be arrested upon such Capias, and taken to Prison for want of sufficient Bail, a Copy of the Information exhibited against such Person shall be served upon him or her in Gaol, or delivered to the Gaoler, Keeper, or Turnkey of the Prison in which such Person shall be confined; and if such Person shall neglect or refuse to appear or plead to the said Information for the Space of One Term, Judgment shall be entered by Default; and in case Judgment shall be obtained against any such Person or Persons by Default, Verdict, or otherwise, and such Person or Persons shall not pay the Sum recovered against him, her, or them for his, her, or their Offence, Execution shall be thereupon awarded and issued, not only against the Body or Bodies, or the Person or Persons so in Prison as aforesaid,

Jurisdiction. but against all the Real and Personal Estates of such Person or Persons, for such Sum or Sums of Money so as aforesaid recovered against him, her, or them.

Persons not worth 5*l.* may defend Suits in forma pauperis.

LXXXVI. And be it further enacted, That in case any Person arrested and imprisoned by virtue of any Writ of Capias as aforesaid, shall make Affidavit before the Judge or Judges of the Court where the Information shall be brought, or before any other Person commissioned to take Affidavits in such Court, that he or she is not worth, over and above his or her Wearing Apparel, the Sum of Five Pounds, (which said Affidavit the said Judge or Judges of such Court, and such Person so commissioned, is and are hereby authorized and required so to take), and such Person shall thereupon petition such Court to defend himself or herself against such Information *in forma pauperis*, that then the Judge or Judges of such Court shall, according to their Discretion, admit such Person to defend himself against such Information, in the same Manner and with the same Privileges as the Judges of such Court are by Law directed and authorized to admit poor Subjects to commence Actions for the Recovery of their Rights; and for that End and Purpose, it shall be lawful for the Judges of such Courts to assign Counsel learned in the Law, and to appoint an Attorney and Clerk of such Court, to advise and carry on any legal Defence that such Person can make against such Action or Information, and which said Counsel, Attorney, and Clerk, so assigned and appointed, is and are hereby required to give his and their Advice and Assistance to such Person, and to do their Duties without Fee or Reward.

Sheriff to grant Warrant on Writ of Capias indorsed by one of the Solicitors for the Customs.

LXXXVII. And be it further enacted, That where any Writ of Capias, or other Process, shall issue out of any Court, directed to any Sheriff, Mayor, Bailiff, or other Person, having the Execution of Process in any County, City, or Liberty, against any Person who shall be guilty of any Offence whatsoever, against this or any Act relating to the Revenue of Customs, every such Sheriff, Mayor, or Bailiff, and other Person, having Execution of Process as aforesaid, and their and every of their Under Sheriffs, Deputies, and other Persons acting for them in the said Office and Offices respectively, shall and are hereby enjoined and required, upon the Request or Application of one of the Solicitors for the Customs (such Request to be in Writing, and indorsed upon the Back of the said Process, and signed by such Solicitor, with his Name and Addition of Solicitor for the Customs) to grant a special Warrant or Warrants to such Person or Persons as shall be named to them by such Solicitor, for the apprehending such Offender or Offenders; or in default thereof, every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Person acting in the said Office or Offices respectively, shall be subject and liable to such Process of Contempt, Fines, Amerciaments, Penalties, and Forfeitures, as they or any of them are now by any Law, Custom, or Usage liable to in case of refusing or neglecting to execute the like Process where the Defendant might have been taken thereupon in the common and usual Method of Proceeding.

Sheriff indemnified from Escapes.

LXXXVIII. And be it further enacted, That all and every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Persons so granting

or

Jurisdiction.

or making out such special Warrant as aforesaid, shall be and they are hereby saved harmless, and indemnified against His Majesty, His Heirs and Successors, and against all and every other Person or Persons whomsoever, of and from all Escapes of any Person or Persons who shall or may be taken by virtue of any such Warrant as aforesaid, which shall or may happen from the Time of taking such Offender or Offenders till he, she, or they shall be committed to the proper Gaol or Prison, or offered and tendered to the Gaol Keeper or other Person having Charge of such Gaol or Prison (who is hereby enjoined and required to receive every such Person or Persons so apprehended as aforesaid, and give a Receipt for his, her, and their Body or Bodies), and of and from all Actions, Prosecutions, Processes of Contempt, and other Proceedings for or by reason of such Escape; any Law, Custom, or Usage to the contrary notwithstanding.

in Cases where Warrant granted at Request of Solicitor for the Customs.

