ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lx.

An Act for amending the several Acts relating to the Port and Harbour of *Boston* in the County of *Lincoln*. [18th *June* 1842.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for* 52 G. 3.
improving the Port and Harbour of Boston *in the County* c. 105.
of Lincoln, *and for fixing the Wharfage of Goods landed within the said Port and Harbour, and for better maintaining the Buoys, Beacons, and Sea Marks belonging thereto:* And whereas another Act was passed in the Seventh and Eighth Years of the Reign of King *George* 7 & 8 G. 4.
the Fourth, intituled *An Act to extend and enlarge the Powers of an* c. 79.
Act passed in the Fifty-second Year of His late Majesty, for improving the Port and Harbour of Boston *in the County of* Lincoln: And whereas another Act was passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, intituled *An Act to extend* 4 & 5 W. 4.
the Powers of the several Acts now in force for improving the Port and c. 87.
Harbour of Boston *in the County of* Lincoln: And whereas the Mayor and Burgesses of *Boston*, in the said recited Acts mentioned, are now styled, by virtue of the Municipal Corporations Act, "The Mayor, Aldermen, and Burgesses of the Borough of *Boston*:" And

whereas it is expedient that Provision should be made for better carrying into effect the Powers of the said Mayor, Aldermen, and Burgesses, alone or jointly with the Trustees of the River *Welland*, and that some of the Powers and Provisions of the said Acts of the Fifty-second Year of King *George* the Third, and of the Seventh and Eighth Years of King *George* the Fourth, should be amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 all the Powers, Provisions, Articles, Conditions, Matters, and Things whatsoever in the said recited Acts of the Fifty-second Year of the Reign of *George* the Third, and the Seventh and Eighth Years of the Reign of King *George* the Fourth contained, (except so far as the same are hereby, or by any other Act passed or to be passed in the present Session of Parliament, altered or repealed,) shall be as valid and effectual for carrying this Act into execution in as full, ample, and beneficial Manner as if the same were again re-enacted in this present Act with reference to the Objects and Purposes thereof.

Provisions of Two first-recited Acts extended to this Act.

Improvement of the River Witham.

II. And in order that the Improvements contemplated by the last-recited Act might be carried into effect by the said Mayor, Aldermen, and Burgesses, be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid to execute any Works for the Improvement of the Navigation of the River *Witham*, between the Place called the *Grand Sluice* and the Point of Confluence of the Waters of the Rivers *Witham* and *Welland*, by training, leading, or directing the Waters of the said River *Witham* in a confined Channel towards the Sea, before the same falls into or unites with the Channel of the River *Welland*, and by making, securing, continuing, and maintaining the Channel of the said Port and Harbour of *Boston* from the said *Grand Sluice* to the said Point of Confluence of the Waters of the *Witham* and the *Welland*, within proper Bounds, for the Use of the Navigation therein; but nevertheless so that no Injury be thereby caused or occasioned to the Channel of the said River *Welland* at the Point of its Confluence with the said River *Witham*, or to the Outfall of the Waters of the said Rivers.

Improvement of the Outfall.

III. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, and for the said Trustees of the River *Welland*, conjointly, and the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid and the said Trustees of the River *Welland* are hereby authorized and empowered, conjointly, to do or execute any Acts or Works for the Improvement of the Outfall of the said Rivers *Witham* and *Welland* between the said Point of Confluence and *Clayhole*, as shall be for the Benefit and Advantage of the Outfall of both the said Rivers: Provided always, that when it shall appear advisable to the said Mayor, Aldermen, and Burgesses, or to the Trustees of the River *Welland*, to commence any such Works as aforesaid, Notice thereof shall be given by either Party to the other of the same, which

