ANNO · NONO

GEORGII IV. REGIS.

Cap. xxxi.

An Act for more effectually maintaining and improving the Harbour of *Dovor* in the County of *Kent*. [9th *May* 1828.]

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, intituled *An Act for the Repair of* Dover *Harbour*: And whereas another Act was passed in the Second and Third Years of the Reign of Queen *Anne*, intituled *An Act for enlarging the Term of Years granted by an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of King* William *the Third, for the Repair of* Dover *Harbour*: And whereas another Act was passed in the Fourth Year of the Reign of King *George* the First, intituled *An Act for enlarging the Term of Years granted by the Acts of the Eleventh and Twelfth Years of King* William *the Third, and Second and Third Years of Queen* Anne, *for the Repair of* Dover *Harbour*: And whereas another Act was passed in the Ninth Year of the Reign of King *George* the First, intituled *An Act for completing the Repairs of the Harbour of* Dover *in the County of* Kent, *and for restoring the Harbour of* Rye *in the County of* Sussex *to its ancient Goodness*: And whereas another Act was passed in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act for continuing the Term and Powers granted and given by the Acts passed in the Eleventh and Twelfth Years of the Reign of King* William *the Third, and in the Ninth and Tenth Years of the Reign of His late Majesty*

11 & 12 W. 3. c. 5.
2 & 3 Anne, c. 7.
4 G. 1. c. 13.
9 G. 1. c. 30.
11 G. 2. c. 7.

King George, *for repairing the Harbour of* Dover *in the County of* Kent, *and for restoring the Harbour of* Rye *in the County of* Sussex, *to its ancient Goodness*: And whereas another Act was passed in the Thirty-first Year of the Reign of King *George* the Second, intituled
31 G. 2. c. 8. *An Act for enlarging the Terms and Powers granted and continued by several Acts of Parliament for repairing the Harbour of* Dover *in the County of* Kent: And whereas another Act was passed in the Twenty-
26 G. 3. c. 11. sixth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term of several Acts of Parliament for the Repair of* Dover *Harbour*: And whereas by the said several Acts certain Rates and Duties were granted and made payable, for limited Times, on Ships and Vessels, for the Maintenance and Support of the Harbour of *Dovor* in the County of *Kent*: And whereas an Act was passed in the Thirty-fourth Year of the Reign of King *George* the Third,
34 G. 3. c. 112. intituled *An Act for better regulating the Harbour of* Dover *in the County of* Kent: And whereas by an Act passed in the Forty-seventh
47 G. 3. Year of the Reign of King *George* the Third, intituled *An Act for*
Sess. 2. c. 69. *enlarging the Term and altering the Powers of several Acts for the Maintenance and Repair of the Harbour of* Dovor *in the County of* Kent, the Rates and Duties on the Tonnage of Ships and Vessels, granted and made payable by the said recited Act of the Eleventh and Twelfth Years of the Reign of King *William* the Third, and which by the said several subsequent Acts or some of them had been considerably reduced, were again granted and made payable for a limited Time, which said Rates and Duties are now near expiring: And whereas since the passing of the said last recited Act, very considerable Improvements and Alterations have been made in the said Harbour, and large Sums of Money have been borrowed and are still due and owing on the Credit of the said Rates and Duties, which, in order to afford greater Facilities to the Commerce of the Country, have lately been considerably reduced: And whereas the said Harbour is of the utmost Importance, not only for the Safety and Shelter of Ships and Vessels navigating the *British Channel*, but also as the Station of His Majesty's Post Office Packets, and the principal Port of Communication with the Continent of *Europe*, and it is therefore important that the Pier Heads, Jetties, and other Works of the said Harbour should be maintained and supported, and still further Repairs and Improvements made therein, and that the Money already borrowed under the said recited Acts should be repaid, for which several Purposes, and for more effectually carrying into Execution the Purposes of the said Acts, it is necessary that the said Acts should be repealed, and the Provisions thereof altered and amended, and consolidated into one Act: May it therefore please Your Majesty that it may be enacted; and be it 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,
Recited Acts repealed. That from and after the First Day of *June* One thousand eight hundred and twenty-eight, the said recited Acts passed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, the Second and Third Years of the Reign of Queen *Anne*, the Fourth and Ninth Years of the Reign of King *George* the First, the Eleventh and Thirty-first Years of the Reign of King *George* the Second, and

the Twenty-sixth, Thirty-fourth, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby repealed.

Duties hereby imposed liable to former Debts.

II. And be it further enacted, That the Rates and Duties by this Act imposed shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed and which are due and owing on the Credit or on Account of the Rates and Duties imposed by the said recited Acts, or any of them, and of all Interest due and to grow due on the same respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Rates and Duties hereby imposed.

Bonds, &c. under the former Acts to remain in force.

III. And be it further enacted, That all Indentures, Bonds, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made or entered into under the Authority of the said recited Acts or any of them, shall, notwithstanding the Repeal of the said recited Acts, remain in full Force and Effect, and be and continue available in all Courts of Law and Equity for, and be binding on the Warden and Assistants of the said Harbour of *Dovor*, and on the other Parties thereto respectively, in the same Manner as if the same had been made or entered into under the Authority of this Act.

Officers under former Acts to account under this Act.

IV. And be it further enacted, That all Persons who are or have been employed, or who shall have received any Rates or Duties, or other Money, or who may owe or be subject to the Payment of any Money by virtue of the said recited Acts or any of them, or who shall have in their Custody or Possession any Boats, Craft, Machinery, Materials, Tools, Money, Books, Accounts, Papers, Writings, or other Things relating to the said Harbour, or connected therewith, shall be and remain liable to account for, pay, and deliver over the same, and every Part thereof, to the said Warden and Assistants, in the same Manner as if they had been employed, or had received such Money, or were subject to the Payment of such Money, or had such Things in their Custody or Possession, by virtue of this Act.

Warden, &c. empowered to execute the Act.

V. And whereas by a Charter granted in the Year One thousand six hundred and six, being the Third Year of the Reign of His Majesty King *James* the First, certain Persons and their Successors were nominated and appointed a Corporation for the Care and Maintenance of the said Harbour, by the Name and Style of "The Warden and Assistants of the Harbour of *Dovor* in the County of *Kent*," and by that Name were to have perpetual Succession and a Common Seal; be it further enacted, That the Warden and Assistants of the Harbour of *Dovor* in the County of *Kent*, for the Time being, and their Successors, shall be and they are hereby authorized and empowered to carry this Act into Execution; and the said Warden and Assistants shall, for the Purposes of this Act, be and they are hereby constituted one Body Politic and Corporate, by the Name of "The Warden and Assistants of the Harbour of *Dovor* in the County of *Kent*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and

and be sued, and shall and may do, execute, and perform all Matters and Things hereby authorized and required to be done, executed, and performed by the said Warden and Assistants.

Warden, &c. not to hold Places of Profit, or be concerned in Contracts.

VI. And be it further enacted, That neither the Warden or Assistants of the said Harbour, or any of them, shall enjoy any Office or Place of Profit under this Act, or shall have any Share or Interest in, or be in any Manner directly or indirectly concerned in any Contract or Bargain for making, executing, or repairing, or in any Way relating to the Works to be executed under the Powers of this Act, or for supplying any Materials for the Use thereof; and if any Person after having become a Warden or Assistant shall, without having first duly resigned such Office at some Meeting of the said Warden and Assistants, to be held in pursuance of this Act, be concerned in any such Contract or Bargain, or otherwise as aforesaid, every such Warden or Assistant so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall, from and after the Conviction of any such Offence, be incapable of acting as a Warden or Assistant; and all and every such Contract and Bargain shall be and the same is hereby declared to be void, and shall not be enforced against or carried into Effect by any other Warden or Assistants: Provided always, that all Acts, Orders, Matters, and Things made or done by such Warden or Assistant previously to his being convicted of any such Offence, shall be good, valid, and effectual.

Contracts and Bargains made contrary hereto to be void.

Warden, &c. not personally liable.

VII. And be it further enacted, That no Contract which shall be made by the said Warden and Assistants for any of the Purposes of this Act shall be binding upon any such Warden and Assistants as Individuals or in their private Capacity, nor shall the Warden or any of the Assistants personally, or his or their respective Estates, be answerable for Payment of any of the Mortgages or Annuities granted or to be granted in pursuance of the said Acts or this Act; and all Money which shall be expended by or recovered against the said Warden or Assistants, or any of them, or any Person or Persons employed by them, by means of any Action or Suit, Prosecution or Appeal, to be brought by or against them or any of them, touching the Execution of this Act, shall be borne and defrayed by and out of the Money which shall come to the Hands of the Treasurer of the said Warden and Assistants by virtue of this Act.

Proceedings of Warden and Assistants to be done at Meetings.