LXXXIX. And be it further enacted, That no Claim shall be permitted to be entered to any Vessel, Boat, or Goods seized for any Cause of Forfeiture, and returned into His Majesty's Courts of Exchequer in the United Kingdom, unless such Claim is entered in the true and real Name or Names of the Owner or Owners, Proprietor or Proprietors of the Vessel, Boat, or Goods so claimed, describing the Place of Residence, and the Business or Profession of such Person or Persons; and if such Person or Persons shall reside at *London*, *Edinburgh*, or *Dublin*, or within the Liberties thereof, Oath shall be made by him, her, or them before One of the Barons of the said Court of Exchequer respectively, that the Vessel, Boat, or Goods so claimed was or were really and truly the Property of him, her, or them at the Time of such Seizure; but if such Person or Persons shall not be resident in *London*, *Edinburgh*, or *Dublin*, or the Liberties thereof, then and in such Case Oath shall be made in like Manner by the Agent or Attorney, or Solicitor, by whom such Claim shall be entered, that he has full Power and legal Authority and Directions from such Owner or Proprietor to enter such Claim, and that to the best of his Knowledge and Belief, such Vessel, Boat, or Goods were at the Time of the Seizure thereof *bonâ fide* and truly the real Property of the Person or Persons in whose Name or Names such Claim is entered, which Oath shall be respectively indorsed and certified, on the Back of the Indenture of Appraisement upon which such Claim shall be entered, and on Failure thereof the Vessel, Boat, or Goods shall be absolutely condemned, and Judgment shall be entered thereon by Default, according to the usual Method of Proceedings of the Court, in the same Manner as if no Claim had been entered thereto; and every Person who shall be convicted of making or taking a false Oath to any of the Facts herein-before directed or required to be sworn, shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

Claims for seized Goods to be entered in the Name of the real Owner.

XC. And be it further enacted, That no Writ of Delivery shall be granted out of the Court of Exchequer to any Person making claim as aforesaid, for any Vessel, Boat, or Goods seized as liable to Forfeiture under this or any Act relating to the Revenue of Customs, unless a Delay of Proceeding to Trial and Condemnation for the Space of Three Terms shall have taken place, and in that Case not until good Security

No Writ of Delivery for seized Goods to be granted, unless a Delay of Three Terms has taken place,

Jurisdiction.

and then upon certain Conditions.

Security be given in Double the appraised Value of such Vessel, Boat, or Goods, to return the same, or to pay the full Amount of such Security upon Condemnation.

Upon Entry of Claim, Security to be given in the Penalty of 100*l.* to pay Costs occasioned thereby.

XCI. And be it further enacted, That upon the Entry of any Claim to any Boat or Vessel, or to any Goods seized for any Cause of Forfeiture, the Person or Persons who shall enter the Claim as the Owners or Proprietors thereof (in case such Claimant shall reside in the United Kingdom), shall be bound with Two other sufficient Sureties in the Penalty of One hundred Pounds, to answer and pay the Costs occasioned by such Claim; and if such Owner or Proprietor shall not reside in the United Kingdom, then and in such Case the Attorney or Solicitor by whose Direction such Claim shall be entered, shall in like Manner be bound with Two other sufficient Securities in the like Penalty, to answer and pay the Costs occasioned by such Claim.

If Suit brought on account of any Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have 2*d.* Damages, and Defendant fined not more than One Shilling.

