

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. LIII.

An Act for the Prevention of Smuggling.

[28th *August* 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Prevention of Smuggling*, whereby the Laws of Customs in relation to the Prevention of Smuggling were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed; and that all the Provisions of it shall extend to any Law in force or hereafter to be made relating to the Customs. 6 G. 4. c. 108.

Commencement of Act.

II. And be it further enacted, That if any Vessel not being square-rigged, or any Boat, either belonging in the whole or in part to His Majesty's Subjects, or having Half the Persons on board Subjects of His Majesty, shall be found or discovered to have been within One hundred Leagues of the Coast of the United Kingdom; or if any Vessel

Vessels and Boats.

Certain Vessels belonging to His Majesty's

Vessels and Boats.

Subjects, or whereof Half the Persons on board are Subjects of His Majesty, and Foreign Vessels, found within certain Distances of the Coast of the United Kingdom, or of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, with certain Goods on board, forfeited.

Vessel either belonging in the whole or in part to His Majesty's Subjects, or having Half the Persons on board Subjects of His Majesty, or any Foreign Vessel not being square-rigged, or any Foreign Boat, in which there shall be One or more Subjects of His Majesty, shall be found or discovered to have been 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; or if any Foreign Vessel or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom; or if any Vessel or Boat shall be found or discovered to have been within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively, or within any Bay, Harbour, River, or Creek of or belonging to any one of the said Islands; any such Vessel or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or Package containing Forty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or Package containing Four hundred and fifty Pounds Weight at least, or being packed separately in any Manner within any Cask or Package, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Forty Gallons, of the Description used for the smuggling of Spirits, then and in every such Case the said Spirits, Tea, Tobacco, or Snuff, together with the Casks or Packages containing the same, and the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Vessel or Boat, shall be forfeited.

Any Vessel or Boat arriving within any Port of the United Kingdom, having prohibited Goods on board or attached thereto, forfeited, unless there was no Want of Care in the Master or Owner.

III. And be it further enacted, That if any Vessel or Boat whatever shall arrive, or shall be found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom, not being driven thereinto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, within any such Port, Harbour, River, or Creek, any Spirits not being in a Cask or Package containing Forty Gallons at the least, or any Tobacco or Snuff not being in a Cask or Package containing Four hundred and fifty Pounds Weight at least, or being packed separately in any Manner within any Cask or Package, every such Vessel or Boat, together with such Spirits or Tobacco or Snuff, shall be forfeited: Provided always, that if it shall be made appear to the Satisfaction of the Commissioners of His Majesty's Customs that the said Spirits, Tobacco, or Snuff were on board without the Knowledge or Privity of the Owner or Master of such Vessel or Boat, and without any wilful Neglect or Want of reasonable Care on their or either of their Behalves, that then and in such Case the said Commissioners shall and they are hereby authorized and required to deliver up the said Vessel or Boat to the Owner or Master of the same.

IV. And

Vessels and Boats.

Certain Cases in which Vessels shall not be forfeited for having on board Tobacco, Snuff, Spirits, Tea, or Segars.

IV. And be it further enacted, That nothing herein contained shall extend to render any Vessel liable to Forfeiture on account of any Tobacco or Snuff from the *East Indies* being in Packages of One hundred Pounds Weight each at least, or on account of any Segars being in Packages of One hundred Pounds Weight each at least, or on account of any Tobacco made up in Rolls, being the Produce of and imported from the State of *Columbia*, and in Packages containing Three hundred and twenty Pounds Weight each at least, or on account of any Tobacco of the Dominions of the *Turkish* Empire which may be separated or divided in any Manner within the outward Package, provided such Package be a Hogshead, Cask, Chest, or Case containing Four hundred and fifty Pounds Weight Net at least, or on account of any Rum of and from the *British* Plantations in Casks containing Twenty Gallons at the least, or on account of any Spirits, Tea, or Tobacco really intended for the Consumption of the Seamen and Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose, or to render any square-rigged Vessel liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles, being really Part of the Cargo of such Ship and included in the Manifest of such Ship, or to render any Vessel liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting.

Vessels belonging to His Majesty's Subjects, or having One Half of the Persons on board Subjects of His Majesty, throwing overboard any Goods during Chase, forfeited, and Persons escaping deemed Subjects.

V. And be it further enacted, That when any Vessel or Boat belonging in the whole or in part to His Majesty's Subjects, or having One Half of the Persons on board Subjects of His Majesty, shall be found within One hundred Leagues of the Coast of this Kingdom, and shall not bring to upon Signal made by any Vessel or Boat in His Majesty's Service, or in the Service of the Revenue, hoisting the proper Pendant and Ensign, in order to bring such Vessel or Boat to, and thereupon Chase shall be given, if any Person or Persons on board such Vessel or Boat so chased shall, during the Chase or before such Vessel or Boat shall bring to, throw overboard any Part of the Lading of such Vessel or Boat, or shall stave or destroy any Part of such Lading, to prevent Seizure thereof, that then and in such Case the said Vessel or Boat shall be forfeited; and all Persons escaping from such Vessels or Boats, or from any Foreign Vessel or Boat, during any Chase made thereof by any Vessel or Boat in His Majesty's Service or in the Service of the Revenue, shall be deemed and taken to be Subjects of His Majesty, unless it shall be proved to the contrary.

Vessels in Port with a Cargo, and afterwards found in Ballast and Cargo unaccounted for, forfeited.

VI. 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 or Boat 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 or Boat shall have legally discharged her Cargo, such Vessel or Boat shall be forfeited.

Regulations as to Vessels sailing from Guernsey, Jersey, &c.

VII. 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

Vessels and Boats.

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 to bring to on being chased by Vessels or Boats of the Navy or in Preventive Service; not bringing to, may be fired into.

VIII. 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 or Boat in His Majesty's Navy having the proper Pendant and Ensign of His Majesty's Ships hoisted, or by any Vessel or Boat duly employed for the Prevention of Smuggling, having a proper Pendant and Ensign hoisted, it shall be lawful for the Captain, Master, or other Person having the Charge or Command of such Vessel or Boat 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, Action, or other Proceeding for so doing.

Vessels belonging to His Majesty's Subjects not to hoist any Pendant, Ensign, or Colours usually worn by His Majesty's Ships.

IX. 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 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; and that it shall be lawful for any Officer or Officers of His Majesty's Navy on Full Pay, or for any Officer or Officers of Customs or Excise, to enter on board any such Vessel or Boat, and to seize any such Flag, Jack, Pendant, Ensign, or Colours, and the same shall thereupon be forfeited.

Vessels and Boats used in Removal of run Goods to be forfeited.

X. 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.

Boats of Vessels to

XI. 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

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-side 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.

Vessels and Boats.

have thereon the Name of Vessel, Port, and Master.

