ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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C A P. LXXXVII.

An Act to amend Two Acts passed in the Forty-fifth Year of His present Majesty, and in the last Session of Parliament, for the making more effectual Provision for the Prevention of Smuggling.

[10th *July* 1817.]

WHEREAS by an Act made in the Fifty-sixth Year of the Reign 56G.3.c.104
of His present Majesty for, amongst other Things, the making more effectual Provision for the Prevention of Smuggling, and rewarding Officers and Persons making Seizures and capturing Smuggling Vessels, it is enacted, that all Foreign Brandy, Rum, Geneva, and other Spirits which shall be seized by any Officer or Officers of His Majesty's Army, Navy, or Marines, or Officer acting under the Orders of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* or *Ireland*, or under the Orders of the Commissioners of Customs or Excise in *England*, *Scotland*, or *Ireland* respectively, or by Officers on Half Pay, Military or Naval, authorized as in the said Act mentioned, at Sea or on Shore, or having been unshipped or landed without Payment of His Majesty's Duties of Customs or Excise, payable on the lawful Importation of such Spirits respectively, shall after the Seizure thereof be lodged with the proper Officer of Excise, and secured, and gauged, and taken, and kept Account of, and, after the Condemnation thereof respectively upon Prosecution thereof, by Order of the Commissioners of Excise, shall be forthwith conveyed to such respective Places as are mentioned or provided in an Act made

in the Forty-fifth Year of the Reign of His preſent Majeſty, intituled 45 G. 3. c. 121. *An Act for the more effectual Prevention of Smuggling*, and there rediſtilled under the Orders of the Commiſſioners of Exciſe, for the Purpoſe of making the ſame of a proper Import Strength, and ſhall afterwards be ſold or otherwiſe diſpoſed of as directed by the ſaid Act; and by another Act made in the Forty-ſeventh Year of the Reign of His preſent Majeſty, 47 G. 3. c. 66. intituled *An Act to make more effectual Proviſion for the Prevention of Smuggling*; and by this Act, under the Orders of the Commiſſioners of Exciſe: And whereas it is expedient that ſo much of the ſaid recited Act ſhould be altered as herein-after mentioned; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, all and every Seizure and Seizures made by any Officer or Officers of Cuſtoms, or of His Majeſty's Navy, or acting under the Orders of the Lord High Admiral or of the Commiſſioners for executing the Office of Lord High Admiral aforeſaid (not being an Officer or Officers of His Majeſty's Army or Marines, or any Military or Naval Officer on Half Pay, or any Officer or Perſon employed in the Smuggling Preventive Boat Service, either ſeparately or jointly with any other Perſon or Perſons whatſoever, except an Officer of Exciſe, or an Officer of His Majeſty's Army or Marines, or any Military or Naval Officer on Half Pay, or any Officer or Perſon employed in the Smuggling Preventive Boat Service), ſhall be lodged and ſecured under the Proviſions of the ſaid Acts made in the ſaid Forty-fifth and Forty-ſeventh Years of His Majeſty's Reign, and be diſpoſed of or proſecuted for Condemnation, by Order and under the Directions of the Commiſſioners of Cuſtoms; and that ſuch Commiſſioners ſhall be authorized to direct and pay all Rewards for the making of every ſuch Seizure and Seizures, and of all Coſts and Expenſes relating thereto, in the ſame Manner as if ſo much of the Act herein-before recited had not been made, any Thing in the ſaid Act to the contrary thereof notwithſtanding; ſubject nevertheleſs to any ſpecial Order and Directions touching the Diſtribution of any ſuch Reward or Rewards which ſhall be given by the Commiſſioners of His Majeſty's Treaſury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to ſuch Commiſſioners of Cuſtoms, before ſuch Diſtribution has been made.

Seizures by Officers of the Cuſtoms, &c. to be ſecured under the Proviſions of the recited Acts of 45 G. 3. c. 121. and 47 G. 3. c. 66.

Commiſſioners of the Cuſtoms to direct the Payment of Rewards, ſubject to the Orders of the Treaſury.

II. And for obviating Doubts touching the Seizures to which the further Rewards granted by the ſaid recited Act in lieu of the Rewards then payable, and the ſaid recited Proviſions of the ſaid Act, do or ſhall extend; be it declared and enacted, That ſuch Seizures only as ſhall be made for any Offence againſt any Law or Laws of Cuſtoms or Exciſe paſſed for the Prevention of Smuggling, and where the Perſon or Perſons engaged or concerned therein is or are by any ſuch Law or Laws liable, if a *Britiſh* Subject, to Arreſt and Detention, ſhall be deemed and taken to be Seizures in reſpect of which the further Rewards directed by the ſaid recited Act ſhall extend and apply, and be payable and paid; and that all Spirits ſo ſeized for any ſuch Offence as aforeſaid, and the Ships and other Veſſels, Carts and other Carriages, Horſes and other Cattle, ſeized therewith or on account thereof, except by any Cuſtoms Officer or Officers, or any Officer or Officers of His Majeſty's Navy, or acting under the Orders of the Lord High Admiral, or of the Commiſſioners for executing the Office of Lord High Admiral aforeſaid, either ſeparately or jointly with any other

Seizures by the Officers of Exciſe, &c. to be delivered over to the proper Officer, and the Commiſſioners of Exciſe ſhall direct the Payment of Rewards, ſubject to the Orders of the Treaſury.