XCII. And be it further enacted, That in case any Information or Suit shall be commenced or brought to Trial on account of the Seizure of any Vessel, Boat, or Goods, Merchandizes or Commodities whatsoever, or any Horses or other Animals, or any Carriage seized as forfeited by this or any Act relating to the Revenue of the Customs, wherein a Verdict shall be found for the Claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried, that there was a probable Cause of Seizure, such Judge or Court shall certify on the Record, that there was such probable Cause, and in such Case the Claimant shall not be entitled to any Costs of Suit whatsoever, nor shall the Person who made such Seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and that in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to trial against any Person or Persons whatsoever, on account of any such Seizure as aforesaid, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Action, Indictment, or Prosecution shall be tried, shall have certified on the said Record, that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized, or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined above One Shilling.

No Process to be sued out against any Officer making Seizure until One Calendar Month next after Notice given.

XCIII. And be it further enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon any Officer of the Army, Navy, Marines, Customs, or Excise, or against any Person acting under the Direction of the Commissioners of His Majesty's Customs, for any thing done in the Execution of or by reason of his Office, until One Calendar Month next after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent for the Party who intends to sue out such Writ or Process as aforesaid, in which Notice shall be clearly and explicitly contained the Cause of Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and that a Fee of Twenty Shillings

shall be paid for the preparing or serving of every such Notice, and no more. *Jurisdiction.*

No Evidence to be adduced but what is contained in the Notice.

XCIV. Provided always, and be it further enacted, That no Plaintiff in any Case where an Action shall be grounded on any Act done by the Defendant, shall be permitted to produce any Evidence of the Cause of such Action, except such as shall be contained in the Notice to be given as aforesaid, or shall receive any Verdict against such Officer or Person, unless he shall prove on the Trial of such Action, that such Notice was given; and in default of such Proof, the Defendant in such Action shall receive a Verdict and Costs as aforesaid.

Officer may tender Amends.

XCV. And be it further enacted, That it shall and may be lawful to and for any such Officer or other Person to whom such Notice shall have been given as aforesaid, at any Time within One Calendar Month after such Notice shall have been given, to tender Amends to the Party complaining, or to his, her, or their Agent or Attorney, and in case the same is not accepted to plead such Tender in Bar to any Action to be brought against him grounded on such Writ or Process, together with the Plea of Not Guilty, and other Plea with Leave of the Court; and if upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, that then they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuited or discontinue his, her, or their Action, or in case Judgment shall be given for such Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only; but if upon Issue joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, or shall find against the Defendant in such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, together with his, her, or their Costs of Suit.

Officer neglecting to tender Amends may pay Money into Court.

XCVI. And be it further enacted, That in case such Officer or other Person as aforesaid shall neglect to tender any Amends, or shall have tendered insufficient Amends before the Action brought, it shall and may be lawful for him, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Action to be commenced within Six Months next after Offence committed.

XCVII. And be it further enacted, That if any Action or Suit shall be brought or commenced as aforesaid, such Action or Suit shall be brought or commenced within Six Months next after the Cause of Action shall have arisen, and not afterwards, and shall be laid and tried in the County or Place were the Facts were committed, and not in any other County or Place, and the Defendant or Defendants shall and may plead the General Issue, and give the special Matter in Evidence at any Trial had thereupon; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, or if, upon a Verdict or Demurrer, Judgment shall be given

Jurisdiction.

against the Plaintiff or Plaintiffs, the Defendant or Defendants shall or may receive Treble Costs, and have such Remedy for the same as any Defendant or Defendants can or may have in other Cases where Costs are given by Law.

Judges of the Court of King's Bench may issue Warrant for the Apprehension of Offenders, &c.