Notice shall be left in Writing at the Office of the Town Clerk of *Boston* aforesaid, or of the Clerk of the said Trustees, as the Case may be; and the said Mayor, Aldermen, and Burgesses, and the said Trustees of the River *Welland* shall, within One Month from the Receipt of such Notice, each appoint Three of their Number to meet together, and communicate such Appointment to the other of the said Parties, by Writing to be left as aforesaid; and the Six Persons so to be nominated, or the Majority of them, shall decide as to where, and at what Time, and in what Manner, such Works shall commence and be constructed; and if at any Time or Times any Person who shall have been nominated as aforesaid shall, before the Decision of any Matter which shall have been referred as aforesaid, die, desire to be discharged from or become incapable to act therein, his Place shall be supplied by the Body by whom he shall have been appointed as aforesaid, and so from Time to Time as Occasion shall require; and if either of the said respective Bodies shall not, within the said One Month, appoint Three of their Number for the Purpose aforesaid, and communicate such Appointment as aforesaid, it shall be lawful for the other of the said Bodies to take on themselves exclusively the Consideration of the Propriety of commencing such Works, and to decide thereon, in the same Manner as a Board consisting of Three Members from each Body is by this Act authorized to do.

Works below High water Mark not to be made without Consent of Board of Admiralty.

IV. Provided always, and be it enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or any other Person or Persons, to make or begin to make, build, or construct any Pier, Quay, Jetty, or Wharf, or to carry on any other Work below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

The Expences of such Works to be paid in such Proportions as Two Engineers shall determine.

V. And be it enacted, That all Expences of and incidental to the Execution of the said last-mentioned Works shall be paid by the said Mayor, Aldermen, and Burgesses, and by the said Trustees respectively, in such Parts and Proportions as the Persons so nominated and appointed as aforesaid shall mutually agree upon, or as shall be determined and awarded by some Civil Engineer, to be by the said Mayor, Aldermen, and Burgesses and the said Trustees mutually nominated and approved in that Behalf, and in case they shall not agree in such Nomination, then the Parts and Proportions in which the said last-mentioned Expences shall be borne and defrayed by the said several Parties shall be determined and awarded by Two Civil Engineers, one of whom shall be nominated by the said Mayor, Aldermen, and Burgesses, and the other by the said Trustees, and the said Parties respectively are hereby directed and required to make such last-mentioned Nomination accordingly; and if either Party shall refuse to make such Nomination within One Calendar Month after Notice requiring them so to do shall be left at their Office or delivered to their Clerk, and signed by the Clerk of the

Party

Party making such Requisition, it shall be lawful for the said last-mentioned Party to appoint both the said Civil Engineers for the Purposes aforesaid.

Engineers to appoint an *Umpire*.

VI. And be it enacted, That in the event of Two Engineers being appointed under any of the Powers herein-before in that Behalf contained, they the said Engineers, before they proceed to act in the Premises under such Reference, shall appoint, by Writing under their Hands, some able and experienced Person to act as an Umpire in case any Difference of Opinion shall arise between them; and in the event of any such Difference of Opinion the said Engineers, or either of them, are and is hereby required and authorized to call to their Assistance the Person who shall have been so nominated for Umpire, and who shall decide upon the Matter upon which such Difference of Opinion shall have arisen; and the Determination, Order, or Award of the said Two Engineers touching so much of the Subject Matter of any such Reference as they shall agree upon, and the Determination, Order, or Award of the said Umpire touching so much of the Subject Matter of such Reference as the said Engineers shall not agree upon, shall be final and conclusive upon all Persons and Parties whomsoever: Provided always, that all Expences which may be incurred in respect to the Employment of or Reference to any Engineer or Engineers under the Provisions of this Act shall be paid in equal Proportions by the said Mayor, Aldermen, and Burgesses, and the said Trustees.

Authorizing Mayor, &c. to borrow Money.