VIII. And be it further enacted, That all Acts and Proceedings of the said Warden and Assistants to be done in exercise of the Powers and Authorities by this Act given and granted to them, shall be done at public Meetings of the said Warden and Assistants, of which Meetings, and the Time and Place of holding the same, Notice in Writing shall be given to the said Warden and Assistants at least Seven Days before the Time of holding such Meetings, either by public Advertisement, to be inserted in some Newspaper circulated in the Eastern Parts of the County of *Kent*, or by Letters from the Register of the said Warden and Assistants sent by Post to each of them, or by the Delivery of such Letters to each of them, either in Person or by leaving the same at the last or usual Places of Abode

Abode of the said Warden and Assistants respectively; and that such Letters shall be deemed and considered as personal Notices; and all the Powers and Authorities hereby granted to or vested in the said Warden and Assistants shall and may from Time to Time be executed by the major Part of them present at their respective Meetings, (the Warden or his Lieutenant always being One, and the whole Number present not being less than Six,) and all such Acts and Proceedings shall be as valid as if done and exercised by the said Warden and all the said Assistants; and at every Meeting of the said Warden and Assistants to be held in pursuance of this Act, the Warden, and in his Absence his Lieutenant, shall be Chairman, and such Chairman shall not only have a Vote as an Assistant, but in case of an equal Number of Votes upon any Question, Matter, or Thing, shall have the casting Vote; and every such Warden or Assistant as is or shall be a Justice of the Peace for the said County of *Kent*, or for the Town and Port of *Dovor*, or for the Liberties of the Cinque Ports, may act as a Justice in all Matters relating to the Execution of this Act, notwithstanding being such Warden or Assistant, except only in such Cases where he shall be personally interested.

Power for Warden, &c. to appoint Officers.

IX. And be it further enacted, That it shall and may be lawful for the said Warden and Assistants from Time to Time to appoint a Treasurer, Register, Clerk, and Collector or Collectors of the Rates and Duties by this Act imposed, and also a Harbour Master, and such other Officers and Persons as they shall find necessary for the Purposes of this Act, and to pay and allow to such Persons respectively such Wages or Salaries, or other Allowances, as the said Warden and Assistants shall think fit, which Wages, Salaries, and Allowances shall be paid out of the Rates and Duties by this Act imposed; and it shall be lawful for the said Warden and Assistants from Time to Time to remove or suspend such Persons respectively; and all such Officers so to be appointed shall, under their Hands, at such Time and Times and in such Manner as the said Warden and Assistants shall direct, deliver to the said Warden and Assistants, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by him received by virtue of and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due to the said Warden and Assistants, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Warden and Assistants, or to such Person as they shall appoint, within Thirty Days next after being thereunto required by the said Warden and Assistants, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Warden and Assistants respecting the same, then

then and in any of the Cases aforesaid the said Warden and Assistants may and are hereby authorized and empowered to cause an Action to be brought against the Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Warden and Assistants, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the County, Riding, Division, Cinque Port, or Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and is hereby authorized and required to issue a Warrant, under his Hand and Seal, for the Officer so neglecting or refusing to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice is hereby empowered to administer,) or by Confession of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of distraining and selling the same, or if it shall appear to such Justice that such Officer shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Accounts, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of the County, Riding, Division, Cinque Port, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Warden and Assistants for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Warden and Assistants are hereby empowered to make and receive,) and until he shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Warden and Assistants as aforesaid: Provided always, that no Person shall be committed, for want of sufficient Distress, for any longer Space of Time than Six Calendar Months.

Security to be given by Treasurer and Receivers.

X. And be it further enacted, That the said Warden and Assistants shall take from their Treasurer, and also from such of the Collector or Collectors of the Rates and Duties by this Act imposed as they shall think necessary, sufficient Security for answering and paying all and every Sum and Sums of Money which shall be by him or them respectively received, in such Manner as the said Warden and Assistants shall from Time to Time order, direct, and appoint, and also for his and their giving and making respectively true Accounts in

Writing from Time to Time, when and so often as he or they respectively shall be ordered and required by the said Warden and Assistants so to do, of all Monies by him or them respectively collected or received by virtue of this Act, and when, of whom, and for what, and also of all such Monies by them respectively disbursed, and the Times of such Disbursements, and to whom and by what Order.

Officers under former Acts (except the Treasurer) to be continued.

XI. And be it further enacted, That the Register, and each and every Clerk, Receiver of the Duties, Harbour Master, and other Officers (except the Treasurer), who shall have been appointed under and employed in the Execution of the said recited Acts or any of them, shall respectively continue to hold and exercise their respective Offices and Employments until they shall respectively die, resign, or be displaced or removed by the said Warden and Assistants, or become incapable of executing their said respective Offices, and shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed by virtue of this Act; and that the present Treasurer of the Harbour shall continue to hold his said Office until he shall be re-elected, or until another Person shall be elected and appointed in his Stead.

Clerk not to act as Treasurer, and vice versâ.

XII. And be it further enacted, That it shall not be lawful for the said Warden and Assistants to continue or appoint any Person who has been or may be appointed their Register Clerk, or the Partner of any such Register Clerk, or the Clerk or any Person in the Service or Employ of any such Register Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Register or Clerk for the Purposes of this Act; and if any Person shall act in both the Capacities of Register or Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Register or Clerk, or the Clerk or any other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, shall act as Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Register or Clerk, or shall act as Deputy of the Register or Clerk, or in any Manner officiate for the Register or Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Warden and Assistants other than that of the Treasurer, every such Person so offending shall, for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information,

Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers not to take Gratuities.

XIII. And be it enacted, That no Officer or other Person who shall be employed in the Execution of this Act shall take or accept from any Person or Persons whomsoever any Fee or Perquisite, Gratuity or Reward, for or in respect of any Matter to be done by him in execution of this Act, save what is provided by this Act, and such as shall be ordered and directed by the said Warden and Assistants to be paid to such Officer or other Person; and if any such Officer or other Person shall offend herein, he shall be thereupon dismissed from such Employment or Office, and be for ever afterwards rendered incapable of holding or executing any Office or Employment under the said Warden and Assistants.

Orders and Proceedings to be entered in Books.

XIV. And be it further enacted, That all Orders and Proceedings of the said Warden and Assistants, together with the Names of the Warden and Assistants present at every Meeting, shall be entered in a Book or Books to be kept by the Register to the said Warden and Assistants for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had; and such Book or Books shall be open at all seasonable Times to the Inspection of the said Warden and Assistants, or any of them, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as all and every other Book or Books in which any Minute or Minutes, Entry or Entries, of any Proceeding or Proceedings whatsoever of the said Warden and Assistants shall be made, shall be deemed to be legal Evidence of such Proceedings in all Courts whatsoever.

Accounts to be kept of Receipts and Disbursements.

XV. And be it further enacted, That the said Warden and Assistants shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Warden and Assistants, or any Person or Persons paying or contributing towards the Rates and Duties hereby imposed, without Fee or Reward; and the said Warden and Assistants, and Person or Persons, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Treasurer shall refuse to permit or shall not permit the said Warden and Assistants, or such Person or Persons, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Treasurer shall forfeit any Sum not exceeding Forty Shillings.

XVI. And

Accounts to be laid before Parliament.

XVI. And be it further enacted, That the said Warden and Assistants shall yearly lay before each House of Parliament a true Account of the Receipt and Application of all Monies which shall be received by the said Warden and Assistants by virtue of this Act.

Bye Laws may be made by the Wardens and Assistants.

XVII. And be it further enacted, That it shall be lawful for the said Warden and Assistants to make, ordain, and establish such Rules, Bye Laws, and Orders, for the good Government and Management of the Proceedings of them the said Warden and Assistants, and for the due ordering and Conduct of their Servants, Officers, Agents, and Workmen, and for the well ordering, Superintendance, and Management of all Matters and Things relating to the said Harbour, and the Seamen, Boatmen, and others, and the Ships, Boats, and Vessels frequenting or using the same, as to the said Warden and Assistants shall seem meet and fitting, and to impose or inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as they shall think fit, not exceeding the Sum of Five Pounds for any one Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Warden and Assistants, shall be binding upon and observed by all the Parties using or in any Way concerned in the said Harbour and Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that the said Rules, Bye Laws, and Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions and Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned: Provided also, that Copies of all such Rules, Bye Laws, and Orders, shall be painted on Boards in legible Characters, and be affixed and continued in some conspicuous Place or Places upon or near or adjoining to the said Harbour, and renewed as often as the same shall be obliterated or defaced.

Vesting Piers and Property in the Warden and Assistants.

XVIII. And be it further enacted, That the Right and Property of and in all Buildings and Erections, and the Materials thereof, and of and in all the Pier Heads, Jetties, Docks, Lights, Lighthouses, Works, Quays, Wharfs, Ways, Walls, Matters, and Things, built, made, or established, or to be built, made, or established by virtue of the said recited Acts or of this Act, and of and in all and every the Materials, Implements, Tools, Goods, Matters, and Things provided or had for the Purposes of the said recited Acts or any of them, or of this Act, by the said Warden and Assistants, shall be and are hereby vested in the said Warden and Assistants for the Time being; and the said Warden and Assistants shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Materials, or other Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner, as the said Warden and Assistants shall think proper; and the said Warden and Assistants shall and may cause to be brought any Action or Actions, Suit or Suits, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who

who shall steal, take, or carry away, or detain, spoil, injure, or destroy the said Property, or any of the several Articles and Things hereby vested in them the said Warden and Assistants as aforesaid, or any Part or Parts thereof.