XCVIII. And be it further enacted, That whenever any Person shall be charged with any Offence against this or any Act relating to the Revenue of Customs, or for which he or she may be prosecuted by Indictment or Information in His Majesty's Court of King's Bench, and the same shall be made appear to any Judge of the same Court, by Affidavit, or by Certificate of an Information or Indictment being filed against such Person in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant under his Hand and Seal, and thereby to cause such Person to be apprehended and brought before him, or some other Judge of the same Court, or before some One of His Majesty's Justices of the Peace, in order to his or her being bound to the King's Majesty, with Two sufficient Sureties, in such Sum as in the said Warrant shall be expressed, with Condition to appear in the said Court at the Time mentioned in such Warrant, and to answer to all and singular Indictments or Informations for any such Offence; and in case any such Person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively to commit such Person to the Common Gaol of the County, City, or Place where the Offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by Order of the Court in Term Time, or of One of the Judges of the said Court in Vacation; and the Recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such Person shall have been acquitted of such Offence, or in case of Conviction, shall have received Judgment for the same, unless sooner ordered by the Court to be discharged; and that where any Person, either by virtue of such Warrant of Commitment aforesaid, or by virtue of any Writ of Capias ad respondendum, issued out of the said Court, is now detained, or shall hereafter be committed to and detained in any Gaol for want of Bail, it shall be lawful for the Prosecutor of such Indictment or Information, to cause a Copy thereof to be delivered to such Person, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such Person is or shall be so detained, with a Notice thereon indorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto in the Name of such Person; and in case he or she shall thereupon, for the Space of Eight Days after the Delivery of a Copy of such Indictment or Information as aforesaid, neglect to cause an Appearance, and also a Plea or Demurrer, to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such Person, or to such Gaoler,

Gaoler, Keeper, or Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court, authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information for such Person; and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information appeared and pleaded Not Guilty, according to the usual Course of the said Court; and that, if upon Trial of such Indictment or Information, any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be One of the Judges of the said Court of King's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly. *Jurisdiction.*

Where Persons arrested by Capias give Bail, Sheriff to assign Bail Bond at the Request of the Prosecutor.

XCIX. And be it further enacted, That if any Person shall be arrested by a Writ of Capias ad respondendum, issuing out of any of His Majesty's Courts of Record at *Westminster*, or out of any of the superior Courts of Record of either of the Counties Palatine, or out of any of the Courts of Great Session in *Wales*, at the Suit of the King's Majesty, His Heirs and Successors, and the Sheriff or other Officer shall take Bail from such Person, the Sheriff or other Officer, at the Request and Costs of the Prosecutor, shall assign to the King's Majesty, His Heirs and Successors, the Bail Bond taken from such Person, by indorsing the same and attesting it under his Hand and Seal, in the Presence of Two or more credible Witnesses, which may be done without any Stamp, provided the Assignment so indorsed be duly stamped before any Suit be commenced thereupon; and if such Bail Bond be forfeited, such Process shall thereupon issue as on Bonds originally made to the King's Majesty, His Heirs and Successors; and the Court in which such Bail Bond is put in Suit may, by Rule or Rules of the same Court, give such Relief to the Defendant or Defendants as is agreeable to Justice and Reason.

Suits to be commenced in the Name of Attorney General, or an Officer of the Customs.

C. And be it further enacted, That no Indictment shall be preferred or Suit commenced for the Recovery of any Penalty or Forfeiture under this or any other Act relating to the Revenue of Customs or Excise (except in the Cases of Persons detained and carried before Two or more Justices in pursuance of this Act), unless such Suit shall be commenced in the Name of His Majesty's Attorney General, or unless such Indictment shall be preferred under the Direction of the Commissioners of His Majesty's Customs or Excise, or unless such Suit shall be commenced in the Name of some Officer of Customs or Excise, under the Direction of the said Commissioners respectively,

The Attorney General may enter a Noli prosequi on Informations exhibited for Penalties.

CI. And be it further enacted, That if any Prosecution whatever shall be commenced for the Recovery of any Fine, Penalty, or Forfeiture incurred under this or any other Act relating to the Revenue of Customs and Excise, it shall be lawful for His Majesty's Attorney General, if he is satisfied that such Fine, Penalty, or Forfeiture was incurred without any Intention of Fraud, or that it is inexpedient to proceed

Jurisdiction.

proceed in the said Prosecution, to stop all further Proceedings, by entering a Noli prosequi, or otherwise, on such Information, as well with respect to the Share of such Fine, Penalty, or Forfeiture to which any Officer or Officers may be entitled, as to the King's Share thereof.

Onus Probandi to lie on the Claimer.

