

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CLIX.

An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers, in the United Kingdom; and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that Purpose. [29th *July* 1814.]

WHEREAS an Act passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Preservation of Havens, Roads, Channels, and Navigable Rivers, within that Part of* Great Britain *called* England: And whereas another Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for repealing so much of an Act, passed in the Tenth Year of Her late Majesty Queen* Anne, *as relates to the Harbour Moorings of the Royal Navy, and for the more effectual Preservation of such Harbour Moorings, and Punishment of Persons guilty of stealing or embezzling His Majesty's Naval Stores, or of Forgery or Perjury in relation to Seamen's Wages:* And whereas another Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for the better Security of His Majesty's Naval Arsenals in the River* Medway, *and* Portsmouth *and* Hamoaze *Harbours, and of His Majesty's Ships and Vessels lying at and resorting to the same:* And whereas the Provisions of the said several recited Acts have not been found adequate to the Purposes for which the same were

19 G. 2. c. 22.

9 G. 3. c. 30.

51 G. 3. c. 73.

were made; and therefore it is expedient that ſo much of the ſaid recited Act of the Ninth Year of the Reign of His preſent Majeſty, as relates to the Harbour Moorings of the Royal Navy, and alſo ſo much of the ſaid Act of the Tenth Year of the Reign of Her late Majeſty Queen *Anne*, as relates to the ſaid Harbour Moorings, ſhould be repealed, and other and more effectual Proviſions made in lieu thereof; and alſo, that the ſaid recited Act of the Nineteenth Year of the Reign of His late Majeſty King *George* the Second ſhould be extended as herein-after mentioned; and alſo, that the ſaid recited Act of the Fifty-firſt Year of the Reign of His preſent Majeſty ſhould be repealed; and that ſuch further and other Proviſions ſhould be made as herein-after mentioned, for the better Regulation and Protection of the ſeveral Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers in the United Kingdom, and of His Majeſty's Docks, Dock Yards, Arſenals, Wharfs, Moorings, and Stores therein: 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, That from and after the paſſing of this Act, ſo much of the ſaid recited Act of the Ninth Year of the Reign of His Majeſty, as relates to the Harbour Moorings of the Royal Navy; and alſo ſo much of the ſaid Act of the Tenth Year of the Reign of Her late Majeſty Queen *Anne*, as relates to the ſaid Harbour Moorings; and alſo that the ſaid recited Act of the Fifty-firſt Year of the Reign of His preſent Majeſty, ſhall be and the ſame are hereby reſpectively repealed.

So much of 9 G. 3 c. 30. as relates to the Harbour Moorings of the Navy, and alſo ſo much of 10 A. c. 17. as relates to the ſaid Harbour Moorings, and 51 G. 3. c. 73. repealed.

Admiralty may eſtabliſh Regulations for the Preſervation of the King's Moorings, and for mooring Merchant Ships.

II. And be it further enacted, That it ſhall be lawful for the Lord High Admiral, or Three or more of the Commiſſioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and he and they is and are hereby authorized and empowered, from Time to Time as Occaſion ſhall require, to make ſuch Rules, Orders, and Regulations, in Writing under his or their reſpective Hand or Hands, or the Hand of his or their Secretary, as he or they ſhall think proper for the Preſervation of His Majeſty's Moorings, and for the mooring, anchoring, and placing of all private Ships of War, Tranſports, and all other private and Merchant Ships and Veſſels, Lighters, Barges, Boats, and other Craft whatſoever, in all the Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers of the United Kingdom, ſo far as the Tide flows and re-flows, where or near to which His Majeſty now hath, or where His Majeſty, His Heirs, or Succeſſors may at any Time or Times hereafter have any Docks, Dock Yards, Arſenals, Wharfs, or Moorings; and Harbour Maſters to be appointed as herein-after mentioned, for ſuperintending the ſame for the Purpoſe of inſuring free and ſafe Ingreſs, Egreſs, and Regreſs unto, into, to, and from the ſaid Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers, and to and from His Majeſty's ſaid Docks, Dock Yards, Arſenals, Wharfs, and Moorings therein; and for that Purpoſe to order and direct ſuch Spaces along the Sides of, over, againſt, or near to ſuch Docks, Dock Yards, Arſenals, Wharfs, and Moorings, as they ſhall judge neceſſary to be kept free and open, and to cauſe the ſame to be marked out by Piles, Buoys, or other ſufficient Marks, and to order and direct what Spaces and Diſtances ſhall be appropriated to and for the ſole Uſe and