Perſon or Perſons, not being an Exciſe Officer, or an Officer of His Majeſty's Army or Marines, or any Military or Naval Officer on Half Pay, or any Officer or Perſon employed in the Smuggling Preventive Boat Service as aforeſaid, ſhall be delivered over to and lodged with the proper Officer of Exciſe, and be diſpoſed of or proſecuted to Condemnation by Order of the Commiſſioners of Exciſe, as directed by the ſaid recited Act of the Fifty-ſixth Year aforeſaid; and ſuch Commiſſioners ſhall be authorized to direct and pay all Rewards for the making of every ſuch Seizure and Seizures, except as aforeſaid, and of all Coſts and Expenſes relating thereto, ſubject nevertheleſs to any ſpecial Order and Direction touching the Diſtribution of any ſuch Reward or Rewards which ſhall be given by the Commiſſioners of His Majeſty's Treaſury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to ſuch Commiſſioners of Exciſe, before ſuch Diſtribution has been made.

The whole of the Rewards payable under the recited Act of 56G.3.c.104. to be immediately paid on Condemnation of the Seizure, after deducting 10 per Cent. for Expenſes.

III. And whereas by the ſaid Act it is enacted, that One Half Part of all ſuch Rewards as aforeſaid, after Deduction of all Coſts and Expenſes, ſhall be paid by the Commiſſioners of Cuſtoms or Exciſe reſpectively by whom the Proſecution ſhall be directed, to ſuch Officer or Officers or other Perſon or Perſons who ſhall be entitled to the ſame, immediately upon the Condemnation of any ſuch Seizure, and the other Half Part thereof upon the Account or Accounts relating to ſuch Seizure being finally made up and adjuſted; and that all Coſts and Expenſes attending the Seizure, Detention, Cuſtody, Removal, Proſecution, Condemnation, and Sale of any Ship, Boat, or other Veſſel, Carriage, Horſe, Cattle, Goods, Wares, or Merchandize reſpectively forfeited under any Law or Laws of Cuſtoms or Exciſe, ſhall, except in the Caſes herein-after mentioned, be paid out of the groſs Proceeds ariſing from the Sale of ſuch Seizure, whenever ſuch Goods, Wares, or Merchandize reſpectively are ſold; and in caſe any ſuch Goods, Wares, or Merchandize ſhall not be ſold, but be deſtroyed or otherwiſe diſpoſed of by any Order of the ſaid Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three of them as aforeſaid, all ſuch Coſts and Expenſes ſhall be paid out of His Majeſty's Share of Cuſtoms or Exciſe Seizures which ſhall or may be ſeized or condemned: And whereas it is expedient that the whole of ſuch Rewards as aforeſaid ſhould, for the greater Encouragement of the Officers and Perſons employed for the Prevention of Smuggling, be paid immediately upon the Condemnation of any ſuch Seizure as aforeſaid; be it therefore enacted, That from and after the paſſing of this Act the whole of the Rewards granted by the ſaid Act of the Fifty-ſixth Year aforeſaid ſhall, immediately on the Condemnation of any ſuch Seizure as aforeſaid, be paid as aforeſaid, upon the Value of every ſuch Seizure to be eſtimated or fixed in the Manner directed by the ſaid Act with reſpect to Goods, Wares, and Merchandize, after deducting from ſuch eſtimated Value the Sum of Ten Pounds *per Centum* for the Expenſes attending and occaſioned by ſuch Seizure and Condemnation.

Proviſions of recited Act of 56G.3.c.104. ſhall extend to Perſons appointed by

IV. And be it further enacted, That all and every the Proviſions, Clauſes, Powers, Authorities, Exemptions, Privileges, Protections, Matters, and Things contained in the ſaid Act of the Fifty-ſixth Year aforeſaid reſpecting or relating to Officers of the Army or Navy on Half Pay, ſhall extend and be applied to, and be had, uſed, and exerciſed by ſuch

the Treaſury or the Commiſſioners of the Cuſtoms or Exciſe, to make Seizures.

ſuch Perſon and Perſons as may be authorized and appointed by any Warrant or other Inſtrument to be granted by the Commiſſioners of His Majeſty's Treaſury, or any Three of them, or by the Commiſſioners of Cuſtoms or Exciſe in *England*, *Scotland*, or *Ireland*, to make ſuch Seizures as are in the ſaid Act mentioned, and who ſhall be employed to act in or with the Boat Service eſtabliſhed for the Prevention of Smuggling, as fully and effectually to all Intents and Purpoſes as if the ſame were repeated and re-enacted with reſpect to ſuch Perſon and Perſons in this Act.

Perſons found on board Smuggling Veſſels to pay down the Penalty on Conviction before a Juſtice, who may commit them in Default of Payment.