CII. And be it further enacted, That if any Goods shall be seized for Nonpayment of Duties or any other Cause of Forfeiture, and any Dispute shall arise whether the Customs, Excise, or Inland Duties have been paid for the same, or the same have been lawfully imported, or concerning the Place from whence such Goods were brought, then and in such Case the Proof thereof shall lie on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same.

No Justice who is a Collector, &c. of Customs, to take cognizance of Convictions under this Act.

CIII. And be it further enacted, That no Justice of the Peace who is a Collector or Comptroller, or otherwise connected with the Collection of the Customs or Excise, shall take cognizance of any Matter relating to the summary Convictions of Persons offending against this Act.

Averment of certain Matters to be sufficient, until the contrary is proved.

CIV. And be it further enacted, That in case of any Information or Proceedings had under this or any other Act relating to the Revenue of Customs, the Averment that the Commissioners of His Majesty's Customs or Excise have directed or elected such Information or Proceedings to be instituted, or that any Vessel is Foreign or *British*, or that any Person detained is or is not a Subject of His Majesty, or that any Person detained is or is not a Seaman or seafaring Man, or fit and able to serve His Majesty in His Naval Service, or that any Person is an Officer of the Customs, shall be sufficient, without Proof as to such Fact or Facts, unless the Defendant in such Case shall prove to the contrary.

Viva voce Evidence may be given that a Party is an Officer.

CV. And be it further enacted, That if upon any Trial a Question shall arise whether any Person is an Officer of the Army, Navy, or Marines, being duly authorized and on Full Pay, or Officer of Customs or Excise, Evidence of his having acted as such shall be deemed sufficient, and such Person shall not be required to produce his Commission or Deputation unless sufficient Proof shall be given to the contrary; and every such Officer, and any Person acting in his Aid or Assistance, shall be deemed a competent Witness upon the Trial of any Suit or Information, on account of any Seizure or Penalty as aforesaid, notwithstanding such Officer or other Person may be entitled to the Whole or any Part of such Seizure or Penalty.

Share of Penalty not to to disqualify Officers as Witnesses.

Power of this Act not to extend to Officers of Army, Navy, or Marines, unless on full Pay, and duly employed for the Preven-

CVI. And be it further enacted, That in all Cases where any Power, Authority, or Protection is given or granted by this Act to any Officer or Officers of the Navy, Army, or Marines, the same shall not extend or be construed to extend to any such Officer or Officers, unless such Officer or Officers shall be on full Pay, and employed for the Prevention of Smuggling under the proper Authority to which such Officer or Officers is or are subjected, or under the Authority of the Commissioners of the Customs or Excise, and such Officer or Officers shall

shall be deemed to be duly authorized for the Purposes of this Act or any other Act relating to the Revenue of Customs; any thing in this or any other Act to the contrary notwithstanding. *Jurisdiction.*

tion of Smuggling.

CVII. And be it further enacted, That this Act may be amended, varied, altered, or repealed by any Act to be passed in the present Session of Parliament. *Act may be altered this Session.*

SCHEDULES to which this Act refers.

No. 1.

FORM of Information before Justices of the Peace, where the Party charged is a Subject of His Majesty, and a pecuniary Penalty is inflicted.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
A. B. Officer of Customs, who is directed by the Commissioners of His Majesty's Customs to prefer this Information, gives us Esquires, Two of His Majesty's Justices of the Peace, to understand and be informed, that *C. D.*, being a Subject of His Majesty, on the Day of in the Year of our Lord [*here state the Offence*] contrary to the Form of the Statute in that Case made and provided, whereby the said *C. D.* hath forfeited the Sum of Pounds.

No. 2.