VII. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Successors, and they are hereby authorized and empowered, from Time to Time, by Writing under their Common Seal, to borrow and take up at Interest an additional Sum or Sums of Money for the Purposes aforesaid, on the Credit of the Tonnage, Lastage, and Wharfage Rates, Tolls, and Duties granted and made payable by the said recited Acts or this Act, or any of them, (save and except such Tolls, Rates, and Duties as are or may be transferred to the Trustees of the River *Welland* by an Act passed or to be passed in the present Session of Parliament,) not exceeding in the whole the Sum of Twenty thousand Pounds, and to grant, assign, and charge the same several Rates and Duties, on the Credit of which such Loan shall be made, to any Person or Persons who shall be willing to lend and advance Money thereon, for securing the Payment of the same, with Interest respectively, in the same Manner and Form, as far as the same is applicable, and subject to the same Conditions and Right of Transfer, mentioned in the said recited Act of the Fifty-second Year of King *George* the Third.

Securities of Exchequer Loan Commissioners to have Priority.

VIII. Provided always, and be it enacted, That all such Grants, Assignments, and Charges of the said Rates and Duties as shall be made under the Powers and Provisions of this Act for raising such Sum or Sums of Money as aforesaid shall be subject and without Prejudice to certain Mortgages or Assignments of the said Rates and Duties executed by the said Mayor and Burgesses of *Boston* to the Secretary of the Commissioners acting in the Execution of an Act of Parliament passed in the Third Year of His late Majesty King *George*

George the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the Acts therein recited or referred to, and the several Acts subsequently passed for amending the same, bearing Date respectively the Eighth Day of *July* One thousand eight hundred and twenty-eight, and the Ninth Day of *November* One thousand eight hundred and thirty-five, for securing the Sums of Twenty thousand Pounds and Three thousand Pounds and Interest, but on which the Principal Sums of Seven thousand Pounds and Two thousand one hundred Pounds only, with a proportionate Part of the current Year's Interest thereon respectively, now remain due or owing, and that such Mortgages or Assignments to the said Secretary of the said Commissioners shall have and retain full and entire Precedence to and Priority over all Grants, Assignments, and Charges which shall be made under the Powers and Provisions of this Act. 3 G. 4. c. 86.

Payment of Rates on Corn, &c.

IX. Provided always, and be it enacted, That from and after the Day of the Commencement of this Act it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, and for such Person or Persons as they shall by Writing under their Common Seal appoint in that Behalf, from Time to Time to demand and take, or cause to be demanded and taken, of and from the Owner or Owners, Consignee or Consignees, or the Person or Persons having the Charge of any Corn, Grain, or Pulse on board of any Ship or Vessel navigating or coming within the Limits of or leaving the said Port and Harbour of *Boston*, (and although such Corn, Grain, or Pulse shall not be shipped or put on board or landed out of any such Ship or Vessel within the Limits of the said Port and Harbour,) for all such Corn, Grain, and Pulse the Amount of Rates or Duties particularized, rated, and set forth in the Third Schedule to the said recited Act of the Fifty-second Year of King *George* the Third, (except such Tolls, Rates, and Duties as are or may be transferred to the Trustees of the River *Welland* by an Act passed or to be passed in the present Session of Parliament,) the Quantity or Quantities of such Corn, Grain, or Pulse to be ascertained by the Bill of Lading of such Ship or Vessel: Provided always, that such Rates and Duties shall and may be lessened and reduced, and again raised and advanced, as was provided by the said Act of the Fifty-second Year of King *George* the Third in respect to the Rates and Duties granted by the said Act.

For deciding Disputes as to Rates in respect of certain Craft, &c.

X. Provided always, and be it enacted, That should any Doubt or Dispute arise as to the Liability to Payment of the several Tonnage Rates or Duties in respect of any Kind or Description of Raft, Craft, or floating Vessel, such Doubt or Dispute shall be decided by a Justice of the Peace, who shall have Power to decide what Amount, if any, of Rates or Duties shall be paid for or in respect of such Raft, Craft, or floating Vessel, and the Decision of such Justice shall be final; and that all Expences occasioned thereby shall be borne and paid, either wholly or in part, by the complaining or defending Parties, as

the Case may be, according as such Justice may direct, and the Amount of such Expences may be levied and recovered in the same Manner as any Rates or Duties are by this Act authorized to be levied and recovered.

For facilitating the Collection of Duties.