V. And whereas by an Act made in the Forty-fifth Year of the Reign of His preſent Majeſty, for the more effectual Prevention of Smuggling, it is enacted, that every Perſon being a Subject of His Majeſty, who ſhall be found or taken on board, or diſcovered to have been on board any Ship, Veſſel, or Boat liable to Forfeiture under any of the Proviſions of that Act, or liable to Forfeiture under the Proviſions of any other Act or Acts, for being found or having been at Anchor, or hovering within any ſuch Diſtances of any of the Dominions of His Majeſty, with ſuch Goods on board as ſubject ſuch Ship, Veſſel or Boat, or Goods to Forfeiture, and who ſhall not prove that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat; and every Perſon found aiding or aſſiſting in unſhipping to be laid on Land, or found carrying, conveying, concealing, or aſſiſting in the carrying away, conveying, or concealing any Foreign Brandy, Rum, Geneva, or Spirits ſubject to Forfeiture under that Act, or any Law or Act relating to the Revenue of Cuſtoms or Exciſe in the United Kingdom, ſhall forfeit for every ſuch Offence, either Treble the Value of the Goods that ſhall be found or taken from ſuch Perſon or Perſons, or the Sum of One hundred Pounds, at the Option and ſubject to the Election and Diſcretion of the Commiſſioners of Cuſtoms or Exciſe reſpectively, who ſhall direct any Proſecution or Suit to be commenced againſt any ſuch Perſon, ſuch Penalty of Treble the Value, or of One hundred Pounds, as the Caſe may be, to be recovered as any like Penalty may be recovered under any Act or Acts relating to the Revenue of Cuſtoms or Exciſe in the United Kingdom, and that One Half of every ſuch Penalty of Treble Value or of One hundred Pounds ſhall go and be applied to the Uſe of the Perſon or Perſons finding and taking and detaining ſuch Perſon, or informing for the ſame, and that ſuch Perſon ſhall alſo be liable to ſuch other Puniſhment as may by any Law or Act of Parliament be inflicted on any ſuch Offender; and that it ſhall be lawful for any Officer or Officers of the Army, Navy, Marines, Cuſtoms, or Exciſe, and he and they is and are thereby authorized, empowered, and required to ſtop, arreſt, and detain every ſuch Perſon being a Subject of His Majeſty, and to convey the ſaid Perſon before One or more of His Majeſty's Juſtices of the Peace reſiding near to the Port or Place into which ſuch Ship, Veſſel, or Boat ſhall be taken or carried, or near to the Place where any ſuch Perſon ſhall be ſo taken or arreſted; and it ſhall be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they is and are thereby required, upon Proof on Oath by One or more credible Witneſs or Witneſſes that ſuch Perſon was ſo found or taken or diſcovered as aforeſaid, unleſs any ſuch Perſon found or taken, or having been on board of any ſuch Ship, Veſſel, or Boat, ſhall prove to the Satisfaction of ſuch Juſtice that he was only a Paſſenger on board ſuch Ship, Veſſel, or Boat, to hold ſuch Perſon to Bail, with Two good and ſufficient Sureties in the Sum of One hundred Pounds each, for the Appearance of

ſuch

ſuch Perſon to anſwer to any Indictment or Information that may be brought againſt him in that Behalf, and to pay ſuch Penalty and abide any Judgment for any ſuch Offence; and in default of any ſuch Perſon finding ſuch good and ſufficient Bail as aforeſaid, or until the ſame ſhall be found, to commit ſuch Perſon to any Gaol or Priſon or Houſe of Correction to anſwer as aforeſaid: Provided nevertheleſs, that if any ſuch Perſon ſo found or diſcovered and taken as aforeſaid ſhall be capable and deſirous of entering and ſerving as a Seaman or Marine in any of His Majeſty's Ships of War, it ſhall be lawful for the Officer or Officers of the Army, Navy, or Marines, or of the Cuſtoms or Exciſe, by whom ſuch Perſon was taken, arreſted, and detained as aforeſaid, or for any Juſtice of the Peace or Magiſtrate before whom any ſuch Perſon may be carried, and ſuch Officer and Officers is and are thereby authorized, empowered, and required, inſtead of taking ſuch Perſon before any Juſtice or Magiſtrate, and ſuch Juſtice or Magiſtrate is thereby authorized, inſtead of holding any ſuch Perſon to Bail, to carry and convey or cauſe to be carried or conveyed ſuch Perſon on board any of His Majeſty's Ships of War, in order to his being entered and received as a Seaman or Marine: And whereas it is expedient, for the more ſpeedy Conviction and Puniſhment of all ſuch Offenders as aforeſaid, that ſuch Juſtice and Juſtices as aforeſaid ſhould reſpectively have Power and Authority to hear and determine forthwith any Information againſt any ſuch Perſon or Perſons arreſted under the ſaid recited or any other Act or Acts of Cuſtoms or Exciſe for the Prevention of Smuggling, without any previous Commitment of ſuch Perſon as aforeſaid to Priſon; be it therefore enacted, That it ſhall and may be lawful to and for any ſuch Juſtice or Juſtices of the Peace before whom any ſuch Perſon ſo arreſted as aforeſaid, being a Subject of His Majeſty, and not being fit and able to ſerve His Majeſty in His Naval Service, ſhall be carried, on the Confeſſion of any ſuch Perſon of any ſuch Offence as aforeſaid with which he may be charged in any Information or Complaint to be then and there laid or exhibited by any Officer of Cuſtoms or Exciſe againſt him, or on Proof thereof on the Oath of One or more credible Witneſs or Witneſſes, to convict ſuch Perſon in ſuch Penalty reſpectively as aforeſaid; and every ſuch Perſon ſo convicted as aforeſaid ſhall immediately on ſuch Conviction pay down into the Hands of ſuch Officer the ſaid Penalty in which he or ſhe ſhall be ſo convicted; and if any ſuch Perſon or Perſons ſo convicted ſhall not forthwith pay down the ſaid Penalty, the ſaid Juſtice or Juſtices ſhall and he and they is and are hereby reſpectively authorized and required, by Warrant under his or their Hand and Seal, to commit the Perſon ſo convicted as aforeſaid to any Gaol or Priſon or Houſe of Correction until ſuch Penalty ſhall be paid.

