

210-13



S O M E  
C O N S I D E R A T I O N S

Humbly offered to the Publick,

C O N C E R N I N G

The R E V E N U E of the C U S T O M S,

*Viz.*

On the present Laws of I M P O R T A T I O N, and E X -  
P O R T A T I O N, to and from Foreign Parts, and  
Coastways ; setting forth wherein they are D E -  
F E C T I V E, and how E V A D E D.

T O G E T H E R W I T H

Some P R O P O S A L S for effectually preventing the  
Frauds and Abuses in that Revenue.

B Y P R O V I D I N G

A few more easy Checks, and Restraints, suitable  
to the antient Constitution and Genius of the  
People of these Realms.

L O N D O N :

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M.DCC.LII.



S O M E

## C O N S I D E R A T I O N S

humbly offered, &amp;c.

**N**otwithstanding the several laws already made, for preventing frauds and abuses in the customs, it is still found, by daily experience, that very considerable quantities of goods are run on shore without payment of duties, and goods exported on bounties, and draw-backs re-landed; to the great encouragement of the fraudulent, and detriment of the fair trader, and of the revenue, in which the whole nation is interested: for remedy whereof, it is humbly proposed to offer, in the following sheets, a view of the laws of importation, and exportation, to and from foreign parts, and coastways; wherein they are defective, and how evaded; together with some considerations, and methods, for effectually preventing such unlawful practices for the future.

*Laws*

*Laws concerning Importation of Goods  
from foreign Parts.*

Anno 1 Eliz.  
cap. xi. §. 5. **I**T is enacted, that no master, &c. of any ship or vessel, shall deliver, or suffer to be put into any lighter, &c. any goods, &c. without declaring to the officers of the customs, the names of every merchant, &c. and to answer all questions upon oath, on forfeiture of 100 l.

An. 12 Ca. II.  
cap. xviii. §. 1. No goods shall be imported into, or exported out of, any lands, &c. to his majesty belonging, but in such ships and vessels as truly belong to the people of *England*, &c. and whereof the master, and three-fourths of the mariners at least are *English*, under the forfeiture of the ship and goods. --- *N.B.* By anno 5 *Annæ*, cap. 8. *Scotch* ships are accounted *British*.

Section 4. No goods of foreign growth shall be shipped or brought from any other place or country, but from such only as are the growth or manufacture thereof, or from those ports where such goods are usually shipped for transportation, and from no other country, under the forfeiture of all such goods, and also the ship in which they were imported, &c.

An. 14 Ca. II.  
cap. xi. §. 2. No ship or vessel, arriving from any parts beyond the seas, to be above three days coming from *Gravesend* to the place of

of her discharge, &c. and then, or before, the master or purser to make entry, upon oath, of the burthen, contents, and lading; with the particular marks, numbers, qualities, and contents, of every parcel of goods therein contained, &c. and in all out-ports, to come directly to the place of unlading, &c. and to make entries as aforesaid, on the penalty of 100 l.

Officers of the customs are impowered An. 14 Car. II.  
cap. xi. §. 4. to enter aboard any ship or vessel, &c. and from thence to bring on shore into his majesty's storehouse, all small parcels of fine goods, or other goods, which shall be found in cabins, chests, trunks, or other small package, or in any private or secret place in or out of the hold, &c. and the officers of the customs, &c. are impowered to remain on board unmolested, until all the goods are discharged; and if the master, &c. suffers the package of any goods to be opened or embezzled, he forfeits 100 l.

If any goods &c. are concealed on board any ship or vessel after the ship is cleared, duty not being paid, the master forfeits 100 l. Section 5.

Every person, &c. that shall forcibly hinder, beat or abuse any officer, &c. in the execution of his office, shall be committed to prison till the next quarter sessions, whom the justices of the peace are Section 6.

are empowered to punish by fine, not exceeding 100 l. and there to remain till he be legally discharged, or discover the person or persons that set him to work.

Ann. 14 Car. II.  
cap. xi. §. 7.

Masters, &c. knowing or consenting to the unshipping any goods, out of any ship homeward bound, without a warrant, or presence of an officer, forfeits the value of the goods so unshipped.

Anno 8 Annæ  
cap. vii. §. 30.

Goods, &c. unshipped, (customs and other duties not being first paid and secured) forfeited. And also the persons assisting, or otherwise concerned in unshipping the same, or to whose hands such goods shall knowingly come, are to forfeit treble the value, with vessels, boats, horses, &c.

Ann. 5 Geo. I.  
cap. xi. §. 4.