XI. And be it enacted, That for the Purpose of facilitating the Collection of the Rates and Duties payable by and from Ships or Vessels not clearing at the Custom House, but coming within or leaving the Port and Harbour of *Boston* through any of the Sluices or Drains communicating therewith, it shall not be lawful for any Keeper of or Collector of Rates or Duties at such Sluice or Sluices, Drain or Drains, to permit any such Ship or Vessel as aforesaid to enter or leave such Sluice or Sluices, Drain or Drains, until he shall have received a Certificate signed by the Collector appointed by the said Mayor, Aldermen, and Burgesses, that all the Rates and Duties payable under the Authority of the said recited Acts of the Fifty-second Year of King *George* the Third, and the Seventh and Eighth Years of King *George* the Fourth, or of this Act, (save and except as aforesaid,) have been duly paid, which Certificate and Signature such Person appointed to receive the said Rates and Duties is required to sign and give accordingly, without Fee or Reward, upon pain of forfeiting to the Use of any Person who shall sue for the same the Sum of Twenty Pounds, together with the Costs of Suit, to be recoverable, within Twelve Calendar Months after the Commission of the Offence, by Action at Law in any of Her Majesty's Courts of Record at *Westminster:* Provided always, that if any such Keeper of or Collector of Rates or Duties at such Sluice or Sluices, Drain or Drains, shall permit any such Ship or Vessel as aforesaid to enter or leave such Sluice or Sluices, Drain or Drains, until he shall have received such Certificate as last aforesaid, he shall, on Conviction thereof before any Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Ten Pounds, as such Justice shall order or direct, to be recovered and levied by Distress and Sale of the Goods and Chattels of such Keeper or Collector by Warrant under the Hand and Seal of such Justice; and the Overplus, if any, after Payment of the said Penalty, together with all Costs of Conviction, and the Charges and Expences of such Distress and Sale, shall be rendered unto such Keeper or Collector; and for Want of sufficient Distress it shall be lawful for the said Justice to commit such Keeper or Collector to the House of Correction, there to remain for any Time not exceeding Six Calendar Months, at the Discretion of such Justice.

Penalty on Collector for Neglect of Duties.

Rates to be charged equally.

XII. Provided always, and be it enacted, That the several Rates authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessels and Goods.

Master of Vessel to produce Bill of Lading and Certificate of Registry.

XIII. And be it enacted, That the Master or Commander of every Ship or Vessel shall, on Demand, produce the Bill of Lading and Certificate of the Registry of such Ship or Vessel to any Person authorized by the said Mayor, Aldermen, and Burgesses of *Boston* to collect the Rate or Duty in respect of such Ship or Vessel, or the Cargo thereof; and if any such Master or Commander shall refuse or neglect to produce such Bill of Lading and Certificate to any such

Person, on Demand, he shall on Conviction before any Justice of the Peace forfeit any Sum not exceeding Twenty Pounds.

Recovery of Rates by Distress of Ship and Tackle.

XIV. And be it enacted, That if any Master or other Person having Command of any Ship or Vessel, in respect of which any Rates or Duties shall be payable to the said Mayor, Aldermen, and Burgesses, shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said Mayor, Aldermen, and Burgesses to collect such Rates or Duties to go on board of such Ship or Vessel and demand such Rates or Duties, and on Nonpayment thereof, or any Part thereof, to take and distrain such Ship or Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates and Duties shall be paid; and in case any of the said Rates or Duties shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more Sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates and Duties so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Ship or Vessel, upon Demand.

In case of Dispute, Goods to be weighed or measured.

XV. And be it enacted, That if any Difference shall arise between the Person for the Time being appointed by the Mayor, Aldermen, and Burgesses to collect the Rates and Duties herein-before mentioned, and the Master or Commander of any Ship or Vessel, or the Owner, Consignor, or Consignee of any Goods, concerning the Weight or Quantities of any Goods, Articles, or Things in respect of which any Rates or Duties are payable to the said Mayor, Aldermen, and Burgesses, it shall be lawful for such Collector to cause all such Goods, Articles, or Things to be weighed or measured, as the Case may require, and, if necessary, to detain the Vessel in which such Goods, Articles, or Things may be until the same shall have been weighed or measured.