Purpoſe of Moorings, for His Majeſty's Ships and Veſſels of War and hired armed Ships or Veſſels in His Majeſty's Service; and alſo to ſpecify the Diſtances from His Majeſty's Docks, Dock Yards, Arſenals, Wharfs, Moorings, Ships, and Hulks, within which no Private Ship of War, Tranſport, or any other Private or Merchant Ship or Veſſel, Lighter, Barge, Boat, or other Craft whatever, ſhall be moored, anchored, or placed, and for all and every or any other the Purpoſes herein-after mentioned; and from Time to Time to vary and alter ſuch Rules, Orders, and Regulations, as Occaſion ſhall require for the Purpoſes aforeſaid; and alſo from Time to Time to appoint proper Perſons, to be called *The King's Harbour Maſters*, to ſuperintend ſuch Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers, for the Purpoſes aforeſaid, and to enforce Obedience to all ſuch Rules, Orders, and Regulations; all which ſaid Rules, Orders, and Regulations, ſhall upon the making thereof, and alſo from Time to Time whenever the ſame ſhall in any Manner be varied or altered, be forthwith printed and publiſhed in *The London Gazette*, and being alſo printed and put upon Paſteboard ſhall be conſtantly kept hung up in ſome open and conſpicuous Part of the Cuſtom Houſe, or other Place of Public Reſort for Buſineſs in the Port, Harbour, or Haven, for which the ſame ſhall be made or where the ſame ſhall be directed to be in force, to the Intent that the ſame may be ſeen and read, and Copies or Extracts taken therefrom by all Perſons intereſted therein.

No private Ship to faſten to His Majeſty's Moorings.

III. And be it further enacted, That if any Private Ship of War, Tranſport, or other Private or Merchant Ship or Veſſel, Lighter, Barge, Boat, or other Craft whatſoever, for which no Licence ſo to do ſhall have been firſt obtained in Writing under the Hand of any Commiſſioner of the Navy, Port Admiral, or other Perſon who ſhall be duly authorized by the ſaid Lord High Admiral, or Three or more of the ſaid Commiſſioners for executing the Office of Lord High Admiral aforeſaid, to grant ſuch Licences, for the Time and Purpoſe to be therein particularly ſpecified, ſhall, unleſs forced thereto by Streſs of Weather or other unavoidable Accident, be moored or faſtened to any of His Majeſty's Moorings, Chains, Anchors, Buoys, Piles, Ships, or Hulks, or ſhall in any Manner be moored, anchored or placed within any ſuch Diſtances ſo to be appropriated as aforeſaid to and for the ſole Uſe and Purpoſe of Moorings for His Majeſty's Ships or Veſſels of War, or hired armed Ships or Veſſels in His Majeſty's Service, or within any ſuch Diſtance, ſo to be ſpecified as aforeſaid, from His Majeſty's Docks, Dock Yards, Arſenals, Wharfs, Moorings, Ships, or Hulks, or within any ſuch Spaces ſo to be directed to be kept open as aforeſaid, or in the fair Way or Channel or acroſs the Stream in any ſuch Port, Harbour, Haven, or navigable River, ſo as to obſtruct the Paſſage or Entrance into the ſame; the Maſter or other Perſon then on board, and having the Charge or Command of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft; and in caſe the proper Maſter of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft ſo being moored, faſtened, anchored, or placed, ſhall not happen to be then on board the ſame, then the Owner or Owners thereof, whether he, ſhe, or they ſhall happen to be then on board the ſame or not; ſhall forfeit and pay a Sum not exceeding the Sum of Ten Pounds, for each and every Tide which ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, ſhall ſtay and remain ſo moored, anchored, or placed. Penalty.

IV. And

Power to remove private Ships.

IV. And for the Prevention of any Damage which might otherwiſe be occaſioned to His Majeſty's Moorings, Chains, Anchors, Buoys, Piles, Ships, or Hulks, and alſo for the Prevention of Delay in the Public Service; be it enacted, That in caſe the Owner, Maſter, or other Perſon on board, for the Time being having the Charge or Command of any Private Ship of War, Tranſport, or other Private or Merchant Ship or Veſſel, Lighter, Barge, Boat, or other Craft, which ſhall be moored or faſtened to any of His Majeſty's Moorings, Chains, Anchors, Buoys, Ships, or Hulks, or which ſhall in any Manner be moored, anchored, or placed within any ſuch Diſtance as aforeſaid, ſo to be appropriated to and for the ſole Uſe and Purpoſe of Moorings for His Majeſty's Ships or Veſſels of War, or hired armed Ships or Veſſels in His Majeſty's Service, or within any ſuch Diſtance ſo to be ſpecified as aforeſaid from His Majeſty's Docks, Dock Yards, Arſenals, Wharfs, Moorings, Ships or Hulks, or within any ſuch Spaces ſo to be directed to be kept open as aforeſaid, or in the fair Way or Channel of or acroſs the Stream in any ſuch Port, Harbour, Haven, or navigable River, ſo as to obſtruct the Paſſage or Entrance into the ſame, ſhall neglect or refuſe to unmoor, and to remove any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, which ſhall be moored, anchored, or placed as aforeſaid, out of and beyond ſuch Spaces and Diſtances as aforeſaid, and alſo out of ſuch fair Way, Channel, or Stream as aforeſaid, for the Space of One Hour next after Notice to him or them given in Writing, or left on board ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, for that Purpoſe, by One of His Majeſty's Naval or Dock Yard Officers; that then it ſhall be lawful for any Perſon ſo to be appointed Harbour Maſter as aforeſaid, and alſo for any Officer belonging to any of His Majeſty's Ships or Veſſels of War, Docks, Dock Yards or Arſenals, and for any Perſon or Perſons acting in his or their Aid or Aſſiſtance, and he and they is and are hereby authorized and empowered to unmoor ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, and alſo to remove the ſame to ſome proper Place out of and beyond ſuch Spaces and Diſtances as aforeſaid, and alſo out of ſuch fair Way, Channel, or Stream; and every ſuch Owner, Maſter, or other Perſon, ſo neglecting and refuſing as aforeſaid, ſhall for every ſuch Offence forfeit and pay the further Sum of Ten Pounds.