Goods not reported, and found after the ship is cleared, forfeited.

Ann. 7 Geo. I.  
cap. xx. §. 4.

Treasure or effects shipped for the *East-Indies*, (except the company's, or licensed by them, or stores, &c. for the ship) or taken out of such ship homeward, forfeited, and double the value, and the commander, or other officer, knowingly permitting the same, forfeits 1000 l. and his wages.

Ann. 8 Geo. I.  
c. xviii. §. 6.

Persons found passing knowingly with any foreign goods, landed without payment of duties, within 20 miles of the coast, and more than five in company, or shall carry any offensive weapons, or wear any disguise, or shall forcibly hinder

der or resist any of the officers of the customs or excise, (in their duty,) shall be deemed runners of goods, and after conviction, adjudged guilty of felony, and to be transported.

Persons harbouring prohibited goods or run goods, &c. liable to duties, forfeits the goods and treble the value. Ann. 11 Geo. I. c. xxx. §. 16.

Prohibited, or run goods, offer'd to sale, may be seized by the party to whom offered, or by any officer of the customs or excise. Section 18.

Besides the goods, the person forfeits treble the value. Section 19.

Prohibited or run goods, may be seized on, and taken from the buyer by the seller, or by any officer, &c. Section 20.

Buyer also forfeits treble the value besides the goods. Section 21.

Goods found concealed in false bulk heads, between the linings, and false knees, or in concealed lockers, or in the ballast, or false package, and other private places of the ship, after the master's report at the custom house, and which are not comprised therein are forfeited, and the master, &c. forfeits treble the value of such goods, in case it can be made appear he was any ways consenting, or privy to such fraud. Ann. 9 Geo. II.

And further, persons forcibly opposing, wounding, or beating, any officer of the customs, or excise, on board any ship,

ship, vessel, or boat, within the limits of any port, &c, in the due execution of his office, or duty, to be transported, not exceeding seven years.

Thus much of the laws concerning importation of goods from foreign parts.

*Defects in the Laws of Importation, and how evaded.*

**N**OTwithstanding the aforefaid acts of parliament, many frauds and abuses are daily found not to be remedied thereby.

1<sup>st</sup>. That very great and considerable quantities of goods, wares, and merchandizes, in bales, chests, trunks, boxes, casks, and other package, are often stowed, in the cabbins, gun room, bread room, lazaretta, and between decks, as well as in the hold of almost all ships and vessels, arriving from parts beyond the seas, and clandestinely run on shore, without payment of duties, by being secretly conveyed out of the cabin windows, head doors, port holes, and other places, into boats and wherries continually waiting for that purpose, which the officers of the customs cannot possibly prevent, notwithstanding their power of bringing on shore into his majesty's storehouse all small parcels of fine goods, &c.

2<sup>d</sup>, That

2<sup>d</sup>. That the owners of such boats and wherries, are so very impudent and audacious, as often to carry off by force, such uncustomed and prohibited goods, in bales, chests, trunks, boxes, casks, &c. in the very sight and presence of the officers of the customs, who not knowing the several species of goods therein contain'd, are not able to prosecute the offenders for such illegal practices.

3<sup>d</sup>. That the running of such goods, wares and merchandizes, is carried on by the masters, mates, supercargoes, purfers, gunners, boatswains, and sailors of ships, for themselves or for the merchants, in the night time, and in blowing weather, and in the day time when opportunity offers (which too often happens) either before the master makes an entry or report of his lading at the custom-house, or afterwards whilst the cargo is delivering, which goods are always omitted in such report on purpose to defraud the customs, &c. And if by some accident or other such goods are prevented from being run, then the master, &c. or the merchant, has at last this subterfuge, to enter them on leave granted to make a post report. And as to the penalty of 100 l. incurr'd by the master for making a false entry or report, it is not recoverable, for want of being able to prove that the master of the ship had know-  
B ledge

ledge of the coming on board of such goods, to which he always pretends ignorance; as was the case of *Tobias Jewers*, master of the *Chandois* sloop from *Holland*, when a verdict was given against the king.

*4th.* And although the masters of all ships and vessels should not be above three days coming from *Gravesend* to the place of their discharge, and then, or before, should make a true entry or report at the customhouse of their lading upon oath, to the best of their knowledge, and in all out ports come up directly to the place of unlading, and make entry or report as aforesaid; yet by reason of sundays and holydays often intervening, together with many other accidents, it is frequently a week before the same is made, and when made, it is always to the collector or customer inwards, or comptroller or their deputies of the port, which entry or reports seldom or never come soon enough into the hands of any of the surveyors and tidemen, who are the only persons appointed to guard all ships and vessels, from running, either prohibited goods, or any uncustomed goods on shore, from their arrival till their cargoes are delivered.

