



UNIVERSITY LIBRARY

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

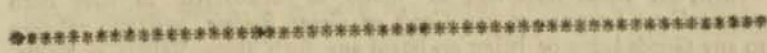
PRODUCTION NOTE

Unica Project
Rare Book and Manuscript Library
University of Illinois at
Urbana-Champaign Library
Large-scale Digitization Project, 2007.



ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.



C A P. LXXXII.

An Act to alter, amend, and render more effectual an Act, made in the Twenty-fourth Year of the Reign of His present Majesty, for the more effectual Prevention of Smuggling in *Great Britain*.
[22d June 1802.]

WHEREAS by an Act passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the more effectual Prevention of Smuggling in this Kingdom*, and by several other Acts made since the passing of the said recited Act, certain Ships, Vessels, and Boats in the said Act respectively particularly described, are, if found at Anchor, or hovering within the Limits of any of the Ports of *Great Britain*, or within Four Leagues of the Coast thereof, or discovered to have been within the said Limits or Distances under certain Circumstances, subject and liable to Forfeiture, together with all the Goods laden on board any such Ship, Vessel, or Boat, and the Guns, Furniture, Ammunition, Tackle, and Apparel thereof: And whereas it is expedient for the more effectual Prevention of the Practice of Smuggling, and the Protection of the publick Revenue and the fair Trader, that the Provisions of the Laws now in force relating

24 Geo. 3.
c. 47.

Vessels described in the recited Act, or any other Act for the Prevention of Smuggling, found hovering within Eight Leagues of the Coast of Great Britain, shall be forfeited, with the Cargo, &c.

to such Ships, Vessels, and Boats, and to the Prevention of the clandestine Importation and Running of prohibited Goods, and Goods liable to Duties, should be extended; 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, every Ship, Vessel, and Boat described in the said recited Act, or any other Act or Acts passed for the extending the Provisions thereof, or for the better Prevention of Smuggling, and which would, under and by virtue of any of the Provisions of the said recited Act, or any other such Act or Acts as aforesaid in force on and immediately before the passing of this Act, be subject and liable to Forfeiture for hovering, or being found or discovered to have been within Four Leagues of the Coast of Great Britain, shall, together with all Goods laden on board, and the Guns, Furniture, Ammunition, Tackle, and Apparel, be subject and liable to Forfeiture if hovering, or found or discovered to have been within Eight Leagues of the Coast of Great Britain, under any of the Circumstances in the said recited Act, or any other such Act or Acts as aforesaid, specified, described, or mentioned; and the said recited Act, and all other Acts in force on and immediately before the passing of this Act, and all Clauses, Provisions, Powers, Authorities, Forfeitures, Penalties, Restrictions, Exemptions, Exceptions, Matters, and Things therein contained, relating to Ships, Vessels, or Boats hovering, or found or discovered to have been within Four Leagues of the Coast of Great Britain, and also relating to any Goods laden or being on-board any such Ships, Vessels, or Boats, and the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, shall be, and the same is and are hereby extended, and hereby directed and declared severally and respectively to extend, and shall from and after the passing of this Act, be deemed and construed to extend, and shall apply and be in full Force, and applied and put in Execution, as to all Ships, Vessels, and Boats described in any such Act or Acts as aforesaid, which shall, under any of the Circumstances specified, described, or mentioned in any such Act or Acts as aforesaid, be hovering, or found or discovered to have been within Eight Leagues of the Coast of Great Britain, and also to all Goods laden on board any such Ships, Vessels, or Boats, and the Guns, Furniture, Ammunition, Tackle, or Apparel thereof, in as full and ample a Manner to all Intents and Purposes as if the said Act and Acts, and all the Clauses, Provisions, Powers, Authorities, Forfeitures, Penalties, Restrictions, Exemptions, Exceptions, Matters, and Things relating thereto, were particularly and expressly repeated and re-enacted in the Body of this present Act, as to such Distance of Eight Leagues as aforesaid.