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

Boats not belonging to Ships to have Name of Owner and Port thereon.

XIII. And be it further enacted, That the Owner or Owners of every Vessel or Boat employed on the Coasts of the United Kingdom in piloting or fishing shall paint or tar every such Vessel or Boat, or cause the same to be painted or tarred, entirely Black, except the Name or other Description now required by Law to be painted on such Vessel or Boat; and every such Vessel or Boat found not so painted or tarred, and every Boat so painted as to resemble any Boat usually employed for the Prevention of Smuggling or in any other Employment in His Majesty's Service, shall be forfeited: Provided always, that nothing herein contained shall extend to prevent any distinguishing Mark from being placed on any such Vessel or Boat, or to be otherwise painted if the Commissioners of His Majesty's Customs shall think proper to allow the same, and which shall be so expressed in the Licence of the said Vessel or Boat.

Vessels and Boats used in piloting or fishing to be painted Black, and not to be painted like Preventive Boats.

XIV. 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 adapted 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 that all Foreign Vessels or Boats, not being square-rigged, coming to or arriving at any Port of the United Kingdom, having on board any Goods liable to the Payment of Duties, or prohibited to be imported into the United Kingdom, concealed in false Bulkheads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of the said Vessel or Boat, shall be forfeited.

British Vessels having secret Places for concealing, or Devices for running Goods, and Foreign Vessels not square-rigged having Goods in secret Places, forfeited.

XV. And be it further enacted, That if any Goods which are subject to any Duty or Restriction in respect of Importation, or which are prohibited to be imported into the United Kingdom, shall be found concealed in any Manner on board any Vessel, or shall be found, either before or after landing, to have been concealed in any Manner, that then and in such Case all such Goods, and all other Goods which shall be packed with them, shall be forfeited.

Goods concealed on board forfeited, and all Goods packed therewith.

Licences.

Vessels of certain Proportions not being square-rigged, or if armed for Resistance, to be licensed.

XVI. And be it further enacted, That all Vessels belonging in the whole or in part to His Majesty's Subjects, not being square-rigged or propelled by Steam, and all Vessels belonging as aforesaid, whether propelled by Steam or otherwise, being of less Burthen than Two hundred Tons, of which the Length is to the Breadth in a greater Proportion than Three Feet Six Inches to One Foot, and all such last-mentioned Vessels carrying Arms for Resistance, and all Vessels of more than Two hundred Tons Burthen, belonging as aforesaid, armed with more than Two Carriage Guns of a Calibre exceeding Four Pounds, and with more than Two Muskets for every Ten Men, and all Boats belonging as aforesaid, which shall be found within One hundred Leagues of the Coast of the United Kingdom, shall be forfeited, unless the Owners thereof shall have obtained a Licence from the Commissioners of His Majesty's Customs in the Manner herein-after directed.

Vessels and Boats belonging to His Majesty's Subjects, or whereof Half the Persons on board are Subjects of His Majesty, not to be navigated with a greater Number of Persons than herein mentioned, unless licensed.

XVII. And be it further enacted, That every 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,) which 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, then in the following Proportions; (that of 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, which shall be found within One hundred Leagues of the Coast of the United Kingdom, shall be forfeited, unless such Vessel, Boat, or Lugger shall be especially licensed for that Purpose by the Commissioners of His Majesty's Customs.

Certain Particulars to be inserted in Licences for Vessels and Boats.

XVIII. And be it further enacted, That every Licence granted by the Commissioners of His Majesty's Customs for any Vessel or Boat requiring Licence under this Act shall contain the proper Description of such Vessel or Boat, 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; and that it shall be lawful for the 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.

Licences may be restricted by the Commissioners of Customs.

XIX. And

Licences.

The Owners to give Security by Bond, with the Condition herein mentioned.

XIX. And be it further enacted, That before any such Licence shall be issued or delivered, or shall have effect for the Use of such Vessel or Boat, the Owner or Owners of every such Vessel or Boat shall give Security by Bond in the single Value of such Vessel or Boat, with Condition as follows; (that is to say,) that the Vessel or Boat shall not be employed in the Importation, landing, or removing of any prohibited or uncustomed 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 relanding 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 or Boat, that the Licence shall be delivered, within Six Months from the Date of such Loss, breaking up, or Disposal of such Vessel or Boat, to the Collector or principal Officer of Customs at the Port to which such Vessel or Boat shall belong; and that no such Bond given in respect of any Boat shall be liable to any Stamp Duty.

Penalty not to exceed 1,000*l.*, or single Value of the Vessel.

XX. And be it further enacted, That nothing herein contained shall authorize the requiring any Bond in any higher Sum than One thousand Pounds, although the single Value of the Vessel or Boat for which such Licence is to be issued may be more than One thousand Pounds.

Licence Bonds given by Minors to be valid.

XXI. And be it further enacted, That all Bonds given by Persons under the Age of Twenty-one Years, in pursuance of the Directions herein contained, shall be valid and effectual to all Intents and Purposes, any thing in any Act, or any Law or Custom, to the contrary in anywise notwithstanding.

Vessels not to be used in any Manner not mentioned in the Licence, which is to be produced, when demanded.

XXII. And be it further enacted, That when any Vessel or Boat shall be found or discovered to have been used or employed in any Manner or in any Limits other than such as shall be specified in the Licence hereby required, or if such Licence shall not be on board such Vessel or Boat, or shall not at any Time be produced and delivered for Examination to any Officer or Officers of the Army, Navy, or Marines duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, demanding the same, that then and in every such Case such Vessel or Boat, and all the Goods laden on board, shall be forfeited.

Certain Vessels, Boats, and Luggers not required to be licensed.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or taken to extend to any Vessel, Boat, or Lugger belonging to any of the Royal Family, or being in the Service of the Navy, Victualling, Ordnance, Customs, Excise, or Post Office, nor to any Whale Boat or Boat solely employed in the Fisheries, nor to any Boat belonging to any square-rigged

Licences.

rigged Vessel in the Merchant Service, nor to 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, nor to any Boats solely used in fishing on the Coasts of the North and West Highlands of *Scotland*, nor to any Boats so used on the Coast of *Ireland*.

Penalty for counterfeiting or falsifying Licences, or making use thereof.

XXIV. 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 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.

How long Bonds are to be in force.

XXV. And be it further enacted, That no Bond given on account of the Licence of any Vessel or Boat under the said Act for the Prevention of Smuggling shall be cancelled until the Space of Twelve Months after the Licence for which such Bond had been entered into shall have been delivered up to the proper Officer of the Customs, and such Bond shall remain in full Force and Effect for Twelve Months after the delivering up of the Licence as aforesaid.

Licences and Bonds granted previous to this Act to continue valid.