*Checks*

*Checks for remedying the aforesaid Evils.*

**I**T is proposed that every master, purser, or other person, taking charge of any ship or vessel, over and above and before what is required of him by the aforesaid laws, shall, upon his arrival from foreign parts, into any port, member, or creek, in *Great Britain*, immediately deliver to the surveyor, or other proper officer of the customs, as soon as he comes on board, a true manifest, or inventory, in writing under his hand, containing the particular marks, numbers, qualities, and contents, of every parcel of goods, wares, or merchandizes, contained in the hold, or any other part of such ship, or vessel; and that every such master, &c. or some person or persons for him, should, as soon as his ship or vessel is moored, assist the said officer or officers, to examine and compare such manifest or inventory, with the marks, numbers, and contents, of all goods, wares, or merchandizes, as shall be found stowed in the cabin, gun room, bread room, lazaretta, and between decks, and in all other places in such ship or vessel, as they should see occasion to examine, except in the hold of such ship or vessel, which should be directly secured, by locking down every hatch, scuttle, and place

place going into the same, until the goods, wares, and merchandizes contained therein are legally entered, and the duties paid for the same; and that on refusal of such assistance, or in case the hold should be opened, otherwise than in the presence of such officer, or others put on board by him for the security of the revenue, the said master, &c. should forfeit. And if, on making a thorough examination, it should appear that there are any goods, wares, or merchandizes, except reasonable stores for the use of the ship, on board such ship or vessel, which are not contained in such manifest or inventory, he should likewise forfeit for such omission, a sum equal to the value of such goods, wares, or merchandizes so left out.

By this method a great deal of false swearing will be prevented, because it will be scarce possible for the master, &c. when he makes his entry, or reports his lading, at the customhouse, to leave any goods out of his report, but what must be detected.

And, certainly, it should be the business of every master, or somebody for him, to take an account of his own cargo as he receives the goods on board, for which he gives, or ought to give, bills of lading, and for which, in strictness,

ness, he is answerable to his owners, who, for want of proper means to discover the whole lading of the ship, have been hitherto considerable losers in their freight, and thereby discouraged from being concerned in shipping, so much as otherwise they would have been; but by the method abovesaid, may now easily come at the true knowledge of the freight of all goods shipped on board, which they have not yet been able to do.

And the trouble the masters will have in making the manifest or inventory, and in assisting the officers at first coming on board, and, during the unloading, to examine and compare whether there be any goods, wares, or merchandizes, left out of the manifest or inventory, will be so little as to be no material objection to what is proposed, especially as it will be over as soon as their ships are unladed, which seldom is more than three weeks, and very often not so long.

*Laws concerning the Exportation of Goods to foreign Parts.*

**I**T is provided, that no master, shipper, purser, or other person, taking charge of any ship or vessel, during the voyage, or of the merchant's goods, shall take in any goods to be carried beyond sea, before

Anno 1 Eliz.

cap. xi. §. 4.

And

Anno 14 Car.

II. cap. xi.

§. 3.

fore he shall have signified to the customer of the port, where he ladeth, and other officers then in the open custom-house, that he intendeth to lade, and to what port or place he intendeth to pass; nor shall after his lading depart, before he doth in like manner signify unto the customer his lading, and what merchants and other persons shall have laden with him; and further shall answer such questions as shall be administered to him by the customer, and other officers, concerning such wares, upon oath, on pain of forfeiting 100 l.

Section 9. Goods secretly conveyed beyond sea, on board any ship or vessel, before the customs and subsidy thereof be duly paid, the owners, &c. shall forfeit double the value, except coals, which shall pay double the custom and duty.

Section 12. Certificate goods landed without the presence of an officer, forfeited, or the value thereof.

Anno 8 Ann. cap. xiii. §. 16. Tobacco, or other foreign goods, specified in any certificate, whereupon any debenture is to be made forth, for any draw-back, and not exported, forfeited; and the exporters, or any others, who shall bring back, or cause to be reloaded, such certificate goods, or shall otherwise be concerned therein, &c. shall forfeit double the value of the draw-back, together with vessels, boats, horses, &c.