FORM of a Conviction to be used for an Offence against this Act, in Cases where a pecuniary Penalty is inflicted upon the Offender being a Subject of His Majesty.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
an Information was exhibited by *A. B.* Officer of Customs, before us Esquires, Two of His Majesty's Justices of the Peace, against *C. D.*; which said Information charged, that the said *C. D.* on the Day of in the Year of our Lord [*here state the Offence as in the Information*] contrary to the Form of the Statute, which Offence has been duly proved before us the said Justices; we do therefore adjudge, that the said *C. D.* hath forfeited for his said Offence the Sum of Pounds. Given under our Hands and Seals, the Day of [*In Cases where the Magistrates exercise the Power of Mitigation, add these Words*] which said Sum of we the said Justices do hereby mitigate to the Sum of

No. 3.

FORM of Warrant of Commitment to Gaol for a Penalty.

County of } TO *A.B.* Officer of Customs, and to *E.F.* the Gaoler
to wit. } or Keeper of the at
in the

WHEREAS *C.D.* has been duly convicted before us Esquires, Two of His Majesty's Justices of the Peace, of having [*state the Offence as in the Information*]: And whereas we, the said Justices, did adjudge that the said *C.D.* had forfeited for his said Offence the Sum of Pounds (which Sum of Pounds we the said Justices did mitigate to the Sum of) (And whereas it appears to us the said Justices, that the said *C.D.* has not sufficient Goods or Chattels whereon to levy the said Sum of and) which said Sum of Pounds has not been paid; these are therefore to require you, the said *A.B.*, forthwith to take, carry, and convey the said *C.D.* to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said and we, the said Justices do hereby authorize and require you the said *E.F.*, the Gaoler or Keeper of the said to receive and take the said *C.D.* into your Custody, and him safely to keep, until he shall duly pay the said Sum of . Given under our Hands and Seals at in the of this Day of in the Year of our Lord One thousand eight hundred and .

No. 4.

WARRANT of Distress.

County of } TO *A.B.*

WHEREAS *C.D.* has been duly convicted before us Esquires, Two of His Majesty's Justices of the Peace, of the Offence of having [*here state the Offence as in the Information*]: And whereas the said *C.D.* has forfeited, for his said Offence, the Sum of Pounds, which said Sum of Pounds has not been paid; these are therefore to command you the said *A.B.*, to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said *C.D.* And we the said Justices, do hereby order and direct the Goods and Chattels so to be distrained, to be sold and disposed of within Days after such Distraint, unless the said Sum of for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, shall be sooner paid. And you the said *A.B.* are hereby commanded to certify to us, the said Justices, on the Day of next ensuing, what you shall do by virtue of this Warrant. Given under our Hands and Seals at in the this Day of in the Year of our Lord One thousand eight hundred and .

No. 5.

FORM of an Information before Justices of the Peace, where the Party charged is a Seaman or seafaring Man, and fit and able to serve His Majesty in His Naval Service.

County of to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* Officer of Customs, who is directed by the Commissioners of His Majesty's Customs to prefer this Information, gives us Esquires, Two of His Majesty's Justices of the Peace, to understand and be informed, that *C. D.* being a Subject of His Majesty, and a Seaman and seafaring Man, and fit and able to serve His Majesty in His Naval Service, on the Day of in the Year of our Lord [*here state the Offence*] contrary to the Form of the Statute in that Case made and provided, whereby the said *C. D.* hath become liable to serve His Majesty in His Naval Service, for the Term of Five Years.

No. 6.

FORM of a Conviction where the Party convicted is a Seaman or seafaring Man, and fit and able to serve His Majesty in His Naval Service.

County of to wit. } BE it remembered, That on the Day of in the Year of our Lord an Information was exhibited before us Esquires, Two of His Majesty's Justices of the Peace, against *C. D.* by *A. B.* Officer of Customs, which said Information charged, that the said *C. D.* being a Subject of His Majesty, and a seafaring Man, and fit and able to serve His Majesty in His Naval Service, on the Day of in the Year of our Lord [*here state the Offence as in the Information*] contrary to the Form of the Statute, which Offence has been duly proved before us the said Justices; and it appearing to us the said Justices, that the said *C. D.* is a seafaring Man, and fit and able to serve His Majesty in His Naval Service, we the said Justices do therefore adjudge the said *C. D.* to serve in His Majesty's Naval Service for the Term of Five Years. Given under our Hands and Seals, this Day of in the Year of our Lord

No. 7.