Piers, Jetties, &c. may be made for the Improvement of the Harbour.

XIX. And be it further enacted, That the said Warden and Assistants shall be and they are hereby fully authorized and empowered from Time to Time to make, erect, establish, and maintain all such Piers, Jetties, Basins, Culverts, Drains, Locks, Bridges, Dams, Lights, Lighthouses, and other Works and Conveniences, as they shall think fit and necessary for the Improvement and Maintenance of the said Harbour, not only within the same and upon the Land adjoining thereto, (being the Property of the said Warden and Assistants,) but also upon the Beach of the Sea One Mile to the East and One Mile to the West of the Mouth or Entrance of the said Harbour; and within the said Limits it shall not be lawful for any Person or Persons to make, erect, or establish any Groyns, Jetties, or other Works, without the Consent of the said Warden and Assistants, under their Common Seal, first had and obtained, or to do any Act, Matter, or Thing, whereby the said Harbour, or the free Use and Entrance thereof, may be in anywise prejudiced.

Power to take Duties.

XX. And be it further enacted, That there shall be paid unto the said Warden and Assistants of the Harbour of *Dovor* aforesaid, or to such Person or Persons as they shall from Time to Time appoint for that Purpose, the several Rates and Duties following; (that is to say,)

Duties.

For every Ship or Vessel, whether belonging to any of His Majesty's Subjects, or to any Person or Persons not being a Subject or Subjects of His Majesty, of the Burthen of Twenty Tons or more, and not exceeding the Burthen of Three hundred Tons, if passing from or to *Dovor*, or coming into the Harbour there, not having a Cocket or Receipt testifying the Payment of such Rate or Duty before on that Voyage, the Sum of Three-pence for every Ton of the Burthen thereof, (save and except Ships in Ballast, and such Ships or Vessels as shall be wholly laden with Coals, Culm, or Stone); and for every Chaldron of Coals or Culm, or Ton of Stone, on board of such Ship or Vessel, the Sum of One Penny Halfpenny:

And if such Ship or Vessel shall only pass the said Harbour of *Dovor*, the Sum of One Penny Halfpenny for every Ton of the Burthen thereof, (save and except Ships in Ballast, and such Ships or Vessels as shall be wholly laden with Coals, Culm, or Stone); and for every Chaldron of Coals or Culm, or Ton of Stone, on board of such Ship or Vessel, the Sum of Three Farthings:

And for every Ship or Vessel of the Burthen of Three hundred Tons and upwards, entering the said Harbour, not having a Cocket or Receipt testifying the Payment of such Rate or Duty before on that Voyage, the Sum of Three-pence for every Ton of the Burthen thereof, (save and except Ships in Ballast, and such Ships or

Vessels as shall be wholly laden with Coals, Culm, or Stone); and for every Chaldron of Coals or Culm, or Ton of Stone, on board of such last-mentioned Ship or Vessel, the Sum of One Penny Halfpenny:

Duties vested in the Warden and Assistants.

And the said several and respective Rates and Duties or Sums hereby granted shall be and the same are hereby vested in the said Warden and Assistants for the Time being, and the same and every of them shall be levied, collected, paid, applied, and disposed of in the Manner directed by this Act.

Not to extend to Vessels in His Majesty's Service, &c.

XXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster-General.

Coasters to pay but once a Year; Fishing Vessels exempt.

XXII. Provided always, and be it enacted, That no Coaster shall pay the Rates and Duties imposed by this Act oftener than once in any One Year; nor shall any of the aforesaid Duties be paid by or charged upon any Person in respect of any Vessel engaged in fishing only; any thing in this Act contained to the contrary notwithstanding.

Warden, &c. may appoint Collectors of Duties.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Warden and Assistants from Time to Time to nominate and appoint such and so many Person or Persons, in every Port and Place where the said Rates or Duties shall be payable, to collect and receive the same respectively; and when and as often as such Person or Persons shall be so nominated and appointed for that Purpose, then and in such Case such Rates and Duties may be raised, collected, and received by such Person or Persons in such Port or Place; and it shall and may be lawful to and for the said Warden and Assistants to remove any such Person or Persons so nominated and appointed, and to nominate and appoint any other Person or Persons for collecting and receiving such Rates and Duties in his or their Room or Stead, and out of the Monies received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to such Person or Persons as to them the said Warden and Assistants shall seem reasonable; and every such Person so nominated and appointed shall and he is hereby empowered and required to collect and receive the Rates and Duties given and granted by this Act, and on the Receipt thereof every such Person shall give a Certificate of the Payment thereof to the Person or Persons paying the same; and every such Person collecting and receiving the same as aforesaid shall and he is hereby required to keep a fair and true Account thereof in a Book or Books to be by him or them kept for that Purpose, to which all Persons may have free Access at all seasonable Times, without Fee or Charge, and shall, at such Time or Times as shall be directed by the said Warden and Assistants, pay such Rates and

and Duties so received to such Person or Persons as the said Warden and Assistants, by Warrant under their Common Seal, shall appoint to receive the same; and if any such Person or Persons so nominated or appointed as aforesaid shall refuse or neglect to collect, or shall make any wilful Default in collecting, the said Rates and Duties, or any of them, or shall not keep a fair and true Account thereof as aforesaid, or shall not pay the same over from Time to Time according to the Directions of this Act, then and in every such Case every such Person or Persons so offending shall forfeit any Sum not exceeding Five hundred Pounds for every such Neglect or Default, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Privilege, Protection, Wager of Law, or more than one Imparlance, shall be allowed; and the same shall be applied in such and the same Manner as the Rates and Duties hereby imposed are directed to be applied.

No Vessel to be cleared till Certificate be produced of Payment of Duties.

XXIV. And be it further enacted, That no Ship or Vessel outward-bound, the Place of whose Destination shall be from, to, or by *Dovor* aforesaid, shall be cleared at any Office of His Majesty's Customs on such outward-bound Voyage, nor shall any Ship or Vessel which shall have sailed from or by *Dovor*, or have gone into Harbour there, be allowed to enter at any Office of His Majesty's Customs on her homeward-bound Voyage by any Officer or Officers of His Majesty's Customs, without producing a Certificate from the Officer or Person empowered to collect the Rates and Duties imposed by this Act, testifying the Payment thereof: Provided always, that on producing a proper Acquittance for the Receipt of such Rates and Duties, the Master or Owner of such Ship or Vessel shall have and be entitled to an Allowance from the Merchant or Merchants, Consignee or Consignees, Importer or Importers, or Exporter or Exporters, or his or their Agents or Factors; that is to say, for every Ton of Goods, Wares, or Merchandize laden on board such Ship or Vessel, on account of such Merchants, Consignees, Agents, Importers, or Exporters, a like Sum *per* Ton as is by this Act imposed upon the Ship or Vessel on board of which such Goods, Wares, or Merchandize shall be laden or unladen, and so in proportion for a less Quantity than a Ton; and such Goods, Wares, and Merchandize are hereby made liable and subject to the Payment of the said Rates and Duties accordingly.

Officers of Customs may refuse to give a Cocquet for Clearance.

XXV. And be it further enacted, That it shall and may be lawful for the Collector or other proper Officer of His Majesty's Customs within the said several Harbours, Ports, or Places where the Rates and Duties by this Act imposed shall be payable, and he or they is and are hereby authorized, to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report inwards or outwards, for any Ship or other Vessel whatever subject and liable to the Payment of the Rates and Duties imposed by this Act, until the said Rates and Duties shall be paid to the Collector or Collectors appointed to receive the same, and until a Receipt under the Hand of the said Collector or Collectors of the said Rates and Duties shall be produced to the said Collector or other

other proper Officer of His Majesty's Customs; and every such Collector or other Officer of His Majesty's Customs shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from His Majesty's Commissioners of Customs in relation thereto.

Receiver to enter Ships, and take Account of Rates and Duties.