Penalty for Neglect, 10l.

Notice to be given when His Majeſty's Moorings are hooked.

V. And whereas it ſometimes happens that His Majeſty's Mooring Anchors are hooked by the Anchors of private Ships of War, Tranſports, and other Private and Merchant Ships or Veſſels by accident, and without the Default of the Owners, Maſters, or other Perſons having the Charge or Command thereof; but great Danger and Damage are and may be occaſioned by unhooking the ſame, or by leaving the Anchors of ſuch Moorings in an unſafe Manner, or in an improper Place; for Prevention thereof, be it enacted, That whenever any Private Ship of War, Tranſport, or other Private or Merchant Ship or Veſſel, ſhall in any Manner, either by Accident or otherwiſe, hook any of His Majeſty's Moorings, the Owner, Maſter, or other Perſon having the Charge or Command of ſuch Ship or Veſſel, ſhall not proceed to unhook the ſame, under the Penalty of Ten Pounds, to be paid by every ſuch Owner, Maſter, or other Perſon; but ſhall forthwith give Notice thereof to the King's Harbour Maſter, Commiſſioner of the Navy, or other Chief Officer of His Majeſty's Dock Yard or Naval Yard, whichever ſhall be neareſt to the Place where the ſame may happen, in order that full and effectual Aid and Aſſiſtance may be

forthwith given, for the Purpoſe of clearing ſuch Private Ship of War, Tranſport, or other Private or Merchant Ship or Veſſel, from ſuch Moorings, without Damage to the ſame; for which ſaid Aid and Aſſiſtance, every ſuch Maſter, Owner, or other Perſon, ſhall pay ſuch reaſonable Sum of Money, not exceeding Five Pounds, as ſhall be adjudged in a ſummary Way, by any Commiſſioner of the Navy or Juſtice of the Peace, to be recovered in the ſame Manner as any Penalty or Forfeiture is by this Act directed to be recovered, and with ſuch Power of Commitment, on Non-Payment thereof, as in Caſes of Penalties and Forfeitures under this Act.

Places to be appointed for breaming Ships, and for leaving and receiving Gunpowder.

VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Lord High Admiral, or Three or more of the Commiſſioners for executing the Office of Lord High Admiral aforeſaid for the Time being, and he and they is and are hereby authorized and empowered, from Time to Time, by Order or Notice in Writing under his or their reſpective Hand or Hands, or the Hand of his or their Secretary, to prohibit the breaming of any Ships or Veſſels, Lighters, Barges, Boats, or other Craft, at any Place or Places on Shore, where it may to them ſeem proper and neceſſary to prohibit the ſame, and alſo to order at what Place or Places, within or near all or any of ſuch Ports, Harbours, Havens, Roads, Road-ſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers in this Kingdom as aforeſaid, no Private Ships of War, Tranſports, or other Private or Merchant Ship or Veſſel, Lighter, Barge, Boat, or other Craft, ſhall come, or be laden with or having on board thereof any Quantity or Quantities of Gunpowder, exceeding Five Pounds Weight in the Whole; and alſo to appoint fit and proper Places, either afloat or on Shore, where all Gunpowder, exceeding Five Pounds Weight in the Whole, ſhall and may be left and depoſited, by and from, or taken and received into, any ſuch Ships or Veſſels, Lighters, Barges, Boats, or other Craft; all which Orders, Notices, and Appointments of ſuch Places ſhall be notified in the *London Gazette*; and that the Maſter General or principal Officers of His Majeſty's Ordnance, or any Three of them for the Time being, ſhall appoint fit and proper Perſons there, to take in and receive, and alſo to give and deliver out all ſuch Gunpowder, and upon the taking in thereof to give Receipts for the ſame, and alſo to grant a Certificate to any ſuch Owner, Maſter, or other Perſon, of his having left and depoſited all ſuch Gunpowder, and having made and ſigned a Declaration in Writing under his Hand, of his having ſo done, and that neither he nor any other Perſon or Perſons, to his Knowledge or Belief, had any Gunpowder, exceeding Five Pounds Weight in the Whole, then on board ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, as the Caſe may require; which Declaration every ſuch Maſter, Owner, or other Perſon is hereby required to make, as the Caſe may require, and for which ſaid Certificate the Sum of One Shilling, and no more, ſhall be paid; and every ſuch Perſon ſo to be appointed as aforeſaid, ſhall be accountable to the Owner or Owners of all ſuch Gunpowder for the ſame, and ſhall deliver the ſame to ſuch Owner or Owners thereof upon demand, on being paid ſuch reaſonable Sum of Money for Warehouſe Room, in Proportion to the Quantity of ſuch Gunpowder, and the Time for which the ſame ſhall have been kept, as ſhall be aſcertained and fixed, either by the ſaid Lord High Admiral, or Three or more of the Commiſſioners for executing the Office of Lord High Admiral aforeſaid, or by the Maſter General and principal Officers