Expences of weighing or measuring Goods.

XVI. And be it enacted, That if the Goods, Articles, or Things so weighed or measured shall be of greater Weight or Measure than shown from the Account or Statement delivered or made by the Master or Commander of the Ship or Vessel in which the same may be, or by the Owner, Consignor, or Consignee thereof, the Expences of such weighing or measuring shall be paid to the said Mayor, Aldermen, and Burgesses, or their Collector, and shall be recovered by the said Mayor, Aldermen, and Burgesses, or their Collector, by the same Means as herein provided for the Recovery of Rates and Duties due in respect of such Goods, Articles, and Things; but if such Goods, Articles, and Things shall be of the same or less Weight or Quantity than shown by the Account or Statement so delivered or made as aforesaid, the said Mayor, Aldermen, and Burgesses shall pay all the Expences of such weighing or measuring, and shall also pay to the Master or Commander of the Ship or Vessel, or to the Owner, Consignor, or Consignee of such Goods, Articles, or Things, all Expences which may be occasioned to any such Person by reason of such weighing or measuring.

XVII. And

Recovery of Rates on Goods.

XVII. And be it enacted, That if Default be made in the Payment of any Rates or Duties payable to the said Mayor, Aldermen, and Burgesses under the said recited Acts or this Act, (except as aforesaid,) in respect of any Goods, Articles, or Things, it shall be lawful for the Person for the Time being appointed by the said Mayor, Aldermen, and Burgesses to collect such Rates or Duties, to distrain any such Goods, Articles, or Things, or if the same shall be removed without the Limits of the Port and Harbour of *Boston*, to distrain any other Goods, Articles, or Things within the said Limits belonging to the Person liable to pay such Rates or Duties, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Rates and Duties due to the said Mayor, Aldermen, and Burgesses, together with all Expences occasioned thereby; or it shall be lawful for the said Mayor, Aldermen, and Burgesses to recover such Rates and Expences by Action in any of the Superior Courts; provided that the Person collecting any such Rates or Duties shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

Collector of Rates may enter Vessels.

XVIII. And to the end that the Rates and Duties payable to the said Mayor, Aldermen, and Burgesses under the said recited Acts or this Act, (except as aforesaid,) may be effectually levied, be it enacted, That it shall be lawful for any Person appointed by the said Mayor, Aldermen, and Burgesses to collect any such Rates or Duties to enter, either alone or with any other Persons, into any Ship or Vessel within the Limits of the said Port and Harbour of *Boston*, for the Purpose of ascertaining the Rates and Duties payable in respect of any such Ship or Vessel, or of any Goods, Articles, or Things therein.

Penalty on evading Payment.

XIX. And be it enacted, That if any Master or Commander of any Ship or Vessel shall evade the Payment of any Rates or Duties payable to the said Mayor, Aldermen, and Burgesses, he shall, on Conviction thereof, pay to them Three Times the Amount of such Rates or Duties, together with all Expences of demanding and enforcing the same; and such Rates, Duties, and Expences shall be recovered from such Master or Commander in the same Manner as any Penalties imposed by the said recited Acts or this Act are directed to be recovered, or by Action in any of the Superior Courts.

Collector of Customs may withhold a Discharge to any Vessel until Rates paid.

XX. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Port and Harbour of *Boston*, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report Inwards or Outwards for any Ship or Vessel liable to the Rates and Duties payable to the said Mayor, Aldermen, and Burgesses under the said recited Acts or this Act, until the Master or Commander of such Ship or Vessel shall produce to such Collector or other Officer a Certificate under the Hand of the Person appointed by the said Mayor,

Mayor, Aldermen, and Burgesses to collect such Rates and Duties, that the Rates and Duties payable in respect of such Ship or Vessel, and any Goods, Articles, or Things conveyed, imported, or exported by such Ship or Vessel, have been paid.