Offenders able to ſerve in the Navy may be impreſſed.

VI. And be it further enacted, That in all Caſes where any Perſon liable to be arreſted under any of the Acts made for the Prevention of Smuggling ſhall be fit and able to ſerve His Majeſty in His Naval Service, and liable under the ſaid Acts or any of them to be impreſſed into ſuch Service, every ſuch Perſon ſo arreſted ſhall be taken before ſuch Juſtice or Juſtices as aforeſaid, and ſhall, upon ſuch Proof as by the ſaid Act of the Forty-fifth Year aforeſaid or any other Act is required, be committed by ſuch Juſtice or Juſtices to Priſon, to anſwer ſuch Information and abide ſuch Judgment as may be thereon given againſt him in that Behalf; and that it ſhall and may be lawful for the Gaoler or Keeper of any Priſon or Houſe of Correction in which ſuch Perſon ſhall be ſo impriſoned, or for

any Officer of Cuſtoms or Exciſe, on the Order of the Commiſſioners of Cuſtoms or Exciſe reſpectively directing the Proſecution to ſuch Gaoler or Keeper and Officer reſpectively, to carry and convey or cauſe to be carried or conveyed any ſuch Perſon on board of any of His Majeſty's Ships of War, in order to his being impreſſed into His Majeſty's Naval Service; and if ſuch Perſon ſhall at any Time or Times after any ſuch Commitment as aforeſaid, and before the Expiration of Five Years from the Time of his Arreſt, eſcape or deſert from or leave ſuch Cuſtody or Service, he ſhall, over and beſide all Puniſhment to which he ſhall be ſubject for ſuch Deſertion, be liable to be at any Time or Times afterwards again arreſted and impriſoned or delivered over as aforeſaid: Provided always, that every Officer or other Perſon who ſhall arreſt any ſuch Perſon or Perſons as aforeſaid, ſo that he ſhall be ſo convicted or committed to Priſon as aforeſaid, ſhall be entitled to and ſhall thereupon have and receive the like Reward as if ſuch Perſon or Perſons were delivered by him over to and impreſſed into His Majeſty's Naval Service; and provided, that no ſuch Juſtice or Juſtices ſhall accept or receive any Bail for any ſuch Perſon ſo arreſted, who ſhall be fit and able to ſerve His Majeſty in His Naval Service, or liable under all or any of the ſaid Acts to be impreſſed into ſuch Service; any Thing in any other Act or Acts to the contrary thereof notwithſtanding.

Condemnation of Seizures to be proceeded in, though the Owners of the Goods do not appear.

VII. And be it further enacted, That from and after the paſſing of this Act, in all Caſes where any Goods, Wares, Merchandize, Boats, Carriages, Horſes, or Cattle ſhall be ſeized as forfeited under any Law or Laws of His Majeſty's Cuſtoms or Exciſe, and no Perſon or Perſons ſhall appear to the Officer or Officers who made ſuch Seizure to claim the ſame, if ſuch Seizure ſhall happen to be made out of the Limits of the Chief Office of Exciſe in *London*, it ſhall and may be lawful for the Officer or Officers who ſhall make ſuch Seizure or Seizures to cauſe public Notice to be given by Proclamation at the next Market Town to the Place or Places where ſuch Seizure or Seizures ſhall have been made, upon the Market Day next after the Expiration of Six Days from the Time of ſuch Seizure or Seizures reſpectively, of the Day and Place when and where the Juſtice or Juſtices of the Peace will proceed to hear the Matter of ſuch Seizure or Seizures, and of Condemnation of the Goods ſo ſeized as aforeſaid, in which Caſe it ſhall and may be lawful for the ſaid Juſtices to proceed to examine into the Cauſe of ſuch Seizure or Seizures, and to give Judgment for the Condemnation of ſuch Goods, and of the Caſks, Veſſels, or other Package or Packages containing the ſame, and of the Boat or Boats, Cart or Carts, or other Carriage or Carriages, Horſe or Horſes, or Cattle ſeized as aforeſaid, as upon due Examination ſhall appear to be forfeited; which Judgments ſhall be as good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever as if the reſpective Owner or Owners thereof, or Perſon or Perſons in whoſe Cuſtody the ſame was or were at the reſpective Time or Times of the Seizure thereof, had been reſpectively ſummoned to attend the ſaid Juſtices.