of His Majesty's Ordnance, or any Three or more of them, by any Rule, Order, or Regulation, to made in that Behalf; and that no Ship or Vessel having or having had any such Quantity of Gunpowder on board, shall be allowed to clear at any Custom House in any Port where there shall be any such Place so to be appointed as aforesaid, without producing and leaving such Certificate, together with the Christian and Surname of the Pilot (if any) who piloted such Ship or Vessel into such Port, at the Custom House of such Port; and all and every Owner, Master, Pilot, or other Person having the Charge or Command of any Private Ship of War, Transport, or other Private or Merchant Ship or Vessel, Lighter, Barge, Boat, or other Craft, which shall come, arrive, or be (except in Cases of Stress of Weather) within any of the Distances so to be specified as aforesaid, having on board thereof any Quantity or Quantities of Gunpowder exceeding Five Pounds Weight together in the Whole, or which, having come in under Stress of Weather, shall not unship and deliver all such Gunpowder within the Space of Twenty-four Hours next after the ceasing of such Weather (and thereof forthwith give Notice at the Custom House to excuse the Production of such Certificate), shall forfeit and pay the Sum of Five Pounds, for each and every Five Pounds Weight of Gunpowder which shall be found or which shall have been on board any such Ship or Vessel, Lighter, Barge, Boat, or other Craft, within any of the Distances so to be specified as aforesaid, and so in Proportion for any greater or less Quantity; and every such Pilot, who shall wilfully and knowingly offend in the Premises, and shall be thereof lawfully convicted, shall for ever thereafter be rendered incapable of acting as a Pilot.

Penalty.

Penalty on breaming Ships, except at appointed Places.

VII. And be it further enacted, That no Private Ship of War, Transport, or other Private or Merchant Ship or Vessel, Lighter, Barge, Boat, or other Craft whatever, shall be breamed afloat in any of the Ports, Harbours, or Havens, or other Places of this Kingdom, for which any such Rules, Orders, or Regulations, shall be made as aforesaid, or in which the same shall be in force, nor at any Place on Shore where such Breaming shall have been prohibited as aforesaid, upon Pain that every Person offending therein shall for every such Offence forfeit and pay the Sum of Five Pounds; and that no Fire shall be kept on board of any such Ship or Vessel, Lighter, Barge, Boat, or other Craft, in any such Port, Harbour, or Haven, between the Hours of Eleven in the Evening and Five in the Morning, from the First Day of *October* to the Thirty-first Day of *March* inclusive; nor between the Hours of Eleven in the Evening and Four in the Morning, from the First Day of *April* to the Thirtieth Day of *September* inclusive, in every Year; upon Pain that every Owner, Master, or other Person, having the Charge or Command of any such Ship or Vessel, Lighter, Barge, Boat, or other Craft, shall for every such Offence forfeit and pay the Sum of Five Pounds; and that no Pitch, Tar, Rosin, Turpentine, Grease, Tallow, Oil, or any other combustible Matter whatsoever, shall be boiled or heated on board any such Ship or Vessel, Lighter, Barge, Boat, or other Craft whatsoever, within the Distance of Two hundred and fifty Yards from any of His Majesty's Ships or Vessels of War, or hired armed Ships or Vessels in His Majesty's Service, in any of the Ports, Harbours, Havens, Roads, Roadsteads, Creeks, Sounds, Bays, or navigable Rivers, as aforesaid, where the same may happen to be; nor within the Distance of Two hundred and fifty Yards from any of His Majesty's Docks, Dock Yards, Arsenals, or Wharfs, upon Pain that every

Owner, Maſter, or other Perſon, having the Charge or Command of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds.

Penalty on keeping Guns ſhotted.

VIII. And be it further enacted, That if any Owner, Maſter, or other Perſon, having the Charge or Command of any Private Ship of War, Tranſport, or other Private or Merchant Ship or Veſſel whatſoever, ſhall, while ſuch Ship or Veſſel ſhall lie or be in any of ſuch Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers, within the United Kingdom as aforeſaid, keep any Gun or Guns of and belonging to ſuch Ship or Veſſel ſhotted or loaded with Ball, or ſhall fire or diſcharge or cauſe or permit to be fired or diſcharged any Gun or Guns on board ſuch Ship or Veſſel lying therein, before Sun-riſing or after Sun-ſetting, every ſuch Owner, Maſter, or other Perſon as aforeſaid, ſhall, for every ſuch Gun ſo kept ſhotted or loaded, forfeit the Sum of Five Shillings, and for every Gun ſo fired or diſcharged, the Sum of Ten Shillings.

Power to enter private Ships to ſearch for Gunpowder, &c.

IX. And, for the better Diſcovery of the Offenders againſt this Act, and for the Purpoſe of bringing them to Puniſhment, be it further enacted, That it ſhall and may be lawful to and for any ſuch Harbour Maſter, and alſo for any Officer belonging to any of His Majeſty's Ships or Veſſels of War, Docks, Dock Yards, or Arſenals, and alſo for any Perſon or Perſons in their or any or either of their Aid or Aſſiſtance, at any Hour between Sun-riſing and Sun-ſetting, to go and enter into and on board of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, in order to ſearch for Gunpowder, Guns ſhotted, and the heating and melting ſuch combuſtible Matters aforeſaid, within the Limits wherein the ſame are by this Act prohibited; and if the Owner, Maſter, or other Perſon then on board, having the Charge or Command of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, ſhall, upon Demand in that Behalf made, refuſe to permit or ſhall not permit any ſuch Perſon or Perſons as aforeſaid to come and enter into and on board of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, and to make a due and proper Search and Examination for the Purpoſes aforeſaid, every ſuch Owner, Maſter, or other Perſon as aforeſaid, ſhall for every ſuch Offence forfeit the Sum of Ten Pounds.