Disputes concerning Rates and Distress to be settled by a Justice.

XXI. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates or Duties due to the said Mayor, Aldermen, and Burgesses, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates or Duties due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by any Two or more Justices of the Peace, who, upon Application made to them for that Purpose, shall determine the Amount of the Rates or Duties due, and award such Costs and Expences to be paid by either of the Parties as they shall think reasonable; and such Costs and Expences, if not paid, on Demand, shall be levied by Distress and Sale of the Goods, Articles, and Things in respect of which such Dispute may have arisen, and such Justices shall issue their Warrant accordingly.

Duties on Vessels not British-built, may be reduced by Order in Council.

XXII. And be it enacted, That it shall and may be lawful to and for Her Majesty, by an Order in Council, or for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times, when and so often as She or they shall deem fit so to do, in and by Her or their Order in Writing, to reduce the Rates and Duties hereby made payable on all or on such or on so many of the Ships or Vessels not entitled to the Privileges of *British*-built Ships or Vessels, and on all or on such or so many of the Goods and Merchandize imported or exported in Vessels not entitled to such Privileges, as She or they in their Judgment shall deem expedient, to the same and the like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of *British* Ships or Vessels, or the Goods and Merchandize imported or exported in or by them.

Power to appoint Harbour Master.

XXIII. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses from Time to Time to appoint such Harbour Masters and other Officers and Persons as they shall think necessary, and at Pleasure to remove such Harbour Masters, Officers, and Persons, and to pay such Salaries and Allowances to such Harbour Masters and other Officers and Persons as the said Mayor, Aldermen, and Burgesses shall think proper.

Powers of Harbour Master.

XXIV. And be it enacted, That it shall be lawful for such Harbour Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

For regulating the Time and Manner in which any Vessel shall enter into, go out of, or lie in the said Port and Harbour of *Boston*, and the Position, mooring or unmooring, placing or removing, of any Vessel within the said Port and Harbour:

For regulating the Place and Manner in which any Vessel shall take in or discharge its Cargo, or any Part thereof, or shall take in or deliver Ballast within the said Port and Harbour:

For regulating the Government of any Vessel within the said Port and Harbour.

Penalty on Harbour Master, &c. exercising Powers unreasonably.

XXV. And be it enacted, That in case any Harbour Master, Officer, or Person appointed under this Act shall, without reasonable Cause, exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty on not complying with Directions of the Harbour Master.

XXVI. And be it enacted, That the Master or Commander of every Ship or Vessel within the said Port and Harbour of *Boston* shall regulate such Ship or Vessel according to the Directions of the Harbour Master for the Time being, made in conformity with this Act; and any Master or Commander of any Ship or Vessel who, after Notice in Writing, signed by the said Harbour Master, of any such Direction, served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Twenty Pounds.

Power of Harbour Master to remove Vessels.

XXVII. And be it enacted, That if the Master or Commander of any Ship or Vessel within the said Port and Harbour of *Boston* shall not moor, unmoor, place, or remove such Ship or Vessel according to the Directions of the said Harbour Master for the Time being, in Writing, given to the said Master or Commander, it shall be lawful for any such Harbour Master to cause such Ship or Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and determined by any Justice of the Peace, and on Nonpayment of the same, on Demand, such Expences and Costs shall be recovered from such Master or Commander, by Distress and Sale of any of the Tackle, Apparel, and Furniture of any such Ship or Vessel, or of any of the Goods, Articles, and Things contained therein.

Harbour Master may cut Ropes.

XXVIII. And be it enacted, That if any Master or Commander, or other Person on board of any Ship or Vessel which shall be moored or fastened within the said Port and Harbour of *Boston*, shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Ship or Vessel shall be moored or fastened, or if there shall be no Person on board of any such Ship or Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Ship or Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Harbour Master shall cut any Rope or slacken any Chain by which any Ship or Vessel without any Person on board shall be moored or fastened, he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Ship or Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Ship or Vessel.