Penalties of Treble the Value of the Goods how to be adjuſted.

VIII. And be it further enacted, That wherever by any Law or Laws now in force relating to His Majeſty's Revenue of Cuſtoms or Exciſe, a Penalty of Treble the Value of the Goods is impoſed upon any Offender or Offenders, ſuch Offender or Offenders ſhall ſeverally forfeit and loſe for every ſuch Offence

the Sum of One hundred Pounds, or Treble the Value of the Goods, to be eſtimated and taken according to and at the Rate and Rates, Price and Prices, which the beſt Goods, Wares, Merchandizes, and Commodities of the like Sorts, Kinds, and Denominations, and for which the Duty or Duties thereon have been paid, were ſold at the Time of ſuch Seizure, at the Election of His Majeſty's Attorney General, or the Perſon or Perſons who ſhall ſue or proſecute for the ſame; and that no ſuch Penalty ſhall be mitigated by any Juſtice or Juſtices below One-fourth Part thereof; any Thing in any other Act or Acts to the contrary thereof notwithſtanding.

Penalty on Perſons obſtructing Officers, 200 l.

IX. And whereas further Proviſion is neceſſary for the Protection of Officers in the Execution of their Duty, be it therefore enacted, That if any Officer or Officers, or other Perſon or Perſons in the ſaid Act of the Fifty-ſixth Year aforeſaid or this Act mentioned, or other Perſon or Perſons acting in their Aid or Aſſiſtance, being on Shore or going on board, or being on board or returning from on board any Ship, Boat, or Veſſel liable to Search under any Law or Laws now in force relating to His Majeſty's Revenue of Cuſtoms or Exciſe, ſhall be hindered, oppoſed, moleſted, or obſtructed in the due Execution of his or their Office or Duty by any Perſon or Perſons whatſoever, every Perſon or Perſons ſo hindering, oppoſing, moleſting, or obſtructing ſuch Officer or Officers, or other Perſon or Perſons in the due Execution of his or their Office or Duty, or ſo hindering, oppoſing, moleſting, or obſtructing any other Perſon or Perſons acting in their or any of their Aid or Aſſiſtance, and alſo every Perſon and Perſons aiding and aſſiſting any ſuch Perſon or Perſons in the Commiſſion of any ſuch Offence, ſhall forfeit and loſe the Sum of Two hundred Pounds.

To prevent Drawbacks on Goods of unmerchantable Quality.

X. And whereas large Quantities of Goods, on the Exportation of which as Merchandize a Drawback or Drawbacks of Exciſe are payable, have been packed and ſhipped for Exportation on Drawback of ſo bad and unmerchantable a Quality as to be of little or no Value, and have been ſo ſhipped and exported for the Purpoſe only of obtaining ſuch Drawback, to the great Injury of His Majeſty's Revenue; for Remedy whereof be it enacted, That no Drawback or Drawbacks of Exciſe ſhall be paid or payable upon any Goods, Wares, or Merchandize packed or ſhipped for Exportation, which ſhall be of ſo bad and unmerchantable a Quality as not to be worth or of the Value at the leaſt of the Duty or Duties of Exciſe chargeable or ſworn or ſtated in the Notice of ſhipping ſuch Goods, Wares, or Merchandize, required by the ſaid Act of the Fifty-ſixth Year aforeſaid to have been paid thereon, if ſold for Home Conſumption; and that in ſuch Notice as aforeſaid as well the Rate and Amount of the Duty or Duties paid on the Goods, Wares, or Merchandize therein mentioned, as of the Drawback or Drawbacks claimed to be payable on the Exportation thereof, and the Value of ſuch Goods, Wares, and Merchandize, if ſold for Home Conſumption, ſhall be ſtated and made Part of the Deſcription of ſuch Goods, Wares, and Merchandize; any Thing contained in any other Act or Acts to the contrary thereof notwithſtanding.

Packages of Goods for Exportation may be opened to examine the Contents.

XI. And be it further enacted, That in every Caſe where a Notice of ſhipping any Goods, Wares, or Merchandize for Exportation on Drawback ſhall be given, it ſhall be lawful for any Officer or Officers of Exciſe to open any or all of the Package or Packages mentioned or deſcribed in ſuch Notice, and unpack and examine the Contents thereof, and that the Exporter

Exporter or Exporters thereof ſhall, on the Requeſt of ſuch Officer or Officers, repack ſuch Goods (unleſs he, ſhe, or they ſhall chooſe to receive back ſuch Goods unpacked) in the Preſence of a proper Officer or Officers of Exciſe, in order that the ſame may be ſecured and ſealed as by Law is required for Goods packed for Exportation on Drawback, he, ſhe, or they being afterwards allowed and paid by the Commiſſioners of Exciſe the reaſonable Expenſes of ſuch repacking, and ſhall either forthwith ſhip the ſame under the before-mentioned Notice, or give a freſh Notice for that Purpoſe, as the Occaſion may require, and as required by the ſaid Act.