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If any officer of the customs connive Section 17. or assist in frauds relating to such certificate goods as aforesaid, he shall forfeit his office, and suffer six months imprisonment, without bail or mainprize; and likewise, if any commander, or other person, belonging to any ship or vessel, shall assist in, or connive at, the fraudulent landing of any such certificate goods, he shall, over and above all other penalties, suffer the like imprisonment as aforesaid.

No debenture shall be paid or allowed Section 18. for any tobacco exported from *Great Britain* to *Ireland*, until a certificate be produced, under the hands and seals of the collector, comptroller, and surveyor of the customs of some port of *Ireland*, or any two of them, when such goods shall be landed, testifying the landing thereof.

The master of any ship or vessel carrying such certificate goods to *Ireland*, Section 19. shall take a duplicate of his content in writing, under the hands and seals of the collector and comptroller of every respective port in *Great Britain*, and be obliged to deliver the same to the officers of the customs in *Ireland*, on his arrival, before he then be permitted to land such goods there.

No bonds given on the exportation of Anno 5 Geo. I. cap. xi. §. 5. coffee, tea, or other certificate goods exported



ported to *Ireland*, shall be delivered up, or any draw-back allowed for any such goods, until a certificate be produced, under the hands and seals of the collector, comptroller, and surveyor of the customs of some port in *Ireland*, or any two of them, where such goods shall be landed, testifying the landing thereof; and for the future the condition of all such bonds, &c. shall be to produce such certificate in six months, (the danger of the seas and enemies excepted) on forfeiture of such bonds.

Section 6.

If any goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas, shall be unshipped, unless in case of necessity, &c. forfeited; and if the master, &c. of any ship or vessel wherein such goods shall be laden, shall suffer any of them to be landed, unless as aforesaid, shall forfeit the value of the same; and the person or persons to whose hands such goods shall knowingly come, shall forfeit double the value thereof, unless he or they make discovery to the principal officers of the customs in six days.

Section 7.

Masters, &c. permitting the package of such goods to be opened in port, without leave, forfeit 100 l. And if the said master, &c. shall suffer any of the said goods to be unshipped, landed, or the package opened, without leave as aforesaid,

said, shall suffer six months imprisonment, without bail or mainprize.

Silk stuffs, or other manufactures aforesaid, relanded, without licence, &c. or in case of distress, forfeited, and treble the value, besides the penalty of the bond,

Anno 8 Geo.  
I. cap. xv. §. 4.

Persons discovering frauds in draw-backs, to have one half of the officer's share, and acquitted of the offence.

Anno 9 Geo.  
I. cap. xxi.  
§. 7.

Coffee, tea, and cocoa nuts intended for exportation, shall be delivered, &c. unto the importers, &c. upon security first given to his majesty, &c. that the same, and every part thereof, shall be exported, and not relanded in *Great Britain*; which said security shall be discharged without fee or reward, upon producing a certificate to the proper officer of the customs, under the common seal of the chief magistrate in any place beyond the seas, or under the hands and seals of two known *British* merchants there residing, that such coffee, tea, and cocoa nus, were then and there landed, or upon proof of two credible witnesses, that the same were taken by enemies, or perished at sea.

Anno 10 Geo.  
I. cap. x. §. 26.

And bonds given on the exportation of all other certificate goods are discharged in like manner, except such as are exported to *Ireland*. — And bonds given on the exportation of silk stuffs made in

Anno 1 Geo.  
II. cap. xvii.  
§. 9.

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*Great Britain*, or silk mixed with gold and silver, gregram yarn, inkle, cotton, or worstead sold on the coast of *Africa*, and some other foreign places.

Thus much of the laws concerning exportation of goods to foreign parts.

*Defects in the Laws concerning Exportation, and how evaded.*

**N**otwithstanding the laws above recited, for preventing the clandestine relanding of bounty and drawback goods, it is by experience frequently found, that very great quantities of such goods are daily relanded, and even sometimes before ships are cleared at the custom-house, and bonds given on the exportation of such goods discharged afterwards by false certificates; besides no bonds at all are given on the exportation of tobacco and some other goods, of which great quantities are often relanded.

Now to prevent such clandestine practices, and remedy the same for the future, the following particulars are humbly proposed, over and above the securities already given by the exporters of bounty and drawback goods, and the exporters of those goods which give no security at all.