XXIX. And

Harbour Master may remove Wrecks, &c.

XXIX. And be it enacted, That it shall be lawful for the said Harbour Master for the Time being to remove any Wreck or other Obstruction, and any floating Timber within the said Port and Harbour of *Boston* which may impede the Navigation, and the Expence of removing any such Wreck, Obstruction, or floating Timber shall be repaid by the Owner of the same.

Penalty on Master or Commander for obstructing Harbour Master.

XXX. And be it enacted, That if any Master or Commander of any Ship or Vessel within the said Port and Harbour of *Boston*, or any Person on board the same, shall hinder the said Harbour Master or any Person employed by him in mooring, unmooring, placing, or removing such Ship or Vessel in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalties to be summarily recovered before One Justice or more.

XXXI. And be it enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not before directed, may be levied and recovered within Six Calendar Months after the Offence or Offences committed, before any Two or more Justices of the Peace; and any Justice of the Peace is hereby authorized and required, upon Information exhibited or Complaint made, to grant a Warrant to bring before any Two or more Justices such Offender or Offenders at the Time and Place in such Warrant specified; and if on the Conviction of the Offender or Offenders respectively, either on his, her, or their Confession, on the Oath of One credible Witness or more, (which Oath such Justices are hereby empowered to administer,) such Penalty or Forfeiture, together with the Costs and Charges incident to such Conviction, shall not be forthwith paid, it shall and may be lawful to and for such Justices to commit any such Offender to the Common Gaol or House of Correction, there to remain without Bail for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with such Costs as aforesaid, shall be sooner paid.

Application of Penalties.

XXXII. And be it enacted, That all Penalties and Forfeitures which shall be recovered or paid under the Provisions of this Act shall be paid to the Treasurer for the Time being of the ordinary Revenues or other Funds of the said Port and Harbour of *Boston*, and shall be applied by the said Mayor, Aldermen, and Burgesses for the Purposes of this and the said recited Acts.

Annual Account to be transmitted to the Town Clerk of Boston.

XXXIII. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied in respect of the said recited Acts and of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Mayor, Aldermen, and Burgesses, as Commissioners for carrying into effect the said recited Acts and this Act, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of

of the Borough of *Boston* aforesaid, on or before the Thirty-first Day of *January* in each Year, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the said Mayor, Aldermen, and Burgesses shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Repeal of Limitation of Actions, 52 G. 3. c. 105.

XXXIV. And be it enacted, That so much of the said recited Act of the Fifty-second Year of the Reign of King *George* the Third as enacts that no Action or Suit should be brought against any Person or Persons, in pursuance of the same Act, after Six Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages then after Six Calendar Months next after the doing or committing of such Damage should have ceased, and that every such Action or Suit should be laid, brought, and tried in the County of *Lincoln*, and not elsewhere, and that the Defendant or Defendants in every such Action or Suit might, at his, her, or their Election, plead specially on the General Issue, and give the same Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of the same Act, and that if the same should appear to have been so done, or that such Action or Suit had been brought before Twenty-one Days Notice was given, or after a sufficient Satisfaction had been made or tendered, or after the Time limited for bringing the same had expired, or should be brought in any other County than as aforesaid, that then and in every such Case the Jury should find for the Defendant or Defendants, and that upon such Verdict, or if the Plaintiff or Plaintiffs should be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants should have appeared, or that if, upon Demurrer or otherwise, Judgment should be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants should recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law, shall be and the same is hereby repealed.

Saving the Rights of the Trinity House.

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights, Privileges, Jurisdictions, or Authorities of the Corporation of *Trinity House* of *Deptford Strond*.

Saving Rights of the Trustees of the River Welland.

XXXVI. Provided always, and be it enacted, That this Act or any thing herein contained shall not prejudice or defeat any Powers, Rights, or Privileges granted to the Trustees of the River *Welland* by the several Acts relating to the Improvement of the Outfall of the said River, or by any Act passed or to be passed in the present Session of Parliament relating to the same, or to alter or take away any of the Rates, Tolls, or Dues payable to the said Trustees by virtue of the same Acts.