Penalties where other Goods ſhall be ſhipped than thoſe mentioned in Notice, or if Goods ſhipped be again relanded without Payment of Duty.

XII. And be it further enacted, That, if upon Notice being given for ſhipping any Goods, Wares, or Merchandize for Exportation upon Drawback, any other Goods or Packages than ſuch as are mentioned or deſcribed in ſuch Notice ſhall be ſhipped as and for ſuch Goods or Packages mentioned or deſcribed in ſuch Notice or if any of the Packages or Goods mentioned or deſcribed in ſuch Notice ſhall after the Shipment thereof be returned into or relanded in *Great Britain* (Shipwreck and other inevitable Accident excepted) without Payment of the Duty or Duties impoſed upon the Importation of Goods of the like Kind, all ſuch Goods, with the Packages containing the ſame, and the Ship, Boat, or Veſſel from which the ſame ſhall be unſhipped, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of Exciſe; and the Perſon or Perſons ſo offending or aiding or aſſiſting therein ſhall for each and every ſuch Offence forfeit and loſe the Sum of Two hundred Pounds, or Treble the Value of ſuch Goods, at the Election of His Majeſty's Attorney General, or the Perſon or Perſons who ſhall ſue and proſecute for the ſame; and ſuch Penalty ſhall be in addition to the Penalty of the Bond given on the Shipment of any of ſuch Goods for Exportation, and over and beſides all other Forfeitures and Penalties whatſoever.

Penalties how to be recovered and applied.

XIII. And be it further enacted, That all Fines, Penalties, and Forfeitures impoſed by this Act, or by the ſaid recited Act of the Fifty-ſixth Year of His preſent Majeſty, ſhall be ſued for, recovered, levied, or mitigated by ſuch Ways, Means, or Methods (except as herein ſpecially altered) as any Fine, Penalty, or Forfeiture may be ſued for, recovered, levied, or mitigated by any Law or Laws now in force, or by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer in *Scotland* reſpectively; and that One Moiety of every ſuch Fine, Penalty, or Forfeiture ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall inform, diſcover, or ſue for the ſame.

XIV. And whereas by an Act paſſed in the Eighth Year of the Reign
8 G. 1. c. 18. of His Majeſty King *George* the Firſt, intituled *An Act to prevent the clandeſtine running of Goods, and the Danger of Infection thereby, and to prevent Ships breaking their Quarantine, and to ſubject Copper Ore of the Production of the* Britiſh *Plantations, to ſuch Regulations as other enumerated Commodities of the like Production are ſubject*, it is enacted, that if any Boat, Wherry, Pinnace, Barge, or Galley rowing or made or built to row with more than Four Oars, ſhall be found upon the Water, or in any Barge-houſe, Work-houſe, Shed, or other Place within any of the Counties of *Middleſex*, *Surrey*, *Kent*, *Eſſex*, or in the River of *Thames*, either above or below *London Bridge*, or within the Limits of the Ports of *London*, *Sandwich*,

wich, or *Ipſwich*, or the Members or Creeks to them or either of them reſpectively belonging, ſuch Boat, Wherry, Pinnace, Barge, or Galley, with all her Tackle and Furniture, or the Value thereof, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms, and the Owner or Owners thereof, or any Perſon uſing or rowing in ſuch Boat, Wherry, Pinnace, Barge, or Galley, ſhall alſo forfeit and loſe the Sum of Forty Pounds: And whereas it is expedient to make further Proviſion to prevent the Uſe of ſuch Boats, Wherries, Pinnaces, Barges, or Gallies rowing or made or built to row with more than Four Oars; be it therefore further enacted, That the Owner or Owners or any Perſon uſing or rowing in ſuch Boat, Wherry, Pinnace, Barge, or Galley found within the Counties and Places aforeſaid, ſhall forfeit and loſe the Sum of One hundred Pounds, inſtead of the Penalty of Forty Pounds by the before-recited Act.

Penalty on Perſons uſing Boats with more than Four Oars in the Places herein mentioned.

XV. And be it further enacted, That if any Boat, Wherry, Pinnace, Barge, or Galley rowing or made or built to row with more than Four Oars, belonging wholly or in part to His Majeſty's Subjects, or whereof One-half of the Perſons on board ſhall be Subjects of His Majeſty, ſhall be found in any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere on the High Seas, within One hundred Leagues of any Part of the Coaſts of *Great Britain* or *Ireland*, or ſhall be diſcovered to have been within the ſaid Limits, ſuch Boat, Wherry, Pinnace, Barge, or Galley, with all her Tackle and Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of His Majeſty's Navy or Marines, or of the Cuſtoms or Exciſe; and the Owner or Owners thereof, or any Perſon uſing or rowing in ſuch Boat, Wherry, Pinnace, Barge, or Galley, ſhall alſo forfeit and loſe the Sum of One hundred Pounds: Provided always, that this Act ſhall not extend or be conſtrued to extend to any Barge or Galley belonging to or to belong to His Majeſty or any of the Royal Family, or to any Boat, Wherry, Pinnace, Barge, or Galley belonging to and uſed in the Service of any Merchant Ship or Veſſel, or belonging to any Ship or Veſſel in the Service of His Majeſty's Navy, Victualling, Ordnance, Cuſtoms, Exciſe, or Poſt Office, nor to any Boat, Wherry, Pinnace, Barge, or Galley whatſoever, the Owner of which ſhall have a Licence from the Commiſſioners of His Majeſty's Cuſtoms in *England*, *Scotland*, or *Ireland* reſpectively, or any Three of them for the Time being.