XXVI. And be it further enacted, That all Licences for any Vessels or Boats granted in pursuance of any Act relating to the Customs shall continue valid for all the Purposes for which such Licences were required, and all Bonds given in pursuance of any such Act shall continue valid and may be enforced, any thing herein contained notwithstanding.

Provisions as to Licences to extend to Guernsey, &c.

XXVII. And be it further enacted, That all the Provisions herein contained relating to the licensing of Vessels and Boats shall extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*.

Vessels and Goods.

Goods unshipped without Payment of Duty, and prohibited Goods, liable to Forfeiture, with the Boats, &c. used in Removal.

XXVIII. And be it further enacted, That if any Goods liable to the Payment of Duties shall be unshipped from any Vessel or Boat in the United Kingdom or the *Isle of Man*, (Customs or 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 of the *Isle of Man*, or if any Goods whatsoever which shall have been 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.

Spirits and Tobacco found without a Permit to be deemed run.

XXIX. And be it further enacted, That all Spirits or Tobacco which shall be found removing without a legal Permit for the same shall be deemed to be Spirits or Tobacco respectively liable to and unshipped without Payment of Duty, unless the Party in whose Possession the same shall be found or seized shall prove to the contrary.

XXX. And

Vessels and Goods.

Restricted Goods to be deemed run Goods for the Purpose of proceeding for Forfeiture.

XXX. And be it further enacted, That all Goods the Importation of which is in any Way restricted, which are of a Description admissible to Duty, and which shall be found and seized in the United Kingdom under any Law relating to the Customs or Excise, shall for the Purpose of proceeding for the Forfeiture of them, or for any Penalty incurred in respect of them, be described in any Information exhibited on account of such Forfeiture or Penalty as Goods liable to and unshipped without Payment of Duties.

Prohibited Goods shipped or waterborne, with Intent to be exported, &c. forfeited, with all Goods packed therewith.

XXXI. And be it further enacted, That if any Goods which are 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 Officer or Officers of the Customs as containing Goods not so prohibited, that then and in every such Case, not only all such prohibited Goods, but also all other Goods packed therewith, shall be forfeited.

Vessels, Boats, and Goods may be seize Officers and Persons hereinmentioned, and must be delivered to the proper Officer.

XXXII. 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 employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by 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.

Penalty on Officers and Persons making collusive Seizures or taking Bribes, and on Persons offering them.

XXXIII. And be it further enacted, That if any Officer or Officers of the Customs or Excise, or any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or any other Person or Persons whatsoever duly employed for the Prevention of Smuggling, 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 Nonperformance 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 or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person 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 relating to the Revenue of Customs may be evaded, shall forfeit the Sum of Two hundred Pounds.

Vessels and Goods.

Vessels may be searched within the Limits of the Ports, as also Persons on board, or who may have landed from them, if the Officers have reason to suspect Goods are concealed about their Persons.

XXXIV. 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 employed for the Prevention of Smuggling, and on Full Pay, or for any Officer or Officers 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 or have any uncustomed or prohibited Goods secreted about his, her, or their Person or Persons; and if any Person shall obstruct 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.

Before Persons are searched, they may require to be taken before a Justice or a superior Officer of the Customs, who shall determine whether there are reasonable Grounds of Suspicion.

XXXV. And be it further enacted, That before any Person shall be searched by any such Officer or Officers as aforesaid it shall be lawful for such Person to require such Officer or Officers to take him or her before any Justice of the Peace, or before the Collector, Comptroller, or other superior Officer of the Customs, who shall determine whether there is reasonable Ground 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 or Officers as aforesaid is and are 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 shall be searched by any other Person than a Female duly authorized for that Purpose by the Commissioners of His Majesty's Customs.

Penalty on Officers for Misconduct with respect to Search.

XXXVI. And be it further enacted, That if any such Officer or Officers 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

or her Person, that such Officer shall forfeit and pay the Sum of Ten Pounds. *Vessels and Goods.*

Penalty on Persons denying having Foreign Goods about them.

XXXVII. 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 or Officers of His Majesty's Customs, whether he or she has any Foreign Goods upon his or her Person, or in his or her Possession, deny the same, and any such Goods shall, after such Denial, be discovered upon his or her Person, or in his or her Possession, such Goods shall be forfeited, and such Person shall forfeit Treble the Value of such Goods.

Officers, authorized by Writ of Assistance, and having a Peace Officer, may search Houses for prohibited Goods, and break open Doors and Packages to seize such Goods.

XXXVIII. And be it further enacted, That it shall and may be lawful for any Officer or Officers of Customs, or Person acting under the Direction of the Commissioners of His Majesty's Customs, having a Writ of Assistance under the Seal of His Majesty's Court of Exchequer, to take a Constable, Headborough, or other public Officer inhabiting near the Place, and in the Daytime to enter into and search 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 Custom House 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.

Duration of Writs of Assistance,

XXXIX. 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.

Officers of Customs or Excise may, on probable Cause, stop Carts, &c., and search for Goods.

XL. And be it further enacted, That it shall be lawful for 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, upon reasonable Suspicion, to stop and examine any Cart, Waggon, or other Means of Conveyance, for the Purpose of ascertaining whether any smuggled Goods are contained therein; and if no such Goods shall be found, then and in such Case the Officer or other Person so stopping and examining such Cart, Waggon, or other Conveyance, having had probable Cause to suspect that such Cart, Waggon, or other Conveyance had smuggled Goods contained therein, shall not, on account of such Stoppage and Search, be liable to any Prosecution or Action at Law on account thereof; and all Persons driving or conducting such Cart, Waggon, or other Conveyance, refusing to stop when required so to do in the King's Name, shall forfeit the Sum of One hundred Pounds.

Police Officers seizing Goods

XLI. And be it further enacted, That if any Goods subject or liable to Forfeiture under this or any other Act relating to the Customs

Vessels and Goods.

them to the Custom House Warehouse.

toms 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 Custom House 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.

XLII. 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 Custom House 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 or Excise, may restore Seizures, and mitigate or remit Penalties.

XLIII. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, or for the Commissioners of His Majesty's Customs or Excise, 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 Customs or Excise, or to the Trade or Navigation of the United Kingdom, or to any of His Majesty's Possessions Abroad, 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 or Excise to mitigate or remit any Penalty or Fine which shall have been incurred, or any Part of such Penalty or Fine incurred under any such Act as last aforesaid: 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.