Pains and Penalties and all Clauses contained in the recited Act etc. relating to Vessels described therein, found hovering within Four Leagues of the Coast, shall extend to

II. And be it further enacted, That, from and after the passing of this Act, all Pains, as well Pains of Death as other Pains, and all Forfeitures, Fines, and Penalties, and all Provisions, Powers, Authorities, Rules, Regulations, Restrictions, Exemptions, and Exceptions contained in the said recited Act, or any other Act or Acts of Parliament, in force on and immediately before the passing of this Act, and every Clause, Matter, and Thing therein contained, relating to any Ships, Vessels, or Boats, described in the said recited Act, or any other Act or Acts now in force for the Prevention of Smuggling, hovering, or found or discovered to have

have been within Four Leagues of the Coast of *Great Britain*, or to any Goods laden on board any such Ship, Vessel, or Boat, or any Guns, Furniture, Ammunition, Tackle, or Apparel thereof, or to any Master or other Person having or taking the Charge or Command, or any other Person on board of any such Ship, Vessel, or Boat, shall extend, and be deemed, construed, and taken to extend, and shall apply and be in full Force, and put in Execution in all Cases, and for all Purposes, as to all such Ships, Vessels, or Boats as aforesaid, hovering, or found or discovered to have been within Eight Leagues of the Coast of *Great Britain*; and as to all Goods laden on board any such Ship, Vessel, or Boat, and as to every Master or other Person having or taking the Charge or Command, or other Person on board of any such Ship or Vessel as aforesaid, in as full and ample a Manner, to all Intents and Purposes, as if the said Act and Acts, and all Pains, as well Pains of Death as other Pains, and all Forfeitures, Fines, and Penalties, Provisions, Powers, Authorities, Rules, Regulations, Restrictions, Exemptions, Exceptions, Clauses, Matters, and Things relating thereto, and contained and enacted therein, were particularly and expressly repeated and re-enacted in the Body of this present Act, as to such Distance of Eight Leagues as aforesaid; any Thing in any Act or Acts to the contrary notwithstanding.

such Vessels hovering within Eight Leagues, and to their Car-goes, &c.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter such Distance of Four Leagues as aforesaid as to that Part of the Coast of *Great Britain* which is between the North Foreland on the Coast of *Kent* and *Beachy Head* on the Coast of *Suffex*: Provided nevertheless, that such Distance of Eight Leagues, in this Act mentioned, may and shall be measured in any Direction between the Southward and Eastward of *Beachy Head*; and that this Act, and all the Provisions thereof shall extend, and be deemed and construed to extend, to such Limits and Distance of Eight Leagues in every Direction from *Beachy Head*, although any Part of such Limits so extended may exceed the Distance of Four Leagues before mentioned, from any Part of the Coast of *Great Britain* to the Eastward of *Beachy Head* aforesaid.

Act not to alter such Distance of Four Leagues as to the Coast between the North Foreland and Beachy Head, &c.

IV. And be it further enacted, That if on any Trial relating to the Seizure or Forfeiture of any such Ship, Vessel, or Boat, or Tackle, Apparel, Guns, Furniture, or Ammunition thereof, or any Goods laden on board the same respectively, hovering, or being found, or discovered to have been within any Limits or Distances mentioned in the said recited Act or this Act, or any other Act or Acts made for the Prevention of Smuggling, or seized as or proceeded against in due Course of Law for hovering, or so found or discovered as aforesaid, it shall appear to the Jury impannelled on such Proceeding as aforesaid, that, from the Evidence given on such Trial, it is doubtful whether such Ship, Vessel, or Boat, was within such Limits or Distances as aforesaid, but it shall nevertheless at the same Time be made appear to the Satisfaction of such Jury, and such Jury shall be fully satisfied, that such Ship, Vessel, or Boat, had on board prohibited Goods or Goods liable to the Payment of Duties, and was then bound for or hovering on the Coast of *Great Britain*, for the Purpose of the clandestine Importation or illegal running of the same, it shall be lawful for such Jury to find a Verdict for the Crown, as to any such Ship,

Though on any Trial relating to Seizures it shall appear doubtful whether the Vessel was within the Limits above mentioned, yet the Jury shall find a Verdict for the Crown, if they are satisfied that the Vessel had prohibited Goods on board, &c.

Ship, Vessel, or Boat, and any Goods laden on board, and the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, in like Manner as if it had been fully proved that such Ship, Vessel, or Boat, was hovering or found, or had been discovered to have been within any such Limits or Distances as aforesaid.

Act not to alter such Limits, etc.

V. Provided always, That nothing herein contained shall be construed to extend to alter any such Limits or Distances, or to any Cases in which there shall not be Doubt as to whether such Ship, Vessel, or Boat, in respect whereof any such Question shall arise, was hovering, or found or discovered to be within such Limits or Distances respectively as aforesaid.

Persons making Lights, or Fires, etc. on the Coast of Great Britain at certain Times for the Purpose of giving Signals to Smuggling Vessels, shall forfeit 100*l*.