Boats of the like Deſcription found in any Part of the Britiſh or Iriſh Channels to be forfeited, and the Owner to forfeit 100l.

But not to extend to certain Veſſels.

XVI. And be it further enacted, That the ſeveral laſt-mentioned Forfeitures and Penalties in this Act mentioned ſhall and may be proſecuted and determined by Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer at *Edinburgh* reſpectively.

Forfeitures how to be proſecuted.

XVII. And whereas by an Act paſſed in the Forty-ſeventh Year of His preſent Majeſty's Reign, intituled *An Act to make more effectual Proviſion for the Prevention of Smuggling*, it is enacted, that no Ship, 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, and not being a Lugger, and at the Time fitted and rigged as ſuch, ſhall have on board or be navigated by a greater Number of Men (Officers and Boys included) than in certain Proportions to the Number of Tons of her Meaſurement, or if a Lugger, alſo in certain Proportions; and that in caſe any ſuch Ship, Veſſel,

47 G. 3. c. 66.

or Boat ſhall be found or diſcovered to have been within certain Limits or Diſtances of the United Kingdom, having on board any greater Number of Men than in ſuch Proportions, every ſuch Ship, Veſſel, or Boat, and all her Guns, Furniture, Ammunition, Tackle, and Apparel ſhall be forfeited: And whereas the Object of the above in part recited Clauſe was to prevent Veſſels engaged in illicit Practices from having a greater Number of Men than was neceſſary for their Navigation, which Exceſs enabled them the better to carry on ſuch illicit Proceedings; and as it is expedient that ſquare-rigged Veſſels ſhould not be ſo reſtricted, in order that a greater Opportunity may be afforded for the Employment of Seamen of the United Kingdom; be it therefore enacted, That nothing in the ſaid recited Clauſe ſhall extend or be conſtrued to extend to forfeit any Ship or Veſſel which ſhall be ſquare-rigged, by reaſon of any Man or Men exceeding the aforeſaid Proportions.

Proviſion of recited Act reſtricting the Number of Hands to the Tonnage of the Veſſel not to extend to ſquare-rigged Veſſels.

Commiſſioners of the Cuſtoms may grant Licence to Veſſels though not at the Port to which they belong.

XVIII. And whereas by the aforeſaid recited Act, paſſed in the Fifty-ſixth Year of the Reign of His preſent Majeſty, it is required that the Owner or Owners of any Ship, Veſſel, or Boat requiring a Licence ſhall give the neceſſary Security for the ſame, at the Port to which ſuch Ship, Veſſel, or Boat ſhall belong, and no other: And whereas it may happen that ſuch Ship, Veſſel, or Boat may not be at the Port to which ſhe is to belong at the Time when a Licence and Security ſhall become neceſſary; be it therefore enacted, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms in *England*, *Scotland*, or *Ireland*, or any Three or more of them reſpectively, in ſuch Caſes, on Proof to their Satisfaction that the Maſter or Owner of ſuch *Britiſh* Veſſel or Boat really and *bonâ fide* intends to proceed without Delay (Wind and Weather permitting) to the Port at which ſhe belongs, or is intended to belong, to grant a Certificate to ſuch Maſter or Commander of ſuch Ship, Veſſel, or Boat, of ſuch Proof having been given, by virtue of which Certificate ſuch Ship, Veſſel, or Boat, ſhall not be liable to Seizure on account of not being licenſed, ſo long as ſuch Ship, Veſſel, or Boat ſhall be in due Courſe of her Voyage (Wind and Weather permitting) to the Port at which ſhe belongs or is intended to belong.

Sureties in Caſes of Licence to make Oath of their Sufficiency.

XIX. And whereas it is required that the Perſons who are to become Security ſhall be Perſons approved by the Collector and Comptroller of the Cuſtoms ſufficient and reſponſible, and it is expedient to require further Satisfaction as to ſuch Sufficiency and Reſponſibility; be it therefore further enacted, That the Perſons who are intended to become Security, ſhall make Oath before the Collector and Comptroller of the Cuſtoms (who are hereby authorized to adminiſter the ſame), that they are reſpectively poſſeſſed of ſufficient Property to anſwer and pay the Sum for which they intend to become Security.

Commiſſioners of the Cuſtoms may grant Deputations to Perſons to make Seizures.