XXVI. And to the end that the Rates and Duties by this Act imposed may be effectually levied and collected, be it enacted, That it shall and may be lawful to and for the Collector or Collectors of the Rates and Duties by this Act imposed, or any of them, to enter into or on board any Ship or Vessel at or within any Port or Place, and to demand, take account of, and inspect what Rate or Duty is payable by virtue of this Act for or in respect of the Tonnage of any such Ship or Vessel, or of any Coals, Culm, or Stone on board such Ship or Vessel, and to demand, collect, and receive all and every such Rate and Duty; and in case the Rate and Duty by this Act imposed shall not be paid by the Master or Commander, Owner or Owners of such Ship or Vessel, or by the Owner or Owners, Merchant or Merchants, Consignee or Consignees of the Goods, Wares, and Merchandize on board the same, his or their respective Factors or Agents, or by the Person having the Charge or Command of such Ship or Vessel, upon Demand thereof made by the said Collector or Collectors, then it shall and may be lawful to and for such Collector or Collectors to seize and distrain such Coals, Culm, or Stone, and every or any Part thereof, or such Ship or Vessel, or any Goods, Wares, or Merchandize on board thereof, and all and every or any other Goods, Wares, or Merchandize of or belonging to the same Owner or Owners, Merchant or Merchants, Consignee or Consignees, which shall then or any Time afterwards come to or be found at or within any of the Harbours, Havens, Ports, or Places where the said Rates or Duties shall become due and payable and ought to be paid, or upon any Wharf belonging or adjoining to the same respectively, or at or in the Custom House of the said Harbours, Havens, Ports, or Places as aforesaid, (other than such Goods, Wares, or Merchandize as shall happen to be seized for Custom to His Majesty actually and *bonâ fide* due,) and also all the Guns, Tackle, Furniture, and Apparel of or belonging to any Ship or Vessel within such Harbour, Haven, Port, or Place as aforesaid; and in case of Neglect or Delay of or in Payment of the said Rates and Duties, or any Part thereof so payable and neglected or delayed to be paid, and for which such Distress or Distresses shall be taken as aforesaid, for the Space of Five Days next after such Distress or Distresses so taken, then and in every such Case it shall and may be lawful to and for such Collector or Collectors to sell the said Coals or Stone, Ship, Vessel, Goods, Wares, and Merchandize, Guns, Tackle, and Furniture so distrained, or so much thereof as he or they shall deem necessary, and therewith to satisfy him or themselves as well for the said Rate and Duty as for his and their reasonable Charges in taking, keeping, and selling such Distress or Distresses, rendering the Overplus (if any) to the Owner or Owners of the same, or to his or their Factor or Agent, for the Use of such Owner or Owners when he or they shall require the same; and if any Master, Owner, Merchant, Consignee, Factor, Agent, or other Person shall not permit, or shall obstruct or hinder

hinder any Collector or Collectors, or other Person or Persons employed by the said Warden and Assistants, to enter, or from entering, on board any Ship, Vessel, Boat, or other Craft, to take an Account of and inspect what Rate and Duty may be payable by virtue of this Act, or for any Purpose authorized by this Act, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds, over and above the said Rates and Duties.

How Tonnage Duties shall be ascertained.

XXVII. And be it further enacted, That the Master or Commander of any Ship or Vessel liable to the Rates and Duties aforesaid shall and he is hereby required to produce and shew, on Demand, to the Person or Persons appointed to collect the said Rates and Duties, the Custom House Register of the Burthen or Tonnage of such Ship or Vessel; and in case of Refusal, Failure, or Delay in producing and shewing the same, or in case there be no such Register, or in case the said Warden and Assistants, or such Person or Persons appointed to collect the Rates and Duties aforesaid, shall not be satisfied therewith, or shall entertain any Doubt of the Correctness thereof in regard to the Tonnage of such Ship or Vessel, it shall and may be lawful for him to detain and to enter, either alone or with any Person or Persons for his or their Assistance, into such Ship or Vessel, and admeasure the same, in manner directed by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the registering of* British *Vessels*, and which shall be deemed to give the true Contents of the Tonnage, according to which Rule or Method all Ships and Vessels liable to the Rates and Duties aforesaid shall be measured, for computing, ascertaining, and collecting the said Rates and Duties, any Custom, Practice, or Usage to the contrary thereof notwithstanding; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Tonnage than shall be set forth and contained in the Account which shall have been given thereof, then the Master or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, or gauging; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates and Duties are hereby appointed to be recovered and levied; but if any such Ship or Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons respectively, shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay such further Damages as shall appear to any One or more Justices of the Peace acting for the County or Place where the Case shall happen, on the Oath of any credible Witness, to have arisen from such Detention; and in default of immediate Payment thereof by the Collector or Collectors of such Rates and Duties, the same shall and may be recovered from the said Warden and Assistants by Distress and Sale of the Goods and Chattels of the Warden and Assistants, or of the Treasurer, or of their Collector or Collectors; and if any Master, Commander, or other Officer of any Ship or Vessel, or any other Person or Persons, shall obstruct or hinder any Person or Persons so employed from weighing, measuring, or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander,

6 G. 4. c. 110.

or other Person shall for every such Offence forfeit any Sum not exceeding Ten Pounds, over and above the said Rates and Duties.

Penalty on Persons eluding Payment of Duties.

XXVIII. And be it further enacted, That if any Owner, Master, or Commander of any Ship or Vessel, or any Merchant, Consignee, Factor, Agent, or other Person, shall elude or avoid Payment of any Rate or Duty imposed by this Act, such Owner, Master, or Commander, Merchant, Consignee, Factor, Agent, or other Person shall forfeit for every such Offence Double the Amount of the Rate or Duty which such Ship or Vessel, Coals, Culm, or Stone would be subject to by virtue of this Act; and the same shall be recovered in the same Manner as the Fines and Penalties imposed by this Act are directed to be raised and recovered.

Table of Tolls to be put up.

XXIX. And be it further enacted, That the said Warden and Assistants shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, upon some conspicuous Part of the Works of the said Harbour, or upon some Erection or Building adjoining thereto, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing a List of all the Rates and Duties payable to the said Warden and Assistants by virtue of this Act, and to renew such Board whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated.

Warden, &c. may lease the Tolls.

XXX. And be it further enacted, That it shall be lawful for the said Warden and Assistants, and they are hereby authorized and empowered, by Writing under their Common Seal, from Time to Time to let to farm the Tolls and Duties hereby imposed, and each and every or any Part or Parts thereof, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any such Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates and Duties so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates and Duties so let, and shall have the same Powers and Authorities for collecting and recovering the same as if they had been appointed for that Purpose by the said Warden and Assistants: Provided always, that public Notice of the Intention to let the said Rates and Duties, or any Part or Parts thereof, be given by Advertisement in One Newspaper usually circulated in the said Town and Port of *Dovor*, and in the said County of *Kent*, at least Twenty-one Days prior to the Day at which the said Rates and Duties, or any Parts thereof, are proposed to be let as aforesaid.

Rates may be varied.

XXXI. And be it further enacted, That it shall be lawful for the said Warden and Assistants from Time to Time to reduce all or any of the Rates and Duties imposed by this Act, and again, as often as they shall think proper, to raise the same to any Sum or Sums of Money, not exceeding the Sums specified in this Act.

Money to be paid to Collectors, and

XXXII. And be it further enacted, That all and every the Rates and Duties so to be collected and paid as aforesaid shall be paid to such

by them as the Warden, &c. shall order.

such Collector or Collectors as aforesaid, and shall be by such Collector or Collectors paid over to such Person or Persons whom the said Warden and Assistants shall under their Common Seal appoint to receive the same.

Power to borrow Money.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Warden and Assistants of the said Harbour from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary, not exceeding in the whole (including the Sum of Fifteen thousand four hundred Pounds, which Sum they have already borrowed, and is now due and owing on the Credit of the said recited Acts or any of them,) the Sum of Sixty thousand Pounds upon the Credit of the Rates and Duties to be collected by virtue of this Act, and by Writing under the Hand and Seal of the Treasurer of the said Harbour (by and with the Consent and Approbation of the said Warden and Assistants,) to assign all or any Part of the said Rates and Duties to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Costs and Expences of such Assignment thereof, to be made in manner hereafter mentioned, shall be from Time to Time defrayed by the said Warden and Assistants of the said Harbour, out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Form of Assignment.

'WE, the Warden and Assistants of the Harbour of *Dovor* in the County of *Kent*, in consideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purposes of an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and assign unto the said *A. B.* [*or* to his Trustee or Trustees, *as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rates and Duties arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which shall have been or may at any Time be borrowed or become due and owing or be charged upon the Credit of the said Rates and Duties, to be had and holden from this Day of until the said Sum of with Interest at *per Centum per Annum* for the same, shall be repaid and satisfied. In witness whereof we have caused our Common Seal to be hereunto set and affixed, the Day of in the Year .'

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

XXXIV. And

XXXIV. And be it further enacted, That in case the said Warden and Assistants shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities instead of Assignments as aforesaid, then and in such Case it shall and may be lawful to and for the Treasurer of the said Harbour, by and with the Consent and Approbation of the said Warden and Assistants, and he is hereby authorized and empowered, by Writing under his Hand and Seal, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Treasurer any Sum or Sums of Money, as to the said Warden and Assistants shall seem right and proper, for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the Continuance of this Act to the Contributor, in case such Contributor shall so long live, or in case such Person as shall be nominated by or on the Behalf of such Contributor shall so long live; and the Expence of every such Grant shall be defrayed out of the Monies to be received by virtue of this Act; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Power for Warden, &c. to raise Money by Annuities.

'WE, the Warden and Assistants of the Harbour of *Dovor* in the County of *Kent*, in consideration of the Sum of paid by *A. B.*, do hereby grant unto the said *A. B.* an Annuity or yearly Sum of out of the Rates and Duties granted or arising by virtue of an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], which Annuity or yearly Sum of shall be paid to the said *A. B.* or his Assigns, during the Continuance of the said Act, in case he [*or* she] shall so long live, [*or* to the said *A. B.*, his Executors, Administrators, or Assigns, during the Continuance of the said Act, in case *C. D.* should so long live, *as the Case may be*,] upon the Day of in every Year, at the Council House of the said Warden and Assistants, situate in the said Town of *Dovor*, the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have caused our Common Seal to be hereunto set, the Day of in the Year .'