*Checks*

*Checks for remedying the aforesaid Evils.*

**T**HAT every master, purser, or other person, taking charge of any ship or vessel outward bound, wherein any goods, entitled to bounties or drawbacks, are shipped for exportation, should, over and above all other securities, when he makes his clearance at the custom-house, give bond to his majesty, to the full value of such goods, not to reland, nor suffer to be relanded, any of the said goods, in any port, member, or creek, or other place in *Great Britain*, but really and truly export the same, and every part thereof, to parts beyond the seas, (the danger of the seas and enemies excepted); and if to any port of *Ireland*, or the *British* plantations, such bond shall not be discharged, until two of his majesty's officers residing there have transmitted a certificate under their hands and seals, to the collector and comptroller of the port where the bond was taken, that such goods have been really and *bona fide* landed there, reciting the particulars; and if to any foreign ports where his majesty hath consuls residing, such bonds shall not be discharged, until such consuls shall have transmitted such certificates as aforesaid; or if to any other foreign ports where his majesty has no such officer residing,

riding, such bond shall not be discharged, until the said master, purser, or other person taking charge of such ship or vessel during the voyage, shall, within

days after his return home, certify to the said collector and comptroller, the times when, and places where, such goods were landed; and that the said master, and every mate, purser, gunner, and boatswain of such ship or vessel, or the major part of them, shall sign such certificate, in the presence of the said collector and comptroller, and of two other credible witnesses who should attest the same; otherwise, if no one such certificate is produced, such bond shall be put in suit, as if really such goods had been brought back and reloaded in *Great Britain*. And further, that the package of all goods to be exported on bounties, or drawbacks, should be marked on the outside in large capital letters, before they are shipped, with the word *bounty*, or *drawback*, that the masters, &c. may the more readily certify the landing of them.

By this means the exportation of all bounty and drawback goods will be made so publick to the officers and sailors of ships, that the masters, &c. will be very cautious of being concerned in reloading such bounty and drawback goods for the future, and even deterred from the very  
attempt

attempt of such unlawful practices. And it is but reasonable that the masters, &c. (who are the only persons that have the sole custody and direction of all such bounty and drawback goods, as also of all other goods shipped on board during the whole voyage) should give such security, as well as the exporters, not to reland, nor suffer them to be reloaded in any port, member, or creek, or other place in *Great Britain*; because it is in the master of the ship's power, and his only, to prevent such notorious abuse, so detrimental to his majesty's revenue and the fair trader, and which every master, &c. of any ship or vessel may easily perform, to the advantage of the revenue, without any damage to himself.

*Laws concerning coasting Vessels.*

IT is provided, that goods are not to be carried from one port to another without a certificate under the customer's seal, directed to the customer whereto the goods shall be carried; and such certificate to be delivered to the customer before the goods are discharged, to see they agree therewith, and that the customs be duly paid; and if the goods be unpacked, or put to sale in any port than were first enter'd, forfeited.  
For

Anno 3 Hen.  
VII. c.vii.

For the sight of which goods, no fee is to be taken.

An. 12 Ca. II.  
c. xviii. §. 6. No ship to go from port to port in *England, Ireland, &c.* but *English* built, and mann'd with three fourths *English*, under the forfeiture of the goods therein laden, together with the ship, &c.—  
*N. B.* By the act of union extended to *Scotland*.

An. 14 Ca. II.  
cap. xi. §. 7. Goods shipped on board any ship or vessel, to be carried forth to the open sea, from one port, creek, or member in the kingdom of *England, &c.* to be landed at any other place of this realm, without a sufferance or warrant from the proper officers, forfeited. And the master of every ship or vessel, that shall lade on board any such goods, to be landed and discharged in some other port of the said kingdom, &c. shall, before the ship or vessel be removed or carried out of the port, &c. take out a cocquet or cocquets, and become bound to his majesty, with good security to the value of the goods, for delivery and discharge thereof in the port or place for which the same shall be entered, or in some other port or place within the said kingdom, &c. and return a certificate within six months, under the hands and seals of the proper officers in every respective port, &c. where the same shall be landed and discharged, to the officers

to

to whom such security had been given as aforesaid, that such goods were landed and discharged accordingly, under the penalty of the forfeiture of the bond, &c.  
*N. B.* By anno 5 *Ann.* extended to *Scotland*.

Foreign goods, taken in at sea, by any collier, fishing boat, or other coasting vessel, out of any ship or vessel, to be landed or put into any other ship, vessel or boat, within the limits of any port, without payment of the duties, forfeited; and the master of such collier, &c. shall forfeit treble the value of such goods, unless in case of necessity, &c. And the master, purser, or other person taking charge of the ship or vessel out of which such goods shall be taken in at sea, unless in case of necessity as aforesaid, shall forfeit treble the value of such goods so unshipped.

