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From Saturday June 6, to Tuesday June 9, 1747.

AT the Court at Kensington, the 3d Day of June, 1747.

P R E S E N T,

The King's most Excellent Majesty in his Privy Council.

WHEREAS there was this Day read at the Board a Report made by his Majesty's Attorney and Solicitor General to the Lords Commissioners of his Majesty's Treasury, upon considering a Representation from the Commissioners of the Excise, together with several Papers thereto annexed, relating to the audacious Behaviour of the Smugglers in the Counties of Kent and Suffex, who assemble in great Bodies, and go armed to assist in the Smuggling and Receiving of Run Goods, and not only menace the Magistrates, but resist the Officers of the Revenues in the Discharge of their Duty: Which Report is as follows, viz.

To the Right Honourable the Lords Commissioners of his Majesty's Treasury.

May it please your Lordships,

IN Obedience to your Lordships Commands, signified to us by Mr. West in his Letter of the 23d Instant, transmitting a Representation of the Commissioners of the Excise, of the audacious Behaviour of the Smugglers in the Counties of Kent and Suffex, and of their Menaces to the Justices of the Peace, the Officers of the Revenues, and all others who shall dare to obstruct their outrageous Proceedings: By which Letter we are directed to take the said Representation and the Papers annexed into Consideration (which are all herewith returned) and report to your Lordships what Powers there are at present for any of his Majesty's Officers, either Civil or Military, to resist and subdue those Offenders, and to prevent the like for the future by Force, as all other Means have hitherto proved ineffectual to that End.

“ We have taken the same into Consideration, and are of Opinion, that all his Majesty's Subjects, both Civil and Military, Magistrates, Officers and Private Persons, have, without any express Warrant for that Purpose, Authority to seize and apprehend any Persons assembled, armed, and acting, or who have assembled, armed, and acted in such Manner as described in the aforementioned Representation and Papers, and bring them before a Magistrate, who may commit them to Prison; and in the seizing, apprehending, securing, and committing them to Prison, may repel Force with Force, and justify any Violence or Hostilities which may be necessary to suppress and subdue them, or bring them to Justice.

“ The Powers abovementioned are vested in all his Majesty's Subjects generally for the Preservation of the Peace. But the Justices of the Peace and Peace Officers are, both by the Nature of their Office, and the express Direction of diverse Acts of Parliament, bound to suppress all Riots, unlawful Assemblies and Breaches of the Peace, of which the Offences complained of are notorious Instances. And the Neglect of it is a high Misdemeanour, for which they are accountable in a Criminal Prosecution.

“ The Law has likewise for this Purpose furnished them with Strength and Force as well as Authority, by empowering and commanding them to use the whole Power of the County, that is, to call all or any of his Majesty's Subjects, except Clergy, capable of Arms, to assist them, and, as Part of those Subjects, they may command, and take the Assistance of any Military Force in those Parts, who, and all others, will be fully justified in any Acts of Violence they shall do against the Offenders.

“ As to the preventing the like Offences for the future, the Law has already made them very penal, especially by an Act of the last Sessions, by which the assembling and going armed to the Number of Three, to assist in any

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