VI. And whereas the illicit Importation and fraudulent landing of Goods are greatly facilitated, and great Hazard and Danger occasioned to the Lives and Properties of Persons navigating Vessels on the Coasts of *Great Britain*, by the temporary and occasioned Lights, Fires, and Blazes made by Persons on or from the Coast and Shores of *Great Britain*, as private Signals to Smuggling Vessels; be it therefore enacted, That, from and after the passing of this Act, if any Person shall, after Sun-set and before Sun-rise between the Twenty-first Day of *September* and the First Day of *April*, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning, between the last Day of *March* and the Twenty-second Day of *September*, make, or aid or assist in the making, or be present for the Purpose of aiding and assisting in making any Light, Fire, or Blaze, or any Signal by Smoke, or by Rockets, Fire Works, Flags, firing of Guns, or other Fire Arms, or any other Contrivance or Device on or from any Part of the Coast or Shores of *Great Britain*, for the Purpose of making or giving any Signal to any Person or Persons on board any Smuggling Ship, Vessel, or Boat, or any Ship, Vessel, or Boat, hovering or found, or discovered to have been within any Limits or Distances mentioned in this Act, or any former Act or Acts passed for the Prevention of Smuggling, such Person shall, for each and every Offence, forfeit and pay the Sum of One hundred Pounds.

In what Manner such Penalties shall be recovered and applied.

VII. And be it further enacted, That every such Penalty of One hundred Pounds by this Act imposed, may be sued for and prosecuted at any Time within Twelve Months after the Offence shall have been committed, and may be recovered either by Information or otherwise, in His Majesty's Court of Exchequer at *Westminster*, and levied as any Fine, Penalty, or Forfeiture may be sued for, recovered, or levied under any Act or Acts made for the securing the Revenue of Customs, or by Information or Indictment before the Justices at the Quarter Sessions of the Peace nearest to the Place where such Offence or Offences as aforesaid, shall or may be committed; and Three Fourth Parts of every such Penalty shall be to His Majesty, His Heirs and Successors, and the remaining Fourth Part to the Person who shall inform, discover, or sue for the same.

Commissioners of Customs or Excise may order the Charges of

VIII. And be it further enacted, That it shall be lawful for the Commissioners of Customs and Excise respectively, and they are hereby empowered to order the Charges of any Prosecution before any Justices

at



at Quarter Sessions for any such Offence as aforesaid, to be paid out of any Money in the Hands of the Receiver General of the Customs and Excise respectively, arising by any Branch of the Revenue under their respective Management; and in every Case where the said Court of Exchequer, or any such Justices as aforesaid, shall in lieu of levying or causing to be levied any such Penalty, commit any such Offender to a House of Correction, it shall be lawful for the said Commissioners respectively, to order and direct any Sum not exceeding Twenty-five Pounds to be paid out of any like Monies as aforesaid to any Person or Persons who shall have informed against, discovered, or prosecuted any such Offender as aforesaid.

Prosecution before any Quarter Sessions to be paid out of the Revenue; and when the Offender shall be committed to the House of Correction, they shall order a Sum not exceeding 25 l. to be paid the Informer.

IX. And be it further enacted, That it shall and may be lawful for such Justices by their Order or Warrant, to levy every Penalty and Forfeiture incurred by any Offender or Offenders against this Act, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and in case such Offender or Offenders have not nor hath Goods or Chattels sufficient to answer the Penalty or Penalties against him, her, or them, recovered, then without any Warrant for the Purpose, or if such Penalty or Penalties cannot be wholly levied by virtue of the Warrant or Warrants which shall be for that Purpose issued, such Justices shall and lawfully may commit every such Offender or Offenders to the Common Gaol or House of Correction of the County or Place in or for which such Justices shall then act, there to remain without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, unless the Whole of such Penalty or Penalties shall be sooner paid.

Penalties how to be recovered.

X. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Officer or Officers of the Customs or Excise, and for all other Persons acting in their Aid and Assistance, to put out, extinguish, and destroy any such Light, Fire, or Blaze, or any Smoke, Signal, Rocket, Firework, or other Contrivance or Device so made as aforesaid for any such Purpose as aforesaid, and for that Purpose to go on any Lands without being deemed to be, or being liable to any Action or Prosecution for any Treasons; and also to arrest, stop, and detain all and every Person and Persons who shall be found making, or aiding or assisting in making any such Light, Fire, Blaze, Smoke, Signal, Rocket, Firework, or other Contrivance or Device; and such Officer or Officers, and all Persons acting in their Aid and Assistance, shall forthwith carry and convey any Person or Persons so arrested as aforesaid, before One or more of His Majesty's Justice or Justices of the Peace residing near to the Place where such Offence shall be committed, and such Justice or Justices shall proceed against such Person as a Rogue and Vagabond, in Manner herein-after mentioned, or if he or they see Cause, require any such Person to give Bail in the Sum of Two hundred Pounds for his Appearance, to answer any Prosecution for such Offence, or in Default of giving such Bail, commit such Person or Persons to the next County Gaol, there to remain until the succeeding Term, or next General Quarter Sessions of the Peace to be holden for the same County or Place as the Case

Officer of Customs or Excise may extinguish Lights, &c. made for Signals, and convey Persons making the same before a Justice, who shall proceed against them as Rogues and Vagabonds, &c.

may be; and every Person who shall assault, resist, oppose, molest, obstruct, or hinder any Officer or Officers of Customs or Excise in any such Duty as aforesaid, shall be liable to such and the like Prosecution for the same, as any Person is by any Law or Laws of Customs or Excise now liable to, for assaulting, resisting, opposing, molesting, obstructing, or hindering any Officer of Customs or Excise in the due Execution of their Duty.

Persons so found making Lights, &c. shall be deemed Rogues and Vagabonds, within the Meaning of 17 Geo. 2. c. 5.

XI. And be it further enacted, That every Person who shall be found making, or aiding or assisting in the making any such Light, Fire, or Blaze, or Signal as aforesaid, for any such Purposes as aforesaid, shall be deemed a Rogue and Vagabond within the true Intent and Meaning of an Act of the Seventeenth Year of the Reign of His said late Majesty, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*, and shall be punishable as such Rogue and Vagabond accordingly; and all Persons who shall be found offending against this Act in the Manner above mentioned shall and may be apprehended and conveyed before such Justice or Justices of the Peace, as in and by the said recited Act in relation to the Rogues and Vagabonds therein described, is directed; and the Justice or Justices before whom such Offender shall be brought, such Offender not having been sued or prosecuted for the same Offence, without Covin or Collusion aforesaid, shall and may, upon full and sufficient Proof of the Offence, in the Manner in and by the said recited Act directed, order such Offender to be sent to the House of Correction, there to remain until the next General or Quarter Sessions of the Peace, for the County, Riding, Division, or Place where the said Offence was committed; and the Justices at such Sessions shall enter upon the Examination of the Case, and proceed therein according to the Directions of the said recited Act of the Seventeenth Year of His said late Majesty; and all Justices of the Peace, Mayors, Bailiffs, Constables, Headboroughs, and other His Majesty's Civil Officers within their respective Jurisdictions, are hereby empowered and strictly required to use their utmost Endeavours to prevent the committing of any of the Offences aforesaid by all lawful Ways and Means, and shall be and are hereby indemnified for any Thing done in Execution of this Act.

Powers of 17 Geo. 2. c. 5. extended to this Act for the Purpose of punishing such Offenders.

XII. And be it further enacted by the Authority aforesaid, That all other the Powers, Authorities, Rules, Directions, Punishments, and Provisions prescribed and inflicted in and by the said recited Act of the Seventeenth Year of His said late Majesty, for the apprehending, securing, and punishing Persons as Rogues and Vagabonds within the true Intent and Meaning of the said Act, not hereby altered, shall be applied and carried into Execution, in relation to the Persons hereby declared to be Rogues and Vagabonds, as fully to all Intents and Purposes as if the same Powers, Authorities, Rules, Directions, Punishments, and Provisions, and every of them, had severally and respectively been re-enacted in this Act.

Persons shall be liable to be prosecuted only Once for the same Offence.

XIII. Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be liable to be prosecuted for any Offence against this Act, by both the Ways by this Act prescribed;

nor

nor shall any Person against whom any Action, Suit, or Information, for the Recovery of a pecuniary Penalty, hath been commenced and carried on with Effect, be liable to Imprisonment as a Rogue and Vagabond under this Act, for the same Offence; and that where any Person shall be convicted and sentenced to Imprisonment, as a Rogue and Vagabond, under this Act, such Person shall not be liable afterwards to be prosecuted for any pecuniary Penalty for the same Offence.

XIV. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if the Jury shall find for the Defendant or Defendants in any such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same, as any Defendant hath in any other Cases to recover Costs by Law.

Limitation of
Actions.

Treble Costs

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1802.