Penalty, 10l.

None to ſweep for His Majeſty's Stores but licenſed Perſons.

X. And, for the better Prevention of the Embezzlement of His Majeſty's Stores, be it enacted, That no Perſon or Perſons, not being in His Majeſty's Service, or employed in His Majeſty's Dock Yards or Arſenals, and in the regular Performance of his Duty, or not being authorized ſo to do for His Majeſty's Uſe, by Licence under the Hand of ſome Commiſſioner of His Majeſty's Navy, which ſaid Licence any ſuch Commiſſioner is hereby empowered to grant, and alſo to revoke at his Will and Pleaſure, ſhall on any Account or Pretence whatſoever creep or ſweep for Anchors, Cables, Ropes, Rope Yarns, or other Stores, loſt or ſuppoſed to be loſt in any of the Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and navigable Rivers of this Kingdom as aforeſaid, within the Diſtance of One hundred Yards from any of His Majeſty's Ships or Veſſels of War, or hired Ships or Veſſels in His Majeſty's Service, or from any Moorings belonging to His Majeſty, or within any ſuch Diſtance ſo to be marked as aforeſaid, upon Pain of forfeiting for every ſuch Offence the Sum of Ten Pounds.

Penalty, 10l.

XI. And

Puniſhing Perſons letting Ballaſt or Rubbiſh go into the Sea.

XI. And be it further enacted, That if the Owner, Maſter, or other Perſon having the Charge or Command of any Private Ship of War, Tranſport, or other Private or Merchant Ship or Veſſel, Lighter, Barge, Boat, or other Craft whatſoever, or any Perſon working any Quarry, Mine, or Pit, near to the Sea, or to any ſuch Harbour, Haven, or navigable River as aforeſaid, or any other Perſon or Perſons whatſoever, ſhall caſt, throw, empty or unlade, or cauſe or procure to be caſt, thrown, emptied or unladen, either from or out of any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, or from the Shore, any Ballaſt, Stone, Slate, Gravel, Earth, Rubbiſh, Wreck, or Filth, into any of ſuch Ports, Roads, Roadſteads, Harbours, Havens or navigable Rivers of this Kingdom as aforeſaid, ſo as to tend to the Injury or Obſtruction of the Navigation thereof, or in any Place or Situation on Shore where the ſame ſhall be liable to be waſhed into the Sea, or into any ſuch Ports, Roads, Roadſteads, Harbours, Havens, or navigable Rivers, either by ordinary or high Tides, or by Storms or Land Floods; all and every ſuch Perſon and Perſons ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding the Sum of Ten Pounds, over and beſides all Expences which may be incurred in removing to a proper Place the ſaid Matters which may have been depoſited contrary to the Proviſions of this Act, ſuch Expences to be recoverable in ſuch Manner and with ſuch Power of Commitment on Non-Payment thereof as in Caſes of Penalties or Forfeitures under this Act: Provided that nothing herein contained ſhall extend or be conſtrued to extend to the caſting out, unlading, or throwing out of any Ship or Veſſel, Lighter, Barge, Boat, or other Craft, any Stones, Rocks, Bricks, Lime, or other Materials uſed or to be uſed in or towards the Building, Repairing, or keeping in Repair any Quay, Pier, Wharf, Wear, Bridge, or other Building, or the Banks or Sides of any Port, Harbour, Haven, Channel, or Navigable River, or any Materials for repairing any Highway; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Manner in which Ships may unlade their Ballaſt.

XII. And, for the more effectually preventing ſuch Injuries, be it further enacted, That no Ship or Veſſel, Lighter, Barge, Boat, or Craft whatſoever, ſhall unlade on any Part of the Shore (except on ſome Wharf properly conſtructed for the Purpoſe) any Ballaſt, Stone, Slate, Gravel, Earth, Rubbiſh, Wreck, or Filth, except at the Time of High Water, or within Two Hours before or Two Hours after High Water; and that, for every ſuch Purpoſe, every ſuch Ship or Veſſel, Lighter, Barge, Boat, or Craft ſhall approach the Shore, as far as the Tide and the Draught of Water of ſuch Ship, Veſſel, Lighter, Barge, Boat, or Craft will admit, and ſhall, under no Circumſtances, and in no Situation, depoſit any of the ſaid Matters below Low Water Mark at Neap Tides; and that every Veſſel drawing above Eleven Feet of Water at the Stern, ſhall unlade all ſuch Materials into ſome Lighter, Barge, or Boat, as herein-before directed, in order that the ſame may be conveyed as near the Shore as poſſible at the Time of High Water, as herein-before directed.

Ballaſt to be caſt on Shore from the Side of the Ship neareſt to the Land.