Ann. 5 Geo. I.  
cap. xi. §. 3.

Goods brought or coming into any port of *Great Britain*, from any other port within the same, by coast cocquet, &c. unshipped to be landed before such coast cocquet, &c. shall be delivered to the customer, or collector and comptroller of the port, &c. and warrant made for landing the same, the master, &c. taking charge of the ship, knowing and consenting thereunto, shall forfeit the value of the said goods; and foreign goods coming coastways, landed without the presence of an officer, forfeited.

Ann. 8 Geo. I.  
c. xviii. §. 18.

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Ann. 9 Geo. I.  
c. xxi. §. 8.

Tobacco, or other foreign goods taken on board any coasting vessel beyond sea, or out of any ship at sea, or from any port other than the port from whence such goods are certified, forfeited, and double the value; and the master of the said coasting vessel shall also forfeit the value of the said goods.

Ann. 9 Geo. II.

Officers of the customs or excise may go on board any coasting ship or vessel, and search for prohibited or uncustomed goods, and continue on board during the ship or vessel's stay in the port; and if any person or persons whatsoever shall obstruct, &c. any officer, &c. shall forfeit 100l.

So far as to the laws concerning coasting vessels.

*Defects in the Laws concerning coasting Vessels, and how evaded.*

NOTwithstanding the aforesaid laws, it is found by daily experience, that the masters of coasting vessels make it their business, as they go from one port to another, to take in great quantities of uncustomed and prohibited goods, and also bounty and drawback goods, out of ships and vessels at sea, who hover about for that purpose on the coasts of these kingdoms, and often steal over to *France, Holland,* and other places, where they likewise take in considerable quantities of

of such goods, which they fraudulently land, to the great diminution of the publick revenue, and manifest prejudice of the fair trade of these kingdoms.

*Checks for remedying the aforesaid Evils.*

THAT no master or mariner, taking charge of any coasting ship or vessel, laden or unladen, except fishing vessels, and all other small vessels and boats hereafter mentioned, shall, under the penalty of one hundred pounds, depart or proceed on any business or purpose whatsoever, coastways or to open sea, with such ship or vessel, out of any port, member, or creek, within this kingdom, before he declares in writing under his hand, to the collector and comptroller of his majesty's customs of such port, to what port or place such coasting ship or vessel is bound; and gives bond to his majesty in the sum of two hundred pounds, not to take in any goods, wares, or merchandizes, out of any ship or vessel at sea, unless in case of distress; and when it so happens, he shall immediately acquaint the collector, comptroller, or other chief officer thereof, at the port or place where he shall first arrive; and shall not go to any foreign port or place, nor to any other port or place within this kingdom aforesaid, other than such

D place

place to which he declared himself bound, except being forced by stress of weather; and such bond shall not be discharged, unless the said master or mariner shall, within \_\_\_\_\_ days after his arrival, deliver to the collector and comptroller of the port, a journal of the voyage, and a certificate, signifying that he hath not taken in any goods, wares, or merchandizes, out of any ship or vessel at sea, and hath not been in, or at any foreign port or place, nor in, nor at any other port or place within this kingdom aforesaid, since his departure from the first port, except as aforesaid; which certificate, so to be delivered, the said master or mariner shall sign in the presence of the ship's company, or the major part of them, and of the coast-officer of the customs, immediately on his first coming on board, who shall all of them witness the same; which journal and certificate, the said collector and comptroller shall transmit to the collector and comptroller of the port where the bond was given, otherwise such bond shall be forfeited.

This will make all those people, who are for the most part ignorant of the laws, and neither think nor know of any ill consequence that may attend them for their being concerned in running goods, other than the loss of them when they

they happen to be seized, so very cautious, that when the most ignorant of them have entered into such bond as a-  
bovementioned, which they must know may be put in suit upon the least breach of the condition of it, they never will run the hazard of taking in any goods, wares, or merchandizes, out of ships and vessels at sea, nor of stealing over to *France, Holland*, and other places for goods, for fear of being detected.

*Laws concerning Fishing-Vessels, and all other small Vessels and Boats.*

**I**T is enacted, that no ship, vessel, or An. 5 Geo. I. cap. xi. §. 1. boat, under the burthen of 15 tons, shall import any foreign brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, (except only for the use of the seamen, not exceeding one gallon for each such seaman) on forfeiture of the ship, &c.