Persons unshipping, harbouring, or having Custody of any prohibited or uncustomed Goods, to forfeit Treble the Value, or 100*l.*

XLIV. And be it further enacted, That every Person 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 to be imported into the United Kingdom or into the *Isle of Man*, 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 shall have been illegally unshipped without Payment of Duties, or which shall have been illegally removed, without Payment of the same, from any Warehouse or Place of Security in which they may have been deposited,

deposited, or 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, or who shall assist or be in anywise concerned in the illegal Removal of any Goods from any Warehouse or Place of Security in which they shall have been deposited as aforesaid, 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. *Penalties.*

XLV. And be it further enacted and declared, That in all Cases where any Penalty the Amount of which is at any Time to be determined by the Value of any Goods is directed to be sued for under any Law now in force or hereafter to be made for the Prevention of Smuggling, or relating to the Revenue of Customs or Excise, such Value shall be deemed and taken to be according to the Rate and Price which Goods of the like Sort or Denomination and of the best Quality bear at such Time, and upon which the Duties due upon Importation have been paid. How Value is to be ascertained.

XLVI. 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 into any Port or Place in the United Kingdom without paying the Duties due on such Importation, or any prohibited Goods, or who in pursuance of such Insurance or otherwise shall deliver or cause to be delivered any uncustomed or prohibited Goods, and every Aider or Abettor of such Person, shall for every 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 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. Persons insuring the Delivery of prohibited or uncustomed Goods to forfeit 500*l.*

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

XLVIII. 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 Customs for being found or discovered to have been within any of the Distances, Ports, or Places in this Act mentioned, from or in the United Kingdom, or from or in the Persons found or discovered to have been on board Vessels liable to Forfeiture for being

Penalties.

found within certain Limits of the Coast, subject to the Penalty of 100*l.*, and may be detained.

Isle of Man, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been, within any such Distance as aforesaid, on board any Vessel or Boat from which any Part of the Cargo or Lading of such Vessel or Boat shall have been thrown overboard, or staved or destroyed, to prevent Seizure, 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 employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers 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 detain every such Person, and to carry and convey such Person before any Justice of the Peace in the United Kingdom, to be dealt with as herein-after directed: Provided always, that any such Person proving, to the Satisfaction of any Justice or Justices before whom he may be brought, 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 or any Goods on board the same, shall be forthwith discharged by such Justices.

Persons unshipping, or concerned in the carrying away or concealing, Spirits or Tobacco, to forfeit 100*l.*, and may be detained.

XLIX. And be it further enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or concerned in the unshipping of any Spirits or Tobacco liable to Forfeiture under this or any other Act relating to the 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 employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers 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 any Justice of the Peace in the United Kingdom, to be dealt with as herein-after directed.

Persons carrying, &c. Tea or Manufactured Silk to forfeit Treble the Value, and to be liable to Detention.

L. And be it further enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or otherwise concerned in the unshipping of any Tea or Foreign Manufactured Silk of the Value of Twenty Pounds, liable to Forfeiture under any Act relating to the Customs or Excise, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of such Tea or Silk, shall forfeit for every such Offence Treble the Value thereof; and every such Person shall and may be detained

Penalties.

detained by any Officer or Officers of His Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before any Justice of the Peace in the United Kingdom, to be dealt with as herein-after directed: Provided always, that it shall and may be lawful for such Person so detained to give Security in Treble the Amount of the Goods seized, by Recognizance or otherwise, to the Satisfaction of such Justice of the Peace, to appear at a Time and Place to be appointed; and that no such Person shall be liable to serve His Majesty in His Naval Service.

Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable Time.

LI. 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 detained by any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by 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 Customs, and shall have been taken and carried before any Justice of the Peace, if it shall appear to such Justice that there is reasonable Cause to detain such Person or Persons, such Justice may and he is hereby authorized and required to order such Person or Persons to be detained a reasonable Time, and at the Expiration of such Time to be brought before any Two Justices of the Peace, who are hereby authorized and required finally to hear and determine the Matter.

Any Person liable to be arrested, making his Escape, may afterwards be detained by any Officer of the Customs.

LII. And be it further enacted, That if any Person or Persons liable to be detained under the Provisions of this or any other Act relating to the 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 or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer of Customs or Excise, or any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, to detain such Person so liable to Detention as aforesaid at any Time afterwards, and to carry him before any Justice of the Peace, to be dealt with as if detained at the Time of committing the said Offence.

Persons making Signals to Smuggling Vessels at Sea may be detained, and on Conviction to forfeit 100*l.* or be kept to hard Labour for One Year.

LIII. And be it further enacted, That no Person shall, after Sunset and before Sunrise 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, any 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 giving any Notice to any Person on board any Smuggling Vessel or Boat, whether any Person

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Person so on board of such Vessel or Boat be or be not within Distance to notice any such 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 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 offend, and to carry and convey such Person or Persons so offending before any One or more of His Majesty's Justices of the Peace residing near the Place where such Offence shall be committed, who, if he sees Cause, shall commit the Offender to the next County Gaol, there to remain until the next 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.

LIV. 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, any such Signal as aforesaid, the Burthen of Proof that such Signal so charged as having been made with Intent and for the Purpose of giving such Notice 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 prevent Signals, and enter upon Lands for that Purpose.

LV. And be it further enacted, That it shall be lawful for any Person whatsoever to prevent any Signal 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 100*l.*

LVI. And be it further enacted, That if any Person whatsoever shall obstruct any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the Execution of his or their Duty, or in the due seizing of any Goods liable to Forfeiture by this or any other Act relating to the Customs, 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 Party or Parties offending shall forfeit for every such Offence the Sum of One hundred Pounds.

LVII. And

Penalties.

Penalty on Persons procuring others to assemble for assisting in unshipping prohibited Goods.

LVII. And be it further enacted, That any Person or Persons who shall by any Means procure or hire any Person or Persons, or who shall depute, authorize, or direct any Person or Persons to procure or hire any Person or Persons, to assemble for the Purpose of being concerned in the landing or unshipping or carrying or conveying any Goods which are prohibited to be imported, or the Duties for which have not been paid or secured, shall for every Person so procured or hired forfeit the Sum of One hundred Pounds.

Felonies.

Three or more armed Persons assembled to assist in the illegal landing of any Goods, or in the rescuing of Goods seized, to be deemed guilty of Felony.

LVIII. 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 landing, running, or carrying away of any prohibited Goods, or any Goods liable to any Duties which have not been paid or secured, 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 from 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 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 the United 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.

Persons shooting at any Boat belonging to the Navy, or in the Service of the Revenue, &c. deemed guilty of Felony.

LIX. And be it further enacted, That if any Person shall maliciously shoot at any Vessel or Boat belonging to His Majesty's Navy, or in the Service of the Revenue, 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 employed for the Prevention of Smuggling, 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.

Any Person in company with Four others having prohibited Goods, or with One other armed or disguised, guilty of Felony.

LX. 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 the Sea Coast or of any navigable River leading therefrom, with such Goods, and 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.

Officers.

Persons assaulting Officers by Force or Violence may be transported.

LXI. 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 employed for the Prevention of Smuggling, 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 or Duty, such Person, being thereof convicted, 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.