Form of Grant of Annuity.

And every such Grant shall be good, valid, and effectual in the Law; and every Annuity so granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the said Treasurer out of the said Rates and Duties, and other Money to be received by virtue of this Act, according to the Grant of such Annuity.

XXXV. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other in the Fifty-second Year of His said Majesty, intituled *An Act for amending Two Acts passed in*

Preventing improvident Grants of Annuities.

48 G. 3. c. 142.

52 G. 3. c. 129.

in the Forty-eighth and Forty-ninth Years of the Reign of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.

Power of transferring Mortgages, &c.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be,) at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

'I *A. B.* being entitled to the Sum of [*or* an Annuity of] secured to *C. D.* and his Assigns, or his Executors, Administrators, and Assigns, [*as the Case may be,*] by virtue of an Assignment or Grant of an Annuity, bearing Date the Day of under the Common Seal of the Warden and Assistants of the Harbour of *Dover* in the County of *Kent*, acting in the Execution of an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], do hereby transfer all my Right and Title in and to the same Sum [*or* Annuity], and all Interest and other Money now due and owing thereon, unto *E. F.*, his Executors, Administrators, and Assigns. Dated the Day of'

Copies of Securities and Transfer of Memorials to be entered in a Book.

And a Copy of every Security or Assignment, and of every Grant of Annuity which shall have made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Register to the said Warden and Assistants; which Extract or Memorial shall contain the Date, Names of the Parties, and Sums of Money in such Security, Assignment, Grant, and Transfer respectively; to which Book any Person interested shall, at all seasonable Times, have access, and have free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer the said Register shall be paid, by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Inrolment whatsoever.

Provision for the Payment of Creditors by Lot.

XXXVII. And in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rates and Duties to be raised by virtue of the said recited Acts or any of them, so far as the same relate to the said Harbour, or of this Act; be it further enacted, That the said Warden and Assistants (if there shall be more Creditors than One) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies due and owing upon the Credit of the said Rates and Duties, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper,

of an equal Size, and all such Papers shall be rolled up in the same Form, as near as may be, and be put into a Box or Wheel, and the Number or Numbers of as many of the said Assignments or Securities as are intended to be paid off shall be drawn separately out of the said Box or Wheel by the Register to the said Warden and Assistants; and after every such Ballot, Notice, signed by the Register, shall be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor, the like Notice shall be given to such Creditor of the Intention to pay him or her off as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

Application of Money raised or borrowed.

XXXVIII. And be it further enacted, That all the Money to arise by or from the said Rates and Duties hereby granted, or to be received from Time to Time by virtue of this Act, and all the Money which may be borrowed on the Credit thereof, or advanced for Annuities as aforesaid, shall be paid to the Treasurer of the said Harbour, and shall be applied and disposed of, in the first place, in paying and defraying the Costs, Charges, and Expences which shall be incident to and attending the obtaining and passing of this Act and of the Interest of the Money which shall have been advanced for defraying such Costs, Charges, and Expences, and in paying the Interest of the Monies borrowed by virtue of the said recited Acts or any of them, or to be borrowed by virtue of this Act; and in paying such Annuities as aforesaid, as the same respectively shall become due, and in defraying the Costs, Charges, and Expences of cleansing, repairing, maintaining, and supporting the said Harbour, and the several Works thereunto belonging; and in building, erecting, and providing additional Works for the Maintenance and Improvement thereof; and in erecting any Jetties, Walls, Quays, Pile Work, or any other Fences, for the Protection against the Sea of any Land or Buildings belonging to the said Harbour; and in paying and defraying all Costs, Charges, and Expences which the said Warden and Assistants, or any of them, or any of their Officers, may sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, for or concerning any of the Monies granted or arising by virtue of this Act, or in any Manner relating to the Execution thereof, or of any Thing to be done by virtue thereof, and in paying and discharging the Principal Monies borrowed and due and owing on the Credit of the said recited Acts or any of them, so far as the same relate to the said Harbour of *Dover*, or to be borrowed on the Credit of this Act, and in carrying the

the several other Purposes of this Act into Execution, and for no other Use, Intent, or Purpose whatsoever.

Power to appoint a Harbour Master.

XXXIX. And whereas it is necessary, for preventing Accidents and Inconvenience within the said Harbour and the Basins thereof, and for the proper Regulation and Management of the said Harbour, that a Harbour Master should be appointed; be it therefore enacted, That it shall be lawful for the said Warden and Assistants, and they are hereby authorized and required, from Time to Time, as they shall see Occasion, to nominate and appoint some fit and proper Person or Persons to be Harbour Master or Harbour Masters of the said Harbour, with such Salary as they shall think reasonable, who shall be under the sole Controul and Direction of the said Warden and Assistants, and shall obey their Orders in every respect; and the said Warden and Assistants may, as often as they shall see Cause, remove, suspend, or dismiss any such Harbour Master or Harbour Masters.

Power and Authority of Harbour Master; and Penalty for Neglect of Duty.

XL. And be it further enacted, That each and every such Harbour Master shall have full Power and Authority to direct the mooring, anchoring, unmooring, placing, moving, or removing of all Ships or Vessels, Boats, or other Craft, coming into, lying, or being in the said Harbour or any Part thereof respectively, or within the Basins thereof, or within the Place called *The Pent*, communicating with the Inner Basin, or being within the Distance of Two hundred and fifty Yards of the Entrance or Mouth of the said Harbour, and to appoint and regulate the Time or Times and Manner of their Entrance into, lying in, or going out of or from the said Harbour, and to regulate and determine the Position of such Ships or Vessels, Boats or other Craft, and their Manner of laying up, and of loading or discharging their Cargoes, or landing of Passengers, or taking in, heaving out, or delivering Ballast therein respectively; and each and every such Harbour Master shall from Time to Time give Orders and Directions as to the Places from which any Sand, Beach, Gravel, or Ballast shall be dug for or taken from within the said Harbour or Basins, or within the Distance of Two hundred and fifty Yards of the Mouth of the said Harbour; and shall cause to be removed all Wrecks of Vessels, Timber, or any other Article or Thing whatever, obstructing or tending to obstruct the free Navigation and Use of the said Harbour, and the Mouth or Entrance thereof; and shall give such other Orders and Directions for the Government and Regulation of the Ships, Vessels, Boats, and other Craft within the said Harbour, as to him shall from Time to Time seem expedient and necessary, and shall in all respects obey the Orders and Directions of the said Wardens and Assistants; and in case the said Harbour Master shall neglect or wilfully omit to execute the Duties by this Act imposed on him, or any of them, he shall forfeit any Sum not exceeding Ten Pounds.

Penalty on Harbour Master for Abuse of Power.

XLI. And be it further enacted, That if any such Harbour Master shall give any undue Preference, or otherwise abuse the Power or Authority vested in him by virtue of this Act, touching the removing of any such Ship or Vessel, such Harbour Master shall forfeit

forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty for not obeying Orders of Harbour Master.

XLII. And be it further enacted, That the Master or Commander of every Ship, Vessel, Boat, or other Craft within the said Harbour, or within Two hundred and fifty Yards of the Mouth of the same, or within the Pent, shall, after Notice or Directions given to him, either verbally or in Writing, by the said Harbour Master for that Purpose, moor, anchor, unmoor, place, move, or remove his Ship, Vessel, Boat, or other Craft, or load, ship, or discharge the Goods, Wares, or Merchandize on board the same, or land any Passenger or Passengers therefrom, or take, heave out, or deliver Ballast into or from any Ship, Vessel, Boat, or other Craft, in such Manner as the said Harbour Master shall direct; and in default thereof, it shall and may be lawful for the said Harbour Master to cause such Ship, Vessel, Boat, or Craft to be moored, anchored, unmoored, placed, moved, or removed to or at such Place in the said Harbour or the Pent, as may be deemed most convenient for any of the said Purposes; and every such Owner, Consignee, or other Person or Persons having the Command, Care, or Charge of any such Ship, Vessel, Boat, or other Craft, so refusing or neglecting to moor, anchor, unmoor, place, move, or remove such Ship, Vessel, Boat, or other Craft, when directed to do so as aforesaid, or obstructing or hindering the Harbour Master, or his Assistant or Assistants, in the mooring, anchoring, unmooring, placing, moving, or removing any such Ship, Vessel, Boat, or other Craft as aforesaid, shall in every such Case forfeit a Sum not exceeding Fifty Pounds, together with the Costs and Charges which may be incurred by such Harbour Master, or his Assistant or Assistants, in the mooring, anchoring, unmooring, placing, moving, or removing such Ship or Vessel as aforesaid.

Powers of Harbour Master not to extend to Passage Vessels.