FORM of a Warrant of Commitment to serve in the Navy.

County of } TO *A. B.* Officer of and to the
to wit. } Commander of One of His Majesty's Ships of War.

WHEREAS *C. D.* has been duly convicted before us, Esquires, Two of His Majesty's Justices of the Peace, upon the Information of Officer of Customs, of having [*here state the Offence, as charged in the Information*]: And whereas the said *C. D.* has not proved that he is not a Subject of His Majesty, and being a seafaring Man, and fit and able to serve His Majesty in His Naval Service, we the said Justices did adjudge the said *C. D.* to serve His said Majesty in His Naval Service for the Space of Five Years, pursuant to the Statute in that Case made and provided; these are therefore to require you the said *A. B.* to carry and convey the said *C. D.* on board of One of His Majesty's Ships, in order to his serving His Majesty in His Naval Service; and we the said Justices, do hereby require the Commander of His Majesty's Ship to whom this Warrant is delivered, to receive and take the said *C. D.* on board His said Majesty's Ship, in order to his serving in His Naval Service for the Period of Five Years as aforesaid. Given under our Hands and Seals at in the of this Day of in the Year of our Lord One thousand eight hundred and

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No. 8.

FORM of Information before Justices of the Peace, where the Party charged is not a Subject of His Majesty.

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord
A. B. Officer of Customs, who is directed by the Commissioners of His Majesty's Customs to prefer this Information, gives us Esquires, Two of His Majesty's Justices of the Peace, to understand and be informed, that *C. D.* not being a Subject of His Majesty, on the Day of in the Year of our Lord [*here state the Offence, setting forth that the same took place within One League of the Coast of this Kingdom*] contrary to the Form of the Statute in that Case made and provided, whereby the said *A. B.* hath forfeited the Sum of

No. 9.

FORM of Conviction to be used for an Offence against this Act, in the Case of the Person charged not being a Subject of His Majesty.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
an Information was exhibited by *A. B.* an Officer of the Customs, before us
Esquires, Two of His Majesty's Justices of the Peace, against *C. D.*, which said Information charged, that the said *C. D.* on the Day of in the Year of our Lord [*here state the Offence as in the Information, setting forth that the same took place within One League of the Coast of this Kingdom*] contrary to the Form of the Statute; which Offence has been duly proved before us the said Justices; we do therefore adjudge, that the said *C. D.* hath forfeited for his said Offence the Sum of . Given under our Hands and Seals, this Day of in the Year of our Lord .

No. 10.

FORM of Warrant of Commitment to Gaol, of a Person not being a Subject of His Majesty.

County of } TO *A. B.* Officer of Customs, and to *E. F.* the
to wit. } Gaoler or Keeper of the at
in the .

WHEREAS *C. D.* not being a Subject of His Majesty, has been duly convicted before us,
Esquires, Two of His Majesty's Justices of the Peace, of having [*here state the Offence as in the Information, setting forth that the same took place within One League of the Coast of this Kingdom*]: And whereas we the said Justices did adjudge, that the said *C. D.* had forfeited for his said Offence, the Sum of which said Sum of has not been paid; these are therefore to require you the said *A. B.* forthwith to take, carry, and convey the said *C. D.* to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said ; and we the said Justices, do hereby authorize and require you the said *E. F.* the Gaoler or Keeper of the said to receive and take the said *C. D.* into your Custody, and him safely to keep until he shall duly pay the said Sum of . Given under our Hands and Seals, at in the of this Day of in the Year of our Lord One thousand eight hundred and .

FORM of an Information against an Officer of Customs.

County of } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
A. B. Officer of the Customs, who is directed by the Commissioners of His Majesty's Customs to prefer this Information, gives us Esquires, Two of His Majesty's Justices of the Peace, to understand and be informed, that *C. D.* Officer of the Customs on, &c. [*here state the Offence*] contrary, &c., whereby the said *C. D.* has forfeited the Sum of

[*The Forms of Conviction and Commitment, numbered 2 and 3, may be applied to this Case.*]

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