LXII. 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 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.

LXIII. 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, or duly employed for the Prevention of Smuggling, shall be so killed, maimed, wounded, or in any way injured while so aiding such Officer or Seaman, or so employed, 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.

Vessels and Goods seized may be disposed of as the Commissioners shall direct.

LXIV. 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 Customs shall be disposed of as soon as conveniently may be after the Condemnation thereof, in such Manner as the Commissioners of His Majesty's Customs shall direct.

Rewards to Officers for detaining Smugglers.

LXV. 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

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.*

LXVI. 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, to order the following Reward to be paid 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 Part of the Penalty or Sum recovered, except in Seizures of Silk Goods, in which Case the Officers may receive One Half the Penalty or Sum recovered. Rewards to Officers where pecuniary Penalties are recovered.

LXVII. 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, to order to be paid, in respect of any Seizure made under this or any Act relating to the Customs or to Trade and Navigation, to the Person or Persons making the same, the following Rewards; (that is to say,) Rewards to Officers making Seizures.

In the Case of Seizures of Spirits or Tobacco:—

If all the Parties concerned in the Act which occasions the Seizure, being above the Age of Sixteen Years, are detained and convicted, the whole Value thereof, such Value to be fixed and settled by the Lords of the Treasury, or by the Commissioners of His Majesty's Customs, as herein-after directed:

If Two or more of such Parties, not being the whole, are so detained and convicted, Seven Eighths of such Value:

If One such Party, not being the whole of them, but being a Seafaring Man, is so detained and convicted, Three Fourths of such Value:

If One such Party, not being the whole of them, is detained and convicted, and the Vessel or Means of Conveyance is or are seized and condemned, Three Fourths of such Value:

If One such Party, not being the whole of them, nor being a Seafaring Man, is so detained and convicted, Five Eighths of such Value:

If the Vessel or Means of Conveyance is seized and condemned without any Person being detained, One Third of such Value:

If all the Goods are seized, and all the Parties concerned as aforesaid are subsequently convicted in consequence of such Seizure and by the Exertion of the Seizors, One Half of such Value:

If the Goods only are seized, One Eighth, or such other Part as the Commissioners of the Customs shall think proper, not exceeding One Fourth of such Value:

In the Case of Seizures of other Goods, not Silks:—

If the Vessel or other Means of Conveyance is or are seized and condemned, or if any Person is prosecuted to Conviction

Rewards.

Conviction on account of the same, One Half of the Produce, exclusive of the Duties:

If the Goods only, One Fourth of such Produce:

In the Case of damaged Tobacco, Snuff, or other Goods destroyed, such Reward as the Lords of the Treasury or the Commissioners of His Majesty's Customs may think proper to direct, not exceeding a Moiety of the Duty payable on such Goods in case the same had been sold for Home Consumption:

In the Case of Seizures of Silk Goods, the whole Value of such Goods, exclusive of the Duty thereon:

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 the Value:

In the Case of Seizures of Cattle and Carriages:—

In all Cases, Three Fourths of the Produce of the Sale.

The Treasury or Commissioners to fix the Value of Spirits and Tobacco; Rewards to be subject to Deduction.

LXVIII. Provided always, and be it further enacted, That the Value of Spirits and Tobacco seized as aforesaid shall in all Cases be deemed and taken to be such as the Lords of the Treasury or the Commissioners of His Majesty's Customs may think fit to fix the same at *per* Gallon or *per* Pound Weight, for the Purpose of rewarding the said Officer as aforesaid; and that all the before-mentioned 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.

LXIX. 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.

LXX. And be it further 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 of the Apprehension of any Parties, under this or any other Act relating to the Customs, to direct the Distribution of the Seizor's Share of such Vessels, Boats, or Goods, or of any Penalties or Rewards that may be recovered on account of any Seizure, in such Manner as to enable any Officer or Officers or other Person or Persons through whose Information or Means such Seizure shall have been made, or Penalty recovered, or Party apprehended, and who may by them be deemed to be so entitled, to participate in such Proportions as the said Commissioners shall respectively deem expedient.

In case Officers act negligently or collusively.

LXXI. 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

said 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.

Rewards.

No Subject of His Majesty, except Officers, to take up Spirits in small Casks sunk or floating upon the Sea.

LXXII. And be it further enacted, That no Person or Persons whatsoever, being a Subject or Subjects of His Majesty, 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 within One hundred Leagues of the United Kingdom; and that if any Spirits shall be so intermeddled with or taken up, the same shall be forfeited, together with any Vessel or Boat in which they are found.

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

LXXIII. 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.

LXXIV. 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 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 said Commissioners respectively 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.

LXXV. And be it further enacted, That all Penalties and Forfeitures incurred or imposed by this or any other Act relating to the Customs, or to Trade or Navigation, 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 at *Dublin*, or at *Edinburgh*, 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 of the Lord Advocate of *Scotland*, 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*.

Jurisdiction.

All Vessels, Boats, and Goods seized under any Laws of Customs, and ordered to be prosecuted, shall be deemed to be condemned, unless the Owner gives Notice that he intends to claim.

LXXVI. And be it further enacted, That all Vessels, Boats, and Goods which shall have been or shall be hereafter seized as forfeited under any Law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Commissioners of His Majesty's Customs, shall be deemed and be taken to be condemned, and may be sold in the Manner directed by Law in respect to Vessels, Boats, and Goods seized and condemned for Breach of any Law relating to the Customs, unless the Person from whom such Vessels, Boats, and Goods shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing, if in *London* to the Person seizing the same or to the Secretary or Solicitor for the Customs, and if elsewhere to the Person seizing the same or to the Collector and Comptroller or other Chief Officer of the Customs at the nearest Port, that he claims the Vessel, Boat, or Goods, or intends to claim them.

Offences on the High Seas deemed to have been committed at the Place into which the Offender is brought, or in which he is found.

LXXVII. 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 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 the *Isle of Man* into which the Person committing such Offence or incurring such Penalty or Forfeiture shall be taken, brought, or carried, or in which such Person shall be found; 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 where any Offence shall be committed in any Place upon the Water not being within any County of the United Kingdom, or where any Doubt exists as to the same being within any County, such Offence shall, for the Purposes of this Act, be deemed and taken to be an Offence committed upon the High Seas.

Justices may summon Offender, and the Summons may be left at his last Place of Residence, or on board any Ship to which he belongs.

LXXVIII. And be it further enacted, That upon the exhibiting any Information before any Justice of the Peace for any Offence against this or any Act relating to the Customs or to Trade or Navigation, for which Offence the Party charged is not liable to be detained in manner herein-before mentioned, such Justice is hereby required to issue a Summons for the Appearance of the Party against whom such Information is exhibited before Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence or on board any Ship or Vessel to which such Party may belong, shall be deemed to have been sufficiently served.