Saving the Rights of the

XXXVII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prejudice,

obstruct, prevent, impede, or defeat any Works made or executed or to be made or executed by, or to invalidate, lessen, alter, or take away any of the Rights, Powers, or Authorities vested in the Company of Proprietors of the *Witham* Navigation, acting under an Act of Parliament passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River* Witham *in the County of* Lincoln, *and for restoring the Navigation of the said River; and for repealing another Act of His present Majesty, in relation to the said Drainage and Navigation.*

Witham Navigation Company.

52 G. 3. c. 108.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, impede, or defeat any Works made or executed, or to be made or executed, in pursuance of an Act made in the Fifth Year of the Reign of King *George* the Third, intituled *An Act for draining and improving certain Low, Marsh, and Fen Lands lying between* Boston Haven *and* Bourn, *in the Parts of* Kestevan *and* Holland *in the County of* Lincoln, and in pursuance of an Act made in the Tenth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual an Act made in the Fifth Year of the Reign of His present Majesty, intituled 'An Act for draining and improving certain Low, Marsh, and 'Fen Lands lying between* Boston Haven *and* Bourn, *in the Parts of* 'Kestevan *and* Holland *in the County of* Lincoln;' *and for improving the Navigation through the said Lands;* or to empower the said Mayor and Burgesses, or their Successors, to intermeddle with or to charge with any additional Tonnage Rate or Duty any Boats or Vessels, laden or unladen, with any Goods or Merchandize whatever, navigating any of the Drains already made or to be made in or through the said Low, Marsh, or Fen Lands lying between *Boston Haven* and *Bourn* aforesaid, in pursuance of the said Two last-mentioned Acts, or otherwise to invalidate, lessen, alter, or take away any of the Rights, Powers, Privileges, or Authorities which by the Two last-mentioned Acts are vested in the Commissioners acting under the said Acts, but that the same shall be and continue as fully, to all Intents and Purposes, as if this Act had never been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving the Rights of the Black Sluice Commissioners.

5 G. 3. c. 86.

10 G. 3. c. 41.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall prejudice or defeat any Works made or to be made by the Mayor, Aldermen, and Burgesses of the Borough of *Boston*, in pursuance of the said recited Acts of the Fifty-second Year of King *George* the Third, and the Seventh and Eighth Years of King *George* the Fourth, and of the Fourth and Fifth Years of King *William* the Fourth, or to lessen or take away any of the Rights or Powers which by the said Act were vested in the said Mayor, Aldermen, and Burgesses, (except so far as the same are by this Act expressly altered or taken away,) or to alter or take away any of the Rights, Tolls, Emoluments, Liberties, Franchises, or any Jurisdiction which the Mayor, Aldermen, and Burgesses of the said

Saving Rights of Corporation of Boston.

Borough of *Boston* were possessed of or had a Right unto by Charter, Prescription, Custom, or otherwise, before the passing of this Act, except so far as the same are by this Act expressly altered or taken away.

Interpretation of Act.

XL. And be it enacted, That in the Construction of this Act and of all former Acts relating to the said Port and Harbour of *Boston* the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The Word "Ship" or the Word "Vessel" shall include Lighters, Keels, Barges, Hoys, Boats, Rafts, Crafts, and floating Vessels of all Kinds, and whether propelled by Wind, Steam, manual Power, or otherwise:

The Word "Master" shall include all Persons (other than and except the Pilot) having for the Time being the Command or Care or Management of any such Ship or Vessel, and whether he be the Owner thereof or otherwise:

The Word "Owner" used relatively to Corn, Grain, and Pulse, or to Goods, Wares, or any Articles of Merchandize, shall include the Consignee and Shipper of such Corn, Grain, Pulse, Goods, Wares, Articles, and Merchandize.

Public Act.

XLI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Commencement of Act.

XLII. And be it enacted, That this Act shall commence and take effect upon the Day of the passing thereof.

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