XLIII. Provided always, and be it further enacted, That the Powers and Authorities herein-before vested in the said Harbour Master shall not extend or be construed to extend so far as relates to Packet Boats and Passage Vessels sailing from and to *Dovor* to and from *France* and *Flanders*, any further or otherwise than the mooring, anchoring, unmooring, placing, moving, or removing such Packet Boats and Passage Vessels, and not to the regulating or otherwise interfering with the putting on board or landing or unshipping therefrom, either within the said Harbour or the Bay called *Dovor Bay*, any Passengers, or any Baggage or other Articles to them belonging.

Harbour Master empowered to cut mooring Ropes, &c. in case of Necessity.

XLIV. And be it further enacted, That in case any Master or Commander, or other Person on board of any Ship or Vessel which shall be moored within the said Harbour, shall at any Time whilst the Flag shall be displayed on either of the Pier Heads of the said Harbour, or on any other Place to be for that Purpose appointed, to denote the Depth of Water in the said Harbour, refuse or neglect, upon Demand of the Harbour Master, to unloose or slacken the Rope or Ropes, Chain or Chains by which such Ship or Vessel shall be so moored, to give a convenient Passage to any other Ship or Vessel which shall be coming into or going out of or mooring in the said Harbour;

Harbour; or in case there shall be no Person on board of any such Ship or Vessel so moored, or who shall answer to the Call of the said Harbour Master for the Purpose aforesaid; in every such Case it shall and may be lawful for the said Harbour Master to cut the Rope or Ropes, or slacken the Chain or Chains by which such Ship or Vessel shall be so moored as aforesaid, in order to give a convenient Passage for the Ship or Vessel which shall be so coming into or going out of or mooring in the said Harbour.

Harbour Master to put a Person on board a Vessel before cutting the Rope or slackening the Moorings, in case no Person is on board the same.

XLV. Provided always, and be it further enacted, That before the Harbour Master shall cut any Rope or Ropes, or slacken any Chain or Chains by which any Ship or Vessel shall be moored, having no Person on board, or who shall not answer to the Call, for the Purpose aforesaid, of the said Harbour Master, or any Person or Persons by him appointed, the said Harbour Master shall and he is hereby authorized to put on board such Ship or Vessel such Person or Persons as he or they may think proper for the Protection and Security from Injury of such Ship or Vessel; and that all reasonable Charges and Expences which shall be thereby incurred, to be ascertained by any One or more of His Majesty's Justices of the Peace for the Town and Port of *Dovor* aforesaid, shall be forthwith paid by the Master or Owner of such Ship or Vessel, and in default of Payment of such Charges and Expences, shall and may be levied, together with the Costs of levying the same, by Distress and Sale of the Goods and Chattels of such Master or Owner, or by Distress and Sale of the Tackle, Apparel, and Furniture of such Ship or Vessel, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the Town and Port of *Dovor* aforesaid; which Warrant or Warrants the said Justice or Justices is and are hereby authorized and empowered to grant.

Penalty for passing through the Gates without lowering the Vessel's Sails, or stopping the Progress of Steam Vessels.

XLVI. And be it further enacted, That for the better Security of such Works as have been or shall be made at the said Harbour, no Ship or Vessel shall pass through the Bridgeway of the Cross Wall, otherwise than by warping through; and no Steam Vessel shall pass through or attempt to pass through the said Bridgeway without checking her Progress, so that she may pass slowly through; upon pain that every Captain or Master of every such Ship or Vessel shall forfeit, for every Neglect in so doing, to the Warden and Assistants of the said Harbour, any Sum not exceeding Five Pounds, for the Use of the said Harbour, over and above the Charges of repairing and making good by such Captain or Master all such Damages as he shall have caused to the said Harbour, or any of the Works belonging thereto.

Buoys to be affixed to Anchors.

XLVII. And be it further enacted, That if any Master of any Ship or Vessel which shall cast Anchor within the said Harbour shall not immediately on so doing fasten or cause to be fastened to such Anchor, and floated in a conspicuous Manner, a Buoy, so as that it may be seen where such Anchor is cast, such Master shall forfeit for every such Offence Twenty Shillings, exclusive of and besides Twenty Shillings for every Hour such Anchor shall remain without such Buoy being tied thereto for the Purpose aforesaid.

XLVIII. And

Punishing Persons cutting away Buoys, &c.

XLVIII. And be it further enacted, That if any Person or Persons, not legally authorized so to do, shall wilfully cut away any Buoy or Buoys, or Rope, from any Anchor in the said Harbour, or cast, loose, or cut away any Ship, Vessel, or Boat from its Moorings, or deface or take away, or cast loose or cut away, any floating Buoy or Perch or known Sea Mark, every Person convicted thereof before any Justice of the Peace for the Town and Port of *Dovor* aforesaid, or for the said County of *Kent*, shall forfeit and pay any Sum not exceeding Twenty Pounds; and the enforcing of such Penalty shall not in any Manner lessen or affect the Remedy which any other Person or Persons shall or may have by Action or otherwise against such Master or other Person, for any Damage or Injury which may be done to such Person or Persons.

Penalty for throwing Rubbish into the Harbour, or taking Ballast, &c.

XLIX. And be it further enacted, That if any Person or Persons shall throw, cast, empty, or lay any Ballast, Stones, Dust, Ashes, Earth, or other Rubbish into the said Harbour, or into any of the Basins thereof, or into the Pent, or on any of the Wharfs or Quays belonging to the said Harbour; or if any Person or Persons shall, without the Permission or Consent, or contrary to the Direction or Order, of the said Harbour Master, take from any of the Wharfs or Quays, or dig for or take away any Sand, Beach, or Gravel for Ballast, or for any other Purpose, within the said Harbour or Pent; or moor any Ship, Vessel, Boat, or Craft; or fasten or tie any Rope for any Purpose whatever to any of the Bridges of the said Harbour, or to any Post, Pillar, or other Part thereof; or shall neglect or refuse, after Notice given by the said Harbour Master, to remove any Wreck, Timber, or other Article or Thing whatever, lying on the Wharfs or Quays, or tending to obstruct the free Navigation and Use of the said Harbour; then and in every such Case such Person shall forfeit and pay a Sum not exceeding Ten Pounds: Provided always, that in case any Owner or Owners, Master or Commander of any Ship or Vessel or Boat, or any other Person, shall think himself or herself aggrieved by any such Orders or Directions given by the said Harbour Master, or the unmooring or Removal by him of such Ship or Vessel, or of such Goods, Wares, or Merchandize, or the cutting of any such Ropes, or the slackening of such Chain, or by any Neglect or Omission, or by any undue Preference of such Harbour Master, it shall and may be lawful to and for him, her, or them, within the Space of Two Days after such Order or Orders, Direction or Directions given, or Proceedings therein had, and such Penalty incurred, or cutting of any such Ropes, or Neglect or Omission of Duty, or Preference as aforesaid, to complain to the Mayor or Deputy Mayor for the Time being, and One other Justice of the Peace for the Town and Port of *Dovor*; which Mayor, Deputy Mayor, and Justice, are hereby required and authorized immediately to hear the Matter of the said Complaint, and to determine, upon the Examination of Witnesses upon Oath, (which Oath the said Mayor or Deputy Mayor and Justice are hereby empowered and required to administer,) the Matter of the Complaint of any such Person or Persons in a summary Way, and if they see Cause may by their Order revoke or disannul, at their Discretion, all or any such Orders, Directions, and Proceedings of such Harbour Master, and enforce, mitigate, or set aside any Penalty or Forfeiture

Justices to determine Complaints against Harbour Master.

feiture incurred by any such Act as aforesaid, and set the Parties at liberty, or recompense him, her, or them for the Damages in cutting such Rope or Ropes; and all such his Order or Orders, Direction or Directions, or Proceedings, with such Costs and Charges as to such Mayor or Deputy Mayor and Justice shall seem reasonable, and make such Orders and Judgments in regard to the Matters aforesaid, or give such other Relief to the Parties as they shall think right or reasonable.

Penalty for taking away Materials, &c. procured for the Use of the Works.

L. And be it further enacted, That if any Person or Persons shall take away, remove, or overturn, or endeavour to take away, remove, or overturn, or shall damage, injure, or deface any Stones, Gravel, Beach, Sand, and Clay, Rubbish, Timber, or other Materials whatsoever, which shall have been dug, got, or gathered by or by the Order of and for the Use of the said Warden and Assistants, in Waste Lands, Fields, or Open Grounds, Sea Shore Lands, Rivers, Brooks, or other Places, for the Repair of the said Harbour, or for any of the Purposes of this Act, every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds, and the Value of the Materials or other Things as aforesaid so taken away, damaged, injured, or defaced.

Penalty for damaging the Works, &c.

LI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously destroy or break down, damage, or injure the Pier Heads or other Works of the said Harbour, or any Part or Parts thereof respectively, or shall wilfully or maliciously do any Damage to any Ship or Vessel or Goods within or upon the same, or extinguish or put out any Light or Lights used in or about the said Harbour for the Protection or Assistance of Ships or Vessels resorting thereto, then and in every such Case every such Person shall be deemed guilty of Felony, and the Court before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or, in Mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Petty Larceny.