XIII. And be it further enacted, That all ſuch Ballaſt and other Matter ſhall, in all the above-mentioned Caſes, be caſt on Shore, from the Side of the Ship, Lighter, Barge, Boat, or other Craft, which ſhall be neareſt to the Land, and not otherwiſe; and every Perſon who ſhall offend in any of the above Particulars ſhall, for every ſuch Offence, forfeit and pay

a Sum not exceeding the Sum of Ten Pounds, over and above all Expences which may be incurred in removing to a proper Place the ſaid Matters which may have been depoſited contrary to the Proviſions of this Act, ſuch Expences to be recoverable in ſuch Manner and with ſuch Powers of Commitment or Non-Payment thereof, as in Caſes of Penalties or Forfeitures under this Act. Penalty.

XIV. And, in order to prevent Damage being done to the Shores or Banks of the Ports, Harbours, or Havens in this Kingdom, be it further enacted, That no Perſon or Perſons ſhall take any Ballaſt or Shingle from the Shores or Banks, or any Portion of the Shores or Banks of any Port, Harbour, or Haven of this Kingdom, from which the Commiſſioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being ſhall find it neceſſary for the Protection of ſuch Port, Harbour or Haven, or the Works thereof, by Order under their Hands, or the Hands of any Three of them, or the Hands of his or their Secretary, and publiſhed in the *London Gazette*, ſhall prohibit the taking or removing of ſuch Shingle or Ballaſt, upon pain of forfeiting for every ſuch Offence the Sum of Ten Pounds. Penalty on taking Ballaſt from the Shore in Harbours.

XV. And be it further enacted, That in the taking of Ballaſt into any Ship or Veſſel, Lighter, Barge, Boat, or other Craft, and alſo in the diſcharging of the ſame from any Ship or Veſſel into any Lighter, Boat, Barge, or other Craft, every ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, ſhall be provided with, and ſhall make uſe of One or more Tarpaulin or Tarpaulins properly ſtretched and ſpread, in order to prevent ſuch Ballaſt or any Part thereof from falling into the Sea, or into any Harbour, Haven or Navigable River; and in caſe any Perſon or Perſons ſhall either take any Ballaſt into any Ship or Veſſel, Lighter, Barge, Boat, or other Craft, or ſhall diſcharge the ſame from any Ship or Veſſel into any Lighter, Barge, Boat, or other Craft, without uſing ſuch ſufficient Tarpaulin or Tarpaulins, properly ſtretched and ſpread, in order to prevent ſuch Ballaſt or any Part thereof from falling into the Sea, or into any ſuch Harbour, Haven, or Navigable River; all and every Perſon and Perſons offending therein ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds. Tarpaulins to be uſed in taking in and diſcharging Ballaſt.

XVI. And be it further enacted, That it may be lawful for the Lord High Admiral, or Lords Commiſſioners for executing the Office of Lord High Admiral, to grant Licences under their Hands and Seal of Office, or under the Hand and Seal of Office of his or their Secretary, for diſpenſing with the foregoing Proviſions relative to Ballaſt, in Caſes that may ſeem to require ſuch Diſpenſation. For licenſing the diſpenſing of Proviſions relative to Ballaſt.

XVII. And whereas Ships or Veſſels, Lighters, Barges, Boats, and other Craft, are oftentimes ſunk or ſtranded in the Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and Navigable Rivers of this Kingdom; and the ſame or the Hulks thereof are frequently ſuffered to ſink into and remain in the Sand there, to the great Damage of the ſaid Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and Navigable Rivers, and alſo to the great Danger and Damage of the Ships and Veſſels coming and reſorting to the Veſſels ſunk, to be raiſed.

ſame: For Remedy whereof, be it further enacted, That when and as often as any Ship or Veſſel, Lighter, Barge, Boat, or other Craft, ſhall be ſunk or ſtranded in any Port, Harbour, Haven, Road, Roadſtead, Sound, Channel, Creek, Bay, or Navigable River in this Kingdom, where ſuch Harbour Maſter ſhall be ſo appointed as aforeſaid, it ſhall be lawful for any ſuch Harbour Maſter, and alſo for any Commiſſioner of the Navy reſiding in or near the Place where the ſame ſhall happen, in caſe the Owner or Owners, Maſter or other Perſon having the Charge or Command of ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft ſhall refuſe or neglect to weigh and raiſe the ſame for the Space of Twenty-eight Days then next following, to cauſe any ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, to be weighed and raiſed, and to cauſe the ſame, and the Furniture, Tackle, and Apparel thereof, or any Part thereof reſpectively, and alſo all or any Part of any Goods, Wares, Merchandizes, Chattels, and Effects which ſhall be found on board the ſame, to be ſold by Public Auction, or otherwiſe, and thereby and therewith to pay the Charges and Expences of Weighing and Raiſing ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft, and clearing the Port, Harbour, Haven, Road, Roadſtead, Sound, Channel, Creek, Bay, or Navigable River, where the ſame ſhall happen, and alſo the Charges and Expences of ſuch Sale, rendering the Overplus (if any be) to the Owner or Owners or other Perſon or Perſons who by Law ſhall be entitled to the ſame.

Officers indemnified.

XVIII. And it is hereby declared and enacted, That all and every ſuch Harbour Maſter, and Commiſſioners of the Navy, and all and every Officer and Officers of any of His Majeſty's Ships of War, Docks, Dock Yards, and Arſenals, and all and every other Perſon and Perſons acting in his, their, or any of their Aid or Aſſiſtance, ſhall be, and he and they is and are hereby indemnified for all and whatſoever he or they ſhall do or cauſe to be done in purſuance of this Act.