Masters, &c. of ships and vessels of the Section 8. burthen of 50 tons or under, hovering on the coast within the limits of a port, to give their own bond to proceed on their voyage; and on refusal, or not departing, wind and weather, &c. permitting, the customable goods to be landed and entered, and the prohibited goods to be seized and prosecuted, as also the ship, in case she be liable to condemnation, &c.

No

An. 6 Geo. I.  
cap. xxi. §.  
30.

No ship, vessel, or boat, of the burthen of 30 tons, or under, to import any foreign brandy, &c. (except only for the use of the seamen) on forfeiture of the ship, &c. as also all such brandy, &c.

Section 32.

Ships and vessels of the burthen of 50 tons, or under, being in part or fully laden with brandy, found at anchor, or hovering within two leagues from the shore, and not proceeding on their voyage, &c. the officers of the customs may compel the master of such ship or vessel to come into port; and such master, as likewise such ship or vessel, and the brandy wherewith such ship or vessel is laden, shall be subject to the same rules, &c. as such ships and vessels, and the masters, &c. which hover within the limits of any port, &c. are by the said act subject unto.

Section 33.

And if the said master, &c. of such ship or vessel, shall suffer any brandy, or other uncustomed or prohibited goods, to be put out of the said ship or vessel, into any hoy, &c. to be laid on land, or shall suffer any wool, &c. to be put on board such ship or vessel, to be carried to parts beyond the seas, shall, besides the penalties and forfeitures, &c. suffer six months imprisonment, without bail or mainprize.

An. 8 Geo. I.  
cap. xviii. §1.

No foreign brandy, &c. shall be imported in any ship, vessel, or boat, of the burthen of 40 tons, or under, (except only

only for the use of the seamen, &c. on forfeiture of the ship, &c. as also all such brandy, &c.

Three or more persons being assembled and armed with fire-arms, &c. in order to be aiding and assisting in the clandestine running, landing, rescuing, or carrying away, any prohibited, or uncustomed goods, &c. may be apprehended by warrant of any justice of the peace, and committed to the county gaol, and upon conviction of and for such offence, shall be adjudged guilty of felony, and shall be transported. An. 9 Geo. II;

And two or more persons found passing together within five miles of the sea, or any navigable river, with horse, cart, &c. laden with more than six pounds of tea, or brandy, or other spirits, exceeding the quantity of five gallons, &c. or with any other goods or commodities above the value of 30 l, &c. to be deemed runners of goods within the meaning of the act of 8 Geo. I.

And persons lurking within five miles of the sea, or any navigable river, not giving a satisfactory account of themselves to the justice before whom he or they shall be brought, to be sent to the house of correction, whipped, and kept to hard labour.

And if any person shall offer any tea, brandy, &c. to sale, with or without a permit,

permit, the party to whom the same shall be offered to sale, may seize and detain all such tea, brandy, &c. and bring the person, or persons, so offering the same to sale, before any one of his majesty's justices of the peace, to be by him committed to prison, &c. and such tea, brandy, &c. may be prosecuted by such person or persons who stopped or seized the same, and on recovery be intitled to a third part of the gross produce of the sale of such goods.

And any ship or vessel from foreign parts, having on board six pounds of tea, or brandy, &c. in casks under sixty gallons, (except only for the use of the seamen, &c.) found at anchor, or hovering within two leagues from the shore, &c. such tea, brandy, &c. is forfeited, &c.

And foreign goods taken in, or put out of any ship or vessel within four leagues of the *British* coast, without payment of customs, (unless in case of apparent necessity) forfeited, and the master, &c. forfeits treble the value; and also the vessel is forfeited, if not above one hundred pounds.

An. 20 Geo. II. The assembling and going armed, to the number of three, to assist in any sort of smuggling, or receiving, or protecting run goods, or in rescuing prisoners guilty of felony, by the laws relating to the customs, or excise, and the resisting the officers

of those revenues, by the like number of armed persons, are made felony without benefit of clergy; and particular provisions are made by great rewards, and otherwise, for the apprehending and bringing such offenders to justice.

Thus much of the laws concerning fishing vessels, and all other small vessels and boats, &c.

*Defects in the Laws concerning Fishing Vessels, &c. and how evaded.*

FORASMUCH as the laws above recited, have by experience been found ineffectual to prevent the fraudulent landing of uncustomed, prohibited, bounty and drawback goods, out of fishing vessels, and all other small vessels and boats; the masters of whom make it a constant practice to meet ships and vessels at sea, and steal over to *France, Holland, Guernsey, Jersey, and the Isle of Man*, and take in considerable quantities of such goods, which they privately run on shore, being often assisted by great numbers of armed men to carry off the same, who are frequently too powerful for the officers of the customs and the civil magistrate to obstruct them; and it is moreover a very great detriment to the nation, because a great part of such goods are



are purchas'd with our own gold and silver, and, what is still worse, with *English* and *Irish* wool to the decrease of ours and increase of the *French* trade in the woollen manufacture.