To prevent Accidents by Fire.

LII. And for preventing Accidents by Fire in the said Harbour or Works, be it further enacted, That no Person shall have or keep, or cause to be had or kept, any Fire, Candle, or Lamp lighted in any Ship, Vessel, or Boat within the said Harbour, having Gunpowder on board, which shall exceed in Quantity Twenty-five Pounds Weight, or in any Ship, Vessel, or Boat which shall lie alongside or within the Distance of Ten Yards from such Ship, Vessel, or Boat so having Gunpowder on board, the Person keeping such Fire, Candle, or Lamp lighted in such Ship, Vessel, or Boat so lying alongside, or being within such Distance as aforesaid, knowing such Gunpowder to be on board such other Ship, Vessel, or Boat; and no Pitch, Tar, Rosin, Turpentine, Oil, or other combustible or inflammable Matter, shall be boiled or heated on board any Ship, Vessel, or Boat lying in the said Harbour, or in the Basins, Docks, or other Works thereof, or any of them, nor in any Place or Places thereunto adjoining (except in such Place or Places and in such Manner as shall be appointed by the said Warden and Assistants, or by their Harbour Master); and any

any Person or Persons guilty of any such Offence shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Harbour Master to enter on board Vessels having Fire, &c. on board.

LIII. And be it further enacted, That in case any Person shall keep any Fire, Candle, or Lamp lighted in any such Ship, Vessel, or Boat having Gunpowder on board as aforesaid, or in any Ship, Vessel, or Boat lying alongside or within the Distance of Ten Yards from such Ship, Vessel, or Boat so having Gunpowder on board, it shall be lawful for the said Harbour Master, and any Person and Persons acting under his Orders or Directions, to enter on board every such Ship, Vessel, or Boat, and to cause any Fire, Candle, or Lamp found lighted therein to be put out and extinguished; and in case any Person or Persons shall hinder or obstruct the said Harbour Master, or the Person or Persons acting under his Orders and Directions, in entering on board any such Ship, Vessel, or Boat, or in searching for and putting out and extinguishing any such Fire, Candle, or Lamp, every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Ten Pounds.

To prevent Accidents by Gunpowder.

LIV. And in order to prevent Accidents by the bringing of Gunpowder into the said Harbour, be it further enacted, That the Master or Commander of every Ship or Vessel which shall enter the said Harbour, having any Quantity of Gunpowder on board exceeding the Weight of Twenty-five Pounds, shall, without Delay, after entering into the said Harbour, give Notice thereof to the said Harbour Master, and such Ship or Vessel shall be immediately moored and placed in such Situation within the outer Part or outer Basin of the said Harbour, or within the said Pent, or such Part of the said Harbour as the said Harbour Master shall think most secure and shall direct; and such Ship or Vessel shall not be permitted, under any Pretence whatsoever, to remain in either of the Basins of the said Harbour, unless the immediate Safety of such Ship or Vessel shall, in the Judgment of the said Harbour Master, require the same; and in case the Master or Commander of any such Ship or Vessel shall not give such Notice as aforesaid, he shall forfeit for every such Offence the Sum of Ten Pounds; and in case such Ship or Vessel shall, with Permission of the said Harbour Master, be placed in either of the Basins of the said Harbour, all Gunpowder exceeding the Weight aforesaid shall without Delay be delivered or discharged from on board such Ship or Vessel, at the Expence of the Owner or Owners of such Ship or Vessel, and deposited in some Place of Safety (to be appointed by the said Warden and Assistants,) out of the said Harbour; and in case the Master or Commander of any such Ship or Vessel shall refuse or neglect to moor or place such Ship or Vessel in such Situation as the said Harbour Master shall have required as aforesaid, or in case such Ship or Vessel shall be placed in either of the Basins of the said Harbour, and the Master or Commander thereof shall not without Delay deliver or discharge from on board of such Ship or Vessel all Gunpowder exceeding the Weight aforesaid, and deposit the same in such Place as shall be appointed by the said Warden and Assistants as aforesaid, the Master or Commander of such Ship or Vessel so offending shall forfeit for every such Offence the Sum of Fifty Pounds.

Power to remove Ships lying near Vessels shipping or unshipping Gunpowder.

LV. And be it further enacted, That at all Times when any Ship or Vessel in the said Harbour shall be shipping or unshipping and putting on shore any Quantity of Gunpowder which shall exceed Twenty-five Pounds in Weight, or having on board that Quantity of Gunpowder, it shall be lawful for the said Harbour Master, or any Person or Persons by him for that Purpose appointed, and he and they are hereby authorized and empowered, to cause any Steam Vessel or Vessels, and any other Ships or Vessels which shall be near or contiguous to such Ship or Vessel so shipping or unshipping Gunpowder as aforesaid, or having on board such Quantity of Gunpowder as aforesaid, to be removed for Security to such other Part of the said Harbour as the said Harbour Master, or such Person or Persons as aforesaid, shall think proper; and any Master or Owner, or other Person having the Charge or Command of any Ship or Vessel, who shall neglect or refuse to remove the same when thereunto required by the said Harbour Master or such other Person or Persons as aforesaid, or who shall obstruct or resist the Removal of the same, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Cocket to be produced in order to ascertain if Gunpowder is on board.

LVI. And for the Purpose of better ascertaining whether there be any Gunpowder on board of any Ship or Vessel, Boat, or other Craft coming into or being in the said Harbour, be it further enacted, That every Owner, Master, or other Person having the Charge or Command of any Ship or Vessel, Boat, or other Craft coming into or being in the said Harbour, shall, when thereunto required in that Behalf by the Harbour Master of the said Harbour for the Time being, or other Person or Persons authorized in that Behalf by the said Warden and Assistants or by the said Harbour Master, produce to him or them the Manifest or Cocket or Cockets of or relating to the Cargo of such Ship or Vessel, Boat, or other Craft; and every Owner, Master, or other Person having the Charge or Command of any Ship or Vessel, Boat, or other Craft coming into or being in the said Harbour, who shall not, when thereunto so required as aforesaid, so produce the Manifest or Cocket or Cockets of or relating to the Cargo of his Ship or Vessel, Boat, or other Craft, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Owners of Ships and Boats to be accountable in certain Cases for Damages done to the Harbour, &c.

LVII. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Ship or Vessel entering into or departing from, or lying or being in, the said Harbour, or having the Charge or Care of any Boat, Barge, or other Vessel navigating in or using the said Harbour, shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done to the said Harbour or any of the Works thereof, through Wilfulness, Unskilfulness, or Negligence of him, or by any of the Mariners, Boatmen, Servants, or Crew on board of or employed in or about the same, or by or in the navigating, loading, or unloading of such Ship, Boat, or other Vessel, or by any other Means whatsoever, and also for any Trespass, Damage, Spoil, or Mischief which may be done by him, or by any such Person and Persons as aforesaid, to the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, of any Buildings or other Erections, Lands, Tenements, or Hereditaments adjoining to the said Harbour, or other Works, or to any

any of them ;; and all such Damage, in case the Amount thereof so claimed shall not exceed the Sum of Twenty Pounds, shall be recoverable before any Two Justices of the Peace for the said Town and Port, or for the said County of *Kent,* who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of such Ship, Vessel, or Boat, doing such wilful, unskilful, or negligent Damage as aforesaid, and to hear and determine the same, and ascertain such Damage ; and if Judgment shall be given by them against such Master or other Person, then it shall be lawful for such Justices, or any other Justices of the Peace for the said Town and Port or County, and they are hereby authorized, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum or Sums awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Vessel, or Boat doing such Damage as aforesaid, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Seven Days after any Distress or Distresses so made or taken, then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same, which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges of taking, keeping, and selling the same, rendering the Overplus, if any, to the Master or other Person entitled to the same, on Demand ; and in case the Money cannot be levied as aforesaid, then by Warrant to cause or commit such Master or other Person as aforesaid to be imprisoned in the Common Gaol or House of Correction of the said Town and Port, or of the said County of *Kent,* there to remain for any Time not exceeding Six Calendar Months, unless the Sum of Money so awarded shall be sooner paid ; and the same, when levied in manner aforesaid, shall go and be paid to the Treasurer of the said Warden and Assistants, to be applied for the Purposes of this Act.

Masters to recover from their Servants any Sums paid for their Default.

LVIII. And be it further enacted, That in case the Master or Owner of any Ship, Vessel, or Boat, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Seamen, Boatmen, or others, contrary to the Provisions of this Act, such Seamen, Boatmen, or others, and each and every of them, shall be liable to repay such Penalty or Damages, with the Costs thereof, to such Master or Owner ; and in case of Nonpayment thereof upon Demand, and Oath made before any Justice of the Peace of the said Town and Port of *Dovor* or County of *Kent,* by such Master or Owner, of the Payment made by him or them of such Penalty or Damages, and that the same and the Costs thereof have not been repaid to him or them by such Seamen, Boatmen, or others, or any of them, or on their Behalf, although demanded, the Amount thereof shall be recovered in like Manner as any Penalty or Forfeiture is hereby directed to be recovered.