If Harbour Maſter neglects for Two Months, the Owner may raiſe his ſunk Veſſel.

XIX. Provided always, and be it further enacted, That in caſe the ſaid Harbour Maſter or Commiſſioner of the Navy, ſhall not proceed to call ſuch Ship or Veſſel, Lighter, Barge, Boat, or other Craft to be weighed and raiſed within the Space of Two Calendar Months next after the Expiration of the ſaid Twenty-eight Days, then and in that Caſe it ſhall and may be lawful to and for ſuch Owner or Owners, Maſter, or other Perſon, to proceed to weigh and raiſe ſuch ſunken or ſtranded Ship or Veſſel, Barge, Boat, or other Craft, and the Goods and Effects therein, in the ſame Manner as if this Act had not been made and paſſed.

Commiſſioners of the Navy to act as Juſtices.

XX. And be it further enacted, That every Commiſſioner of the Navy, who for the Time being ſhall be reſiding at any Port, Dock Yard, or Arſenal, near to any Place where any Offence againſt this Act may be committed, ſhall be and be deemed to be a Juſtice of the Peace for all the Purpoſes of this Act; and that all and every the Laws and Statutes of this Realm made and now in force, for the Eaſe, Safety, and Protection of Juſtices of the Peace in the Execution of their Office, ſhall extend and be conſtrued to extend to all ſuch Commiſſioners of the Navy, and to all Conſtables, Headboroughs, or other Peace Officers or Perſons acting under the Warrant or Authority of any ſuch Commiſſioner of the Navy, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein and

hereby repeated and re-enacted as to and for the Eaſe, Safety, and Protection of ſuch Commiſſioners of the Navy, and the Conſtables, Headboroughs, or other Peace Officers or Perſons acting under their or any of their Warrant or Authority.

Recovery of Penalties.

XXI. And be it further enacted, That all the Penalties and Forfeitures impoſed by this Act ſhall be ſued for within Twelve Calendar Months next after the Offence or Offences ſhall be committed, before any Commiſſioner of the Navy or Juſtice of the Peace reſiding at or near to the Place where any ſuch Offence or Offences ſhall be committed; all which ſaid Penalties and Forfeitures ſhall go and be applied as follows; (that is to ſay), One Moiety thereof to the Uſe of His Majeſty, His Heirs, and Succeſſors, and the other Moiety thereof, with full Coſts, to be adjudged by ſuch Commiſſioner of the Navy or Juſtice of the Peace, to the Informer; and every ſuch Commiſſioner of the Navy and Juſtice of the Peace, is hereby authorized and required, upon Information exhibited or Complaint made, to grant and iſſue his Warrant in Writing under his Hand, to bring before them reſpectively ſuch Offender or Offenders at the Time and Place in ſuch Warrant ſpecified; and if on the Conviction of the Offender or Offenders reſpectively, on his, her, or their Confeſſion, or on Oath, (which Oath every ſuch Commiſſioner of the Navy and Juſtice of the Peace is hereby authorized and empowered to adminiſter), ſuch Penalty or Forfeiture, together with ſuch Coſts as aforeſaid, ſhall not be forthwith paid, it ſhall be lawful for ſuch Commiſſioner of the Navy or Juſtice of the Peace to commit any ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the County, City, or Borough, at or near to the Place where the Offence or Offences ſhall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Months, unleſs ſuch Penalty or Forfeiture and Coſts ſhall be ſooner paid.

Extent of Juriſdiction of Commiſſioners of the Navy and Juſtices of the Peace.

XXII. And whereas divers Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, and Navigable Rivers, in this Kingdom, do lie partly in one County and partly in another, and partly or in the Whole out of the Body of any County of this Realm; by reaſon whereof Doubts may ariſe as to the Juriſdiction of any Commiſſioner of the Navy or Juſtice of the Peace, touching any Offence or Offences which may be committed contrary to this Act; be it therefore enacted, That it ſhall be lawful for any Commiſſioner of the Navy, reſiding at or near to any Port, Harbour, or Haven, or any Part thereof, or for any Juſtice of the Peace for any County, City, or Borough, acting in and for any Diſtrict or Place next adjoining to any ſuch Port, Harbour, Haven, Road, Roadſtead, Sound, Channel, Creek, Bay, or Navigable River, or any Member of any of them, where any ſuch Offence or Offences may be committed, to proceed in the Execution of this Act, and of all the Powers and Authorities thereof, herein and hereby given to Commiſſioners of the Navy and Juſtices of the Peace, in ſuch and the ſame Manner, and as fully and effectually to all Intents and Purpoſes, as if ſuch Offence or Offences had been committed locally within the Limits of the Juriſdiction of ſuch Commiſſioner of the Navy or Juſtice of the Peace, although the ſame may have been committed out of the Limits of the Juriſdiction of ſuch Commiſſioner or Juſtice, or out of the Body of any County of this Realm.

XXIII. And,

Offenders.

XXIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, and alſo for the Prevention of frivolous and vexatious Appeals, be it further enacted, That every Commiſſioner of the Navy and Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence or Offences againſt this Act, ſhall and may cauſe the Conviction to be drawn up according to the following Form, or in any Form of Words to the like Effect, *mutatis mutandis*; which Conviction ſhall be good and effectual to all Intents and Purpoſes, without ſtating the Caſe, or the Facts or Evidence, in any more particular Manner; (that is to ſay),

Form of Conviction.

'BE it remembered, that on the Day of in the Year of our Lord *A. B.* is 'convicted before me One of the Commiſſioners 'of the Navy, or One of His Majeſty's Juſtices of the Peace for the 'of [*as the Caſe may be*] for that the ſaid '*A. B.* on the Day of at did [*here ſtate the* '*Offence againſt this Act*] contrary to the Statute in ſuch Caſe made and 'provided. Given under my Hand and Seal the Day and Year firſt 'above written."

Which Conviction the ſaid Commiſſioner or Juſtice ſhall cauſe to be fairly written upon Parchment or Paper, and returned to the next General Quarter Seſſions of the Peace for the County, Diviſion, City, Town Corporate, Liberty, or Place, where ſuch Conviction was made, to be filed by the Clerk of the Peace, and there to remain and be kept among the Records of the ſame County, Diviſion, or Place; and the ſame ſhall not be removed by *Certiorari*, Advocation, or Suſpenſion, or any other Proceſs whatſoever, into any Court whatſoever.

Puniſhing Witneſſes not attending.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before any ſuch Commiſſioner or Juſtice or Juſtices of the Peace, touching any of the Matters relative to this Act, either on the Part of the Informer or Proſecutor, or of the Party or Parties accuſed, and ſhall neglect or refuſe to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for ſuch his, her, or their Neglect or Refuſal, to be allowed by ſuch Commiſſioner, or Juſtice or Juſtices of the Peace before whom the Complaint or Proſecution ſhall be depending, that then every ſuch Perſon ſhall forfeit for every ſuch Offence the Sum of Ten Pounds, to be recovered, levied, and paid and applied in ſuch Manner and by ſuch Means as is above directed with reſpect to Fines on ſummary Convictions.

Perjury.

XXV. And be it further enacted, That if any Perſon, upon Examination on Oath or Affirmation before any Commiſſioner of the Navy, or before any Juſtice of the Peace in any Matter relating to the Execution of this Act, ſhall wilfully and corruptly give falſe Evidence, or ſhall in any Information or Depoſition ſworn, or Affirmation taken in Writing, before any ſuch Commiſſioner or Juſtice, wilfully and corruptly ſwear or affirm any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon ſo offending, and being thereof lawfully convicted, ſhall be and is hereby declared to be ſubject and liable to the like Pains and Penalties as any

Perſons convicted of wilful and corrupt Perjury, are by any Law now in force ſubject and liable to.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons ſo convicted by any Commiſſioner of the Navy or Juſtice of the Peace before-mentioned, of any Offence or Offences againſt this Act, within Three Calendar Months next after ſuch Conviction, to appeal to the Juſtices of the Peace aſſembled at the General Quarter Seſſions holden for the County, City, or Place, where the Matter of Appeal ſhall ariſe, firſt giving Ten Days Notice of ſuch Appeal to the Perſon or Perſons appealed againſt, and of the Matter thereof, and entering into a Recognizance before ſome Commiſſioner of the Navy, or Juſtice of the Peace for ſuch County, City, or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and for abiding the Determination of the Court therein; and ſuch Juſtices at the General Quarter Seſſions ſhall, upon due Proof of ſuch Notice having been given, and a Recognizance having been entered into, hear and determine the Matter of ſuch Appeal, and may either confirm or quaſh and annul the ſaid Conviction, and award ſuch Coſts to either Party as to them ſhall ſeem juſt and reaſonable; and the Deciſion of the ſaid Juſtices therein ſhall be final, binding, and concluſive. Appeal.

XXVII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Months after the Matter or Thing done, and the Venue therein laid in the proper County, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and if a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff ſhall be non-ſuited or diſcontinue his Action, after the Defendant or Defendants has or have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as Defendants have by Law in other Caſes. Limitation of Actions.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, diminiſh, abridge, alter, or take away, any Right of Property, Privilege, or Juriſdiction, or any Powers of Conſervancy, held, poſſeſſed, uſed, exerciſed, or enjoyed, by any Body Corporate or Politic, or by any Lord or Lords, Lady or Ladies of any Manor or Manors, or any Perſon or Perſons whatſoever, in, to, upon, or over any of the Ports, Harbours, Havens, Roads, Roadſteads, Sounds, Channels, Creeks, Bays, or navigable Rivers of the United Kingdom, or to the Banks, Shores, or Sides thereof; or to repeal any of the Proviſions contained in any Act or Acts of Parliament which may have been paſſed, for the Regulation of any River, Port, or Harbour, in the United Kingdom, or the Shipping frequenting the ſame, except ſuch Acts and Proviſions as are expreſsly repealed by this preſent Act; but that ſuch reſpective Rights of Property, Privileges, Juriſdictions, and Powers of Conſervancy, ſhall be reſpectively and excluſively Saving.

fively enjoyed, in as full, ample, and beneficial a Manner in every respect, to all Intents and Purposes, as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

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