*Checks for remedying the aforesaid Evils.*

**T**HAT in every port, member, or creek in this kingdom, the owners or masters of all fishing vessels, and all other small vessels and boats, and such as usually attend and are employ'd in loading and unloading ships, to and from foreign parts, and coastways, shall be number'd, and take out licences, and give security once every year, to the collector and comptroller of such ports respectively, in the same manner as the masters of those boats, wherries, pinnaces, barges, or gallies rowing with more than four oars within the limits of the ports of *London*, *Sandwich* or *Ipswich*, or the members or creeks to them or either of them respectively belonging, are required to do by the act of 8 *Geo. I.* cap. xviii. sect. 4 and 5. not to be aiding and assisting in running any foreign goods, nor in relanding goods entitled to bounties or drawbacks, in which licences shall be inserted the name of every such port, member or creek, together with the number of such vessel or boat, and the master thereof,

thereof, which name of the port, member or creek, and number, shall also be painted on some visible part of the head or stern of such vessel or boat, and not to be alter'd under the penalty of

And the masters of all such vessels and boats shall be subject, likewise, to be governed and directed, by such instructions as may be necessary, or useful in such respective port or place, according to the situation thereof; to be approved and confirm'd by the commissioners of his majesty's custom residing at *London* and *Edinburgh*. And that at every such giving bond, every such master should have his former bond delivered up and cancelled, (provided it be not put in suit for being forfeited) on making oath that, to the best of his knowledge and belief, his said vessel or boat has not been made use of in the running of any foreign goods, nor in the relanding of goods intitled to bounties or drawbacks since the date of such bond. And that no master should, on the further penalty of <sup>without leave</sup>, carry any such vessel or boat out of any port, member or creek in this kingdom aforesaid, to open sea, before he declares in writing, under his hand, to the collector and comptroller of such port, member or creek, whither such vessel or boat is bound,

bound, and upon what business, whether upon account of fishing or otherwise, who should, without fee or reward, give the master of every such vessel or boat a sufferance or warrant for making the voyage; and that, on the return or coming of such vessel or boat into that or any other port, member or creek within the kingdom aforesaid, the master should immediately deliver to the proper officer such sufferance or warrant, and a true journal of the voyage, sign'd by all the ship's company as in the preceding article; and if it should appear that any such vessel or boat has been in or at any foreign port or place, or has been in or at any other port or place in this kingdom aforesaid, other than such as should be mentioned in such declaration and sufferance, except being forced by stress of weather, he should forfeit

And if any other vessel or boat navigated by his majesty's subjects should presume to come from and after the day of laden or unladen from *France, Holland, Guernsey, Jersey, Alderney, Sark* or the *Isle of Man* into any port, harbour or road in this kingdom aforesaid, or within the limits of the same, without having such sufferance or warrant, and journal aforesaid, should be forfeited and lost. And if any other

other vessel or boat should at any time be found upon the coast, and appear to be the property of any foreigner or foreigners, and have any of our *English* failors on board, every such *English* failor should be impress'd into his majesty's service by the officers of the customs, &c. and sent on board some of our men of war, because foreigners cannot smuggle goods on shore upon our coast without the help of *English* failors.

This will prevent all those out-lawed fugitives living in *France, Zealand, &c.* and all those dissolute and disorderly persons that appear in great gangs near the sea coasts, from being concern'd in smuggling for the future.

And if these proposals for strengthening and enforcing the laws of the customs were to be extended to *Ireland*, and to our plantations abroad, all the frauds and abuses in the customs of those countries would be likewise prevented.

All which several regulations before-mentioned, will put the navigation of these kingdoms into such a method of being look'd after, that it will be impossible for any body to defraud the customs in any considerable degree, without being detected. And this without putting of any man to death, or even of creating the least uneasiness among us; and will

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will make the fair trade of these kingdoms flourish, and so considerably augment the revenue, as may enable the government to pay off the national debt in a few years.

F I N I S.



E R R A T A.

PAGE 30, line 27, for hundred pounds, read 100 tons. P. 33. l. 13. f. custom r. customs. P. 34. at the end of line 27, add, or any other islands on the coasts.