Service of Notice on Warden.

LIX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties

Parties to serve upon the said Warden and Assistants any Notice or Notices, Writ or Writs, or other legal Proceeding or Proceedings in Equity, the Service upon the said Warden or any One of the said Assistants, or left at his last or usual Place of Abode, or upon the Register, Clerk or Clerks of the said Warden and Assistants, or left at his last or usual Place of Abode, or upon the Harbour Master of the said Warden and Assistants, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Warden and Assistants.

Warden, &c. may compound Penalties for Breach of Contract.

LX. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act for Breach or Nonperformance of any Contract or Contracts entered into, it shall be lawful for the said Warden and Assistants from Time to Time to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of such Penalty or Penalties; but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Nonperformance of any such Contract.

Damages and Charges, in case of Dispute, to be settled by Justice.

LXI. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace, or other Magistrate or Magistrates, by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Register or Clerk of the Warden, &c. may grant Releases to Witnesses.

LXII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Warden and Assistants, and also in all Prosecutions commenced or instituted by or on behalf of the said Warden and Assistants, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Register or Clerk for the Time being of the said Warden and Assistants, in his own Name, for or on behalf of the said Warden and Assistants, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or be deemed to be necessary, for the Purpose of exonerating, releasing, or discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Warden and Assistants, in order to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions,

Arbitrations,

Arbitrations, References, or other Proceedings aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Suit, Action, Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, or Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same had been granted by the said Warden and Assistants.

Justices may proceed by Summons for Recovery of Penalties.

LXIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace or other Magistrate, it shall and may be lawful for any Justice or Justices or other Magistrate, to whom Complaint is by this Act authorized to be made of any Offence against this Act, to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices or other Magistrate; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

In case of Nonpayment of Compensation for Damages, &c. by the Warden, &c. the same to be levied by Distress.

LXIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace or other Magistrate, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Costs, Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Warden and Assistants, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Warden and Assistants to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made thereof from the Register or Clerk to the said Warden and Assistants, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices or other Magistrate, and in which Demand the Order of such Justice or Justices or other Magistrate shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Warden and Assistants by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices or other Magistrate, which Warrant any Justice or Justices or other Magistrate is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences

of such Distress and Sale, then and in such Case such Overplus shall be returned (on Demand) to the said Warden and Assistants, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Recovery of Penalties when above 20*l.*

LXV. And be it further enacted, That in all Cases where any Penalty imposed for Offences against the Provisions of this Act shall exceed Twenty Pounds, the same shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed; and the same shall, when recovered, be paid to the Treasurer of the said Warden and Assistants, and be applied to the Purposes of this Act.

Recovery and Application of Penalties.

LXVI. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is hereinbefore made, shall and may, in every Case, be heard, adjudged, and determined by or before any of His Majesty's Justices of the Peace, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, having Jurisdiction within or at the Place where such Offence shall have been committed, in a summary Way, upon Information or Complaint made and exhibited (and which shall in every Case be made and exhibited within Three Calendar Months next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, shall summon the Party accused, and examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall have been convicted of having committed such Offence or Offences, then and in every such Case the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, (which he and they is and are hereby authorized and empowered to grant,) be levied and recovered, together with the Costs of Conviction and Recovery, to be ascertained by such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods and Chattels can be found, rendering the Overplus of the Money

arising by such Sale, if any, after deducting the reasonable Charges of taking, keeping, and selling such Goods and Chattels, to the Party or Parties whose Goods and Chattels shall be so distrained; and One Half of such Penalty shall be paid to the Informer, and the other Half to the Warden and Assistants for the Time being, or to such Person or Persons as shall by them be in that Behalf authorized to receive the same, and shall go and be applied for the same Purposes as the Rates and Duties imposed by this Act are directed to be applied; and it shall and may be lawful for such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, for his or their Appearance before the said Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Fines, or Forfeitures and Costs may be levied, were a Warrant of Distress issued, such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, shall not be required to issue a Warrant of Distress; and thereupon it shall be lawful for such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the County, Riding, City, Borough, Cinque Port, Town, or Place respectively within the Jurisdiction of which the Place may be situated where the Offence was committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, One or more of them, or shall otherwise be discharged by due Course of Law.

For securing transient Offenders.

LXVII. And be it further enacted, That it shall be lawful for any Collector, Harbour Master, or other Officer of the said Warden and Assistants, and such Person or Persons as he shall call to his Assistance,

sistance, to seize and detain any Person or Persons, being unknown to such Collector, Harbour Master, or other Officer, who shall commit any Offence or Offences against this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace, or other Magistrate, for the said Town and Port of *Dovor*, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace, or Magistrate, is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

Form of Conviction.

LXVIII. And be it further enacted, That the Conviction for any Offence against this Act shall be drawn up in the following Form of Words, or in any other Form of Words to the same Effect:

'to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* of is this Day convicted before me *C. D.*, &c. of His Majesty's Justices of the Peace for the County of [*or* Mayor, &c. *as the Case may be*], of having [*specifying the Offence, and Time and Place when and where the same was committed, as the Case may be*], contrary to the Form of the Statute passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], and I [*or* we] do adjudge him [her *or* them] to pay and forfeit for the same the Sum of , or to be committed to [*Place of Imprisonment*] for the Term of [*Time of Imprisonment*]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year aforesaid.'

Distress not to be void for Irregularity.

LXIX. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover after Tender of Amends.

LXX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall judge fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

LXXI. And

Proceedings not to be quashed for Want of Form.

LXXI. And be it further enacted, That no Order which shall be made by any Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, by virtue or under Authority of this Act, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Allowing an Appeal.

LXXII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Warden and Assistants, or by any Penalty imposed, or by any Conviction made, or by any other thing done in pursuance of this Act, by any Justice of the Peace, Mayor, Jurat, Alderman, Bailiff, or other Magistrate, such Person or Persons may appeal to the General Quarter Sessions of the Peace to be holden within Four Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Sessions, for the County, Town, District, or Place in which such Justice, Mayor, Jurat, Alderman, Bailiff, or other Magistrate shall have Jurisdiction, the Person or Persons appealing first giving or causing to be given to the said Warden or Assistants for the Time being Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Two Days next after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, Jurat, Alderman, Bailiff, or other Magistrate acting within such Jurisdiction, with Two sufficient Sureties, to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Magistrates at such Sessions or Adjournment thereof; and the Magistrates at such Sessions or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Magistrates shall think proper, and shall and may at their Discretion discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing, or may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Order; and the Determination of the said Magistrates, at their said General or Quarter Sessions or Adjournment thereof, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

Limitation of Actions.

LXXIII. And be it further enacted, That if any Action or Suit shall be commenced or prosecuted by or against any Person or Persons for any thing done in pursuance of this Act or in relation to the Premises, then and in every such Case such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit so to be brought shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon,

and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or such Action or Actions shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, 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, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Acts required to be done before a Justice, may be done before a Mayor, &c.

LXXIV. And be it further enacted, That all Acts, Matters, and Things hereby authorized or required to be done, executed, and performed by or before a Justice of the Peace, shall and may also be done, executed, and performed by or before any Mayor, Bailiff, Alderman, Jurat, or other Magistrate within whose Jurisdiction the Cause or Matter shall arise.

Exemption from Duties for Vessels belonging to the Places herein described.

LXXV. And whereas Ships or Vessels belonging to and the Property of Persons residing at *Great Yarmouth*, *Ramsgate*, *Sandwich*, *Weymouth*, and *Melcomb Regis*, *Lyme Regis*, and *Arundel*, are by the said recited Acts hereby repealed, or otherwise, exempted from the Payment of the Rates and Duties imposed by the said Acts; and it is just and reasonable that the said Exemptions should be continued; be it therefore enacted, That all Ships and Vessels belonging to, and the major Part of which shall be the Property of, Inhabitants of the Ports of *Great Yarmouth*, *Ramsgate*, *Sandwich*, *Weymouth*, and *Melcomb Regis*, *Lyme Regis*, or *Arundel* respectively, shall be respectively exempted from the Payment of the Rates and Duties hereby imposed: Provided always, that a Certificate of the Right to such Exemption, under the Hand and Seal of the Mayor, Bailiff, or some Magistrate of the Town or Port in respect of which such Exemption shall be claimed, stating therein the Particulars before required, shall be produced to the Collector or other Person demanding the Rates and Duties aforesaid.

Company not to exhibit or alter Lights without the Sanction of the Trinity House of Deptford Strond.

LXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Warden and Assistants to exhibit or alter any Light or Lights for the Guidance of Ships and Vessels entering into or departing from the said Harbour, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond*, as to the Description and Power of any such Light or Lights, and the Mode of exhibiting the same, save and except that it shall be lawful for the said Warden and Assistants to exhibit the usual Light on the South Pier Head.

Saving the Rights of the Trinity House.

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

LXXVIII. And

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LXXVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by and out of any Money arisen or to arise by virtue of the said recited Acts or this Act. Expences of Act.

LXXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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