XX. And whereas it is expedient, for the more effectual Execution of the Laws now in force or hereafter to be made for the Benefit of His Majeſty's Revenue of Cuſtoms, and the Suppreſſion of Smuggling, that the Commiſſioners of His Majeſty's Cuſtoms ſhould be empowered to grant their Deputations to any ſuch Perſon or Perſons as they may think fit, although he or they may not hold any ſpecific Office under the ſaid Revenue, authorizing him or them to make Seizures of any Wine, Spirituous Liquors, Tea or Tobacco, or any prohibited *Eaſt India* or *French* Goods, or any other

Goods ſpecified in ſuch Deputation, which may be ſubject to Seizure under any Law or Laws relating to the Revenue of Cuſtoms or Exciſe reſpectively, or any Veſſel, Boat, Horſe, Cattle, or Carriage uſed or employed in the Importation or Removal of ſuch prohibited or run Goods; be it therefore enacted, That from and after the paſſing of this Act it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms in *England*, or any Four or more of them for the Time being, or for the Commiſſioners of His Majeſty's Cuſtoms in *Scotland*, or any Three or more of them for the Time being, to grant their Deputation to any Perſon or Perſons to make Seizures of Wine, Spirituous Liquors, Tea, or Tobacco, or any prohibited *Eaſt India* or *French* Goods, or any other Goods ſpecified in ſuch Deputation, which may be ſubject to Seizure under any Law or Laws relating to the Revenue of Cuſtoms or Exciſe reſpectively, or any Veſſel, Boat, Horſe, Cattle, or Carriage uſed or employed in the Importation or Removal of ſuch prohibited or run Goods, although ſuch Perſon or Perſons ſhall not hold or be appointed to any Office or Offices of the Cuſtoms at any ſpecific Port or Place; and ſuch Perſon or Perſons ſo deputed ſhall and may make ſuch Seizures in like Manner as any Officer or Officers of the Cuſtoms; and ſuch Perſon or Perſons ſhall be ſubject to the like Penalties as Officers of the Cuſtoms; and all Seizures made by ſuch Perſon or Perſons ſo deputed ſhall be ſued for, proſecuted, and recovered by the like Means, Ways, and Methods as any Seizure made by Officers of the Cuſtoms or Exciſe may by any Law or Laws now in force be ſued for, proſecuted, and recovered.

Veſſels of the Deſcription herein mentioned found within certain Limits ſhall be forfeited.

XXI. And whereas by the aforeſaid Act paſſed in the Fifty-ſixth Year of the Reign of His preſent Majeſty, it is enacted, that from and after the Firſt Day of *January* One thouſand eight hundred and ſeventeen, every Ship or Veſſel belonging in the Whole or in any Part to any of His Majeſty's Subjects, whereof One Half of the Perſons on board are Subjects of His ſaid Majeſty, and being a ſquare-rigged Ship or Veſſel of the Burthen of Two hundred Tons and upwards, the Difference of whoſe Draught of Water forward and aft ſhall exceed One Inch and One Quarter of an Inch for every Foot of the Breadth of ſuch Ship or Veſſel, ſuch Draught of Water to be aſcertained by a ſtraight Line along the Rabbit of the Keel, adding to ſuch Draught of Water forward and aft the Depth of the Main Keel in the Middle of the ſaid Ship or Veſſel on the Outſide, and the Draught of Water to be taken when the ſaid Ship or Veſſel, whether light or loaded, ſhall be in Sailing Trim, which ſhall be found in the Limits of any Port of this Kingdom, or within any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere within One hundred Leagues of the Coaſt of this Kingdom, for which a Licence ſhall not have been procured from the Commiſſioners of Cuſtoms for navigating the ſame, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of His Majeſty's Army, Navy, or Marines, or of the Cuſtoms or Exciſe: And whereas it is expedient that the ſaid laſt in part recited Act ſhould be repealed, and other Proviſions made; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this Act, every Ship or Veſſel belonging in the Whole or in Part to any of His Majeſty's Subjects, or whereof One Half of the Perſons on board are Subjects of His ſaid Majeſty (not being a ſquare-rigged Ship or Veſſel of the Burthen of Two hundred Tons or upwards,) the Difference of whoſe Draught of Water forward and aft ſhall exceed One Inch and One Quarter of an Inch

Inch for every Foot of the Breadth of ſuch Ship or Veſſel, ſuch Draught of Water to be aſcertained by a ſtraight Line along the Rabbit of the Keel, adding to ſuch Draught of Water forward and aft the Depth of the Main Keel in the Middle of the ſaid Ship or Veſſel on the Outſide, and the Draught of Water to be taken when the ſaid Ship or Veſſel, whether light or loaded, ſhall be in Sailing Trim, which ſhall be found in the Limits of any Port of this Kingdom, or within any Part of the *Britiſh* or *Iriſh* Channels, or elſewhere within One hundred Leagues of the Coaſt of this Kingdom, for which a Licence ſhall not have been procured from the Commiſſioners of the Cuſtoms for navigating the ſame, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of His Majeſty's Army, Navy, or Marines, or of the Cuſtoms or Exciſe.

Act may be altered this Seſſion.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1817.