LXXIX. And

Jurisdiction.

Two Justices may, upon Appearance or Default of the Party, proceed to the hearing.

LXXIX. And be it further enacted, That upon the Appearance or Default of any Party so summoned, it shall be lawful for any Two Justices of the Peace to proceed to the Examination of the Matter contained in such Information, and upon due Proof thereof, either upon the Confession of such Party or upon the Oath of One or more credible Witness or Witnesses, to convict such Party in the Penalty or Penalties sued for by such Information; and in case of Nonpayment thereof, such Justices, or One of them, or some other Justices or Justice of the Peace, are hereby authorized and required, by Warrant under Hand and Seal, to commit such Party to any of His Majesty's Gaols within their or his Jurisdiction, there to remain until the Penalty or Penalties shall be paid.

Warrants.

LXXX. And be it further enacted, That such Warrants shall and may be executed in any Part of the United Kingdom.

Justices empowered to mitigate Penalty in certain Cases.

LXXXI. 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 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, in Cases where upon Consideration of the Circumstances 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.

As to Persons committed for Penalties under 100*l.*

LXXXII. And be it further enacted, That where any Person shall have been so committed by any Justices or Justice of the Peace to any Prison for Nonpayment of any Penalty less than One hundred Pounds, the Gaoler or Keeper of such Prison is hereby authorized and required to discharge such Person at the End of Six Calendar Months from the Commencement of such Imprisonment.

Married Women may be committed to Prison.

LXXXIII. And be it further enacted and declared, That where any Party so convicted before Two Justices of the Peace shall be a married Woman, such Party shall be liable to be committed to Prison in manner herein-before mentioned, notwithstanding her Coverture.

Mode of Proceeding before Justices for the Condemnation of seized Goods.

LXXXIV. And be it further enacted That when any Information shall have been exhibited before any Justice of the Peace for the Forfeiture of any Goods whatsoever seized under this or any Act relating to the Customs, it shall be lawful for the said Justice, and he is hereby authorized and required, to summon the Party to whom such Goods belonged, or from whom they were seized, to appear before any Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence or on board any Ship to which such Party may belong, shall be deemed to have been sufficiently served; and upon his, her, or their Appearance or Default, any Two Justices may proceed to the Examination of the Matter, and, upon due Proof that the said Goods are liable to Forfeiture under this or any Act relating to the Customs, may condemn the said Goods.

LXXXV. And

Jurisdiction.

Persons detained for the Offences herein mentioned, on Conviction to forfeit 100*l.*, or if Seafaring Men to be sent into the Navy for Five Years.

LXXXV. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace before whom any Person liable to be detained, and who shall have been detained, for any Offence against this or any other Act relating to the Customs, shall be brought, either 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, 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 shall and they are hereby respectively authorized and required, by Warrant under their 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 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, and they are hereby required, in lieu of such Penalty, by Warrant under their Hands and Seals, to order any Officer of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, to carry or convey, or cause to be carried or conveyed, such Person on 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 that convenient Arrangement cannot be made at the Time of the Conviction of the said Party for immediately carrying or conveying such 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 to commit any such 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 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.

Offenders escaping may be again arrested, and delivered over to complete their Service of Five Years.

If Offender cannot be immediately conveyed on board Ship, he may be committed for One Month.

Treasury may remit or mitigate Penalty, Punishment, or Service.

Justices may amend Informations where Offenders are charged as Seafaring Men, but

LXXXVI. And be it further enacted, That if any Person shall be proceeded against under this or any other Act relating to the Customs or Excise, and the Information exhibited against such Person shall charge him as being a Seafaring Man, and fit and able to serve His Majesty in His Naval Service, and it shall appear to the Justices before whom such Person is brought that he is guilty of the Offence with

with which he is charged, but that he is not fit for His Majesty's Naval Service, that then and in such Case it shall be lawful for such Justices, and they are hereby required, to amend such Information accordingly, and to convict such Person in the Penalty of One hundred Pounds, as if proceeded against as not being a Seafaring Man or fit for His Majesty's Naval Service.

Jurisdiction.

are not fit for His Majesty's Service.

LXXXVII. And be it further enacted, That if any Person so convicted as 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 Month 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 Justice of the Peace, and upon Proof that he has been refused to be received on board any of His Majesty's Ships as unfit for His Majesty's Service, such Justice shall and he is 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 Justice, 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.

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

LXXXVIII. And be it further enacted, That where any Offence against this or any other Act relating to the Customs shall be committed in any City, Borough, Liberty, Division, Franchise, or Town Corporate, 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 upon the same.

As to Jurisdiction in Boroughs.

LXXXIX. And be it further enacted, That where the Attendance of Two Magistrates having Jurisdiction in the County where the Offence is committed cannot be conveniently obtained, it shall be lawful for a Magistrate of any adjoining County, with One Magistrate of the County in which the Offence was committed, to hear and determine any Information exhibited before them, and to have the same Powers and Authorities in all respects, as to any Proceeding had under this or any other Act relating to the Customs, as if they were both Magistrates for the County in which the Offence was committed.

A Magistrate of an adjoining County, with One of the County where Offence committed, may hear Informations.

XC. And be it further enacted, That no Writ of Certiorari shall issue from His Majesty's Court of King's Bench to remove any Proceedings before any Justice or Justices of the Peace under any Act for the Prevention of Smuggling or relating to the Customs, nor shall any Writ of Habeas Corpus issue to bring up the Body of any Person who shall have been convicted before any Justice or Justices of

Writs of Certiorari and Writs of Habeas Corpus not to be issued except on an Affidavit, and

Jurisdiction.

Justices may amend Informations, Warrants of Commitment, and Convictions.

of the Peace under any such Act, unless the Party against whom such Proceeding shall have been directed, or who shall have been so convicted, or his Attorney or Agent, shall state in an Affidavit in Writing, to be duly sworn, the Grounds of Objection to such Proceedings or Conviction, and that upon the Return to such Writ of Certiorari or Habeas Corpus no Objection shall be taken or considered other than such as shall have been stated in such Affidavit; and that it shall be lawful for any Justice or Justices of the Peace, and they are hereby required, to amend any Information, Conviction, or Warrant of Commitment for any Offence under any such Act at any Time, whether before or after Conviction.

Informations and Convictions to be in the Form or to the Effect in the Schedule.

XCI. And be it further enacted, That all Informations before Justices of the Peace for any Offences committed against this or any other Act relating to the Customs, and all Convictions for such Offences, and Warrants of Justices of the Peace founded upon such Convictions, shall be drawn respectively in the Form or to the Effect in the Schedule to this Act annexed.

Informations, &c. to be deemed valid if the Offence is set forth in the Words of the Act.

