ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxcvi.

An Act for improving, regulating, and maintaining the Haven of *Sandwich* in the County of *Kent*.

[9th *July* 1847.]

WHEREAS the Haven of *Sandwich* is obstructed by the Accumulation of Mud and Sand and the Formation of Shoals and Mud Banks, which Obstructions are increasing, and it is highly expedient that the same should be removed, and that the Haven should be cleansed, deepened, and improved: And whereas the public Quays of the Town and Port of *Sandwich* are falling into Decay, and it is highly desirable that the same should be repaired and improved: And whereas, in order to provide the requisite Funds for effecting the Purposes aforesaid, it is expedient that the Mayor, Aldermen, and Burgesses of the said Town and Port should be empowered to levy Tolls, Rates, and Duties upon all Vessels and Goods using the Haven or Quays: And whereas the present Powers of the said Mayor, Aldermen, and Burgesses for the Regulation and Management of the Haven and Quays are imperfectly defined and insufficient, and it is expedient that the same should be defined and rendered more effectual: And whereas the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted;

enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

Corporation of Sandwich to execute the Act.

by the Authority of the same, That the Mayor, Aldermen, and Burgesses of the said Town and Port of *Sandwich*, by the Council of the said Town and Port, shall be the Undertakers for exercising the Powers and carrying into effect the Provisions of this Act and the Acts incorporated therewith.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in any legal Instruments or Proceedings, it shall be sufficient to use the Expression "*Sandwich* Haven Improvement and Regulation Act, 1847."

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

III. And be it enacted, That all the Clauses and Provisions of the "Commissioners Clauses Act, 1847," with respect to the following Matters, that is to say,

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners;

With respect to the Appointment and Accountability of the Officers of the Commissioners;

With respect to