XCII. Provided always, and be it declared and enacted, That every Information for any Penalty or Forfeiture, and every Conviction or Warrant of Commitment for any Penalty, shall be deemed valid and sufficient in which the Offence for which such Penalty shall have been inflicted, or the Cause of such Forfeiture, is set forth in the Words of this Act.

Powers of Justices to be exercised by Governors or Deemsters of the Isle of Man.

XCIII. And be it further enacted, That all the Powers vested in any Justices or Justice of the Peace by virtue of this Act shall be and the same are hereby vested in and may be exercised, in the *Isle of Man*, by any Governor, Deputy Governor, or Deemster of the *Isle of Man*, so far as regards Offences committed against or Penalties or Forfeitures incurred by this or any other Act relating to the Customs.

Penalties and Forfeitures to be paid to Commissioners of Customs or Excise, and applied as the Law directs.

XCIV. And be it further enacted, That all Penalties and Forfeitures which may be recovered before any Justices of the Peace under this or any other Act relating to the Customs or Excise, on any Prosecution by Order of the Commissioners of Customs, shall be paid to the Commissioners of His Majesty's Customs, and on any Prosecution by Order of the Commissioners of Excise shall be paid to the Commissioners of His Majesty's Excise, or to the Person appointed by them respectively to receive the same; and such Penalties and Forfeitures shall be applied by the said Commissioners respectively in such Manner as the Law directs, any thing contained in an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River* Thames *and its Vicinity, for Seven Years*, or any other Act now in force or hereafter to be made, to the contrary in anywise notwithstanding.

3 G. 4. c. 55.

Capias may issue against Persons sued

XCV. And be it further enacted, That whenever any Penalty shall be sued for as aforesaid by Information against any Person in any

any of His Majesty's Courts of Record at *Westminster*, or at *Dublin*, or at *Edinburgh*, a Capias may 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.

Jurisdiction under this Act, who are to give Bail.

XCVI. 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 Twenty Days, 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 of the Person or Persons so in Prison as aforesaid, 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 in Gaol not appearing or pleading to the Information, Judgment may be entered by Default.

XCVII. 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 formâ pauperis*, that then the Judge or Judges of such Court shall, according to their Discretion, admit such Person to defend himself or herself 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

Persons not worth 5l. may defend Suits in formâ pauperis.

Jurisdiction., required to give his and their Advice and Assistance to such Person, and to do their Duties, without Fee or Reward.

Sheriff to grant special Warrant on Writ of Capias being indorsed by the Solicitors of the Customs.

XCVIII. 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 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 the Solicitor 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 in Cases where Warrants are granted at the Request of a Solicitor for the Customs, and Gaolers required to receive Offenders.

XCIX. And be it further enacted, That all and every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Persons so granting 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, or their Body or Bodies,) and of and from all Actions, Prosecutions, Process of Contempt, and other Proceedings for or by reason of such Escape, any Law, Custom, or Usage to the contrary notwithstanding.

No Claim or Appearance to be entered to any Information for the Forfeiture of seized Goods, unless in the Name of the Owner, and Oath made to the Property.

C. And be it further enacted, That no Claim shall be permitted to be entered to, and no Appearance shall be permitted to be entered to, any Information filed for the Forfeiture of any Vessel, Boat, or Goods seized for any Cause of Forfeiture, and returned into any of His Majesty's Courts of Record in the United Kingdom, unless such Claim or Appearance is entered in the true and real Name or Names of the Owner or Owners, Proprietor or Proprietors of such Vessel, Boat, or Goods, describing the Place of Residence and the Business or Profession of such Person or Persons; and if such Person

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 Judges of the Court into which the said Vessel, Boat, or Goods are returned, or in which such Information is filed, that the said Vessel, Boat, or Goods 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 or Appearance shall be entered, that he has full Power and legal Authority and Directions from such Owners or Proprietor to enter such Claim or Appearance, 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 or Appearance is 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 or Appearance 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. *Jurisdiction.*

CI. 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, or of any Appearance to any Information filed for such Forfeiture, the Person or Persons who shall enter the Claim or Appearance as the Owner or Proprietor 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 or Appearance; 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 or Appearance shall be entered shall in like Manner be bound, with Two other sufficient Sureties, in the like Penalty, to answer and pay the Costs occasioned by such Claim or Appearance. **Owners to give Security for Costs occasioned by the Claim or Appearance.**

CII. 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 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 in the Record that there was such probable Cause, and in such Case the Person who made such Seizure shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and 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, **If Suit brought on account of Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have Two-pence Damages, and Defendant fined not more than One Shilling.**

Jurisdiction.

aforesaid, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified in 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.

CIII. 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.

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

CIV. Provided always, and be it further enacted, That no Plaintiff in any Case where an Action shall be grounded on any such 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.

CV. 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 Pleas, 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.

CVI. And

Jurisdiction.

Neglecting to tender Amends, may pay Money into Court.

CVI. 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 the Trial of the said Action, 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 Cause of Action has arisen.

CVII. 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 where 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 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 King's Bench may issue Warrants for apprehending Offenders prosecuted by Indictment or Information.

CVIII. And be it further enacted, That whenever any Person shall be charged with any Offence against this or any Act relating to the 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

Neglecting to give Bail, may be committed to Gaol.

Indictments or Informations may be

Jurisdiction.

served by the Gaoler, and if Offender neglect to appear, &c., the Prosecutor may enter Plea of Not Guilty.

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 Goal 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, Keeper, 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;

If upon Trial the Party is acquitted, any Judge may discharge him out of Custody.

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.

When Recognizance is given, and the Party shall not plead, a Copy of the Information or Indictment may be delivered to his Attorney or Agent.

CIX. And be it further enacted, That where any Person shall be arrested by virtue of a Warrant issued as aforesaid, and shall enter into a Recognizance, and appear in the said Court at the Return of the said Recognizance, but shall not afterwards plead to the Information or Indictment, it shall and may be lawful for the Prosecutor of such Information or Indictment to cause a Copy thereof to be delivered to such Person, or to his or her Attorney or Agent, or to be left at his or her last Place of Abode, with a Notice thereon indorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Information or Indictment as aforesaid, cause a Plea to be entered in the said Court to such Information or Indictment, that the Prosecutor of such Information or Indictment will enter a Plea of Not Guilty on his or her Behalf;

If the Party does not appear, a Plea of Not Guilty may be entered.

and that upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Information or Indictment, with such Notice indorsed thereon as aforesaid, to such Person, or to his or her Attorney or Agent, or at his or her last Place of Abode, as the Case may

may be, it shall be lawful for the Prosecutor of such Information or Indictment to cause the Plea of Not Guilty to be entered in the said Court to such Information or Indictment for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Information or Indictment had pleaded according to the usual Course of the said Court. *Jurisdiction.*

CX. And for the Purpose of enabling the Mayor and Commonalty and Citizens of the City of *London*, and their Successors, to ascertain and collect the Amount of the Dues payable to them upon the several Articles herein-after mentioned, imported Coastwise into the Port of *London;* be it enacted, That if all or any of the Goods of the Description herein-after mentioned, (that is to say,) Firkins of Butter, Tons of Cheese, Fish, Eggs, Salt, Fruit, Roots eatable, and Onions, brought Coastwise into the Port of the said City, and which are liable to the said Dues, shall be landed or unshipped at or in the said Port before a proper Certificate of the Payment of the said Duties shall have been obtained, such Goods shall be forfeited, and may be seized by any Officer of His Majesty's Customs empowered to seize any Goods landed without due Entry thereof; and such Forfeiture 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*, in the Name of the Chamberlain of the said City, on behalf of the said Mayor and Commonalty and Citizens. Certain Articles herein mentioned not to be landed Coastwise until the Dues of the City of London are paid.

CXI. 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, or out of any of the Superior Courts of Record of either of the Counties Palatine, 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. When Offenders are arrested and give Bail to the Sheriff, the Bail Bond to be assigned to His Majesty.

CXII. 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 Customs or Excise (except in the Cases of Persons detained and carried before One or more Justices in pursuance of this Act) unless such Suit shall be commenced in the Name of His Majesty's Attorney General, or in the Name of the Lord Advocate of *Scotland*, or unless such Indictment shall be preferred under the Direction of the Commissioners of His Indictments (except Cases before Justices) to be preferred by Order of the Commissioners, and Suits to be in the Name of the Attorney General.

Jurisdiction.

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 or Lord Advocate may sign a Noli prosequi.

CXIII. 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 Customs or Excise, it shall be lawful for His Majesty's Attorney General, or for the Lord Advocate of *Scotland*, if he is satisfied that such Fine, Penalty, or Forfeiture was incurred without any Intention of Fraud, or that it is inexpedient to 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.

Proof of Payment of Duties, or of the lawful Importation of Goods, to be on the Owner.

CXIV. 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 be on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same.

No Justice connected with the Collection of the Revenue to interfere in summary Convictions.

CXV. 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 or any other Act relating to the Customs.

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

CXVI. And be it further enacted, That in case of any Information or Proceedings had under this or any other Act relating to the 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 belonging wholly or in part to His Majesty's Subjects, or that any Person detained or found on board any Vessel or Boat liable to Seizure is or is not a Subject of His Majesty, or that any Person detained is or is not a Seafaring Man, or fit and able to serve His Majesty in His Naval Service, or that any Person is an Officer of the Customs, and where the Offence is committed in any Port in the United Kingdom, the naming of such Port in any Information or Proceedings, shall be sufficient, without Proof as to such Fact or Facts, unless the Defendant in such Case shall prove to the contrary.

Persons employed for Prevention of Smuggling to be deemed duly employed.

CXVII. And be it further enacted, That all Persons employed for the Prevention of Smuggling under the Direction of the Commissioners of His Majesty's Customs, or of any Officer or Officers in the Service of the Customs, shall be deemed and taken to be duly employed for the Prevention of Smuggling; and the Averment, in any Information or Suit, that such Party was so duly employed shall be

be sufficient Proof thereof, unless the Defendant in such Information or Suit shall prove to the contrary. *Jurisdiction.*

CXVIII. 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 employed for the Prevention of Smuggling, and on Full Pay, or an 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, or to any Reward upon the Conviction of the Party charged in such Suit or Information. Vivâ voce Evidence may be given that a Party is an Officer, and deemed a competent Witness, although entitled to the Whole or a Share of the Seizure, or Penalty or Reward on Conviction.

CXIX. And be it further enacted, That upon the Trial of any Issue, or upon any judicial Hearing or Investigation touching any Penalty or Forfeiture under any Law or Laws relating to the Customs or Excise, or to the Law of Navigation, where it may be necessary to give Proof of any Order issued by the Commissioners of His Majesty's Treasury, or by the Commissioners of His Majesty's Customs or Excise respectively, the Letter or Instructions which shall have been officially received by the Officer of Customs or Excise at the Place or District where such Penalty or Forfeiture shall have been incurred, or shall be alleged to have been incurred, for his Government, and in which such Order is mentioned or referred to, and under which said Instructions he shall have acted as such Officer, shall be admitted and taken as sufficient Evidence and Proof of such Order to all Intents and Purposes whatsoever. What shall be deemed sufficient Evidence of an Order of the Commissioners of Customs or Excise.

CXX. And be it further enacted, That all Suits, Indictments, or Informations exhibited for any Offence against this or any other Act relating to the Customs in any of His Majesty's Courts of Record at *Westminster*, or in *Dublin*, or in *Edinburgh*, 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 One or more Justices of the Peace within Six Months next after the Date of the Offence committed. Within what Time Suits, Indictments, or Informations are to be exhibited.

CXXI. Provided always, and be it further enacted, That where any Person shall have been detained for any Offence against this or any other Act relating to the Customs, and shall have made his Escape from Custody, an Information may be exhibited before One or more Justices of the Peace against such Person, for such Offence, at any Time afterwards, although more than Six Months shall have expired. Information may be exhibited any Time after Six Months.

CXXII. And be it further enacted, That any Indictment or Information for any Offence against this or any other Act relating to the Customs shall and may be inquired of, examined, tried, and determined Indictments or Informations may be tried in any

Jurisdiction. mined in any County of *England* where the Offence is committed in *England*, and in any County in *Scotland* where the Offence is committed in *Scotland*, and in any County in *Ireland* where the Offence is committed 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.

County in England, Scotland, or Ireland respectively.

Act may be altered this Session.

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

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 in and for 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 in and for 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 convict the said *C. D.* of the said Offence, and do adjudge, that the said *C. D.* hath forfeited for his said Offence the

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 wit. } To *A. B.*, Officer of Customs, and to *E. F.*, the Gaoler 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 in and for 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), 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.

Form of an Information before Justices of the Peace, where the Party charged is a 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 in and for to understand and be informed, that *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*], 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. 5.

Form of a Conviction where the Party convicted is a Seafaring Man, and fit and able to serve His Majesty in His Naval Service.

County of } BE it remembered, That on the
to wit. } Day of in the Year of our Lord an Information was exhibited before us Esquires, Two of His Majesty's Justices of the Peace in and for 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. 6.

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 in and for 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 .

No. 7.

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

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 in and for 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. 8.

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 to wit. } BE it remembered, That on the Day 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 in and for 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 convict the said *C. D.* of the said Offence, and do 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. 9.

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

County of to wit. } To *A. B.*, Officer of Customs, and to *E. F.*, the 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 in and for of having

having [*here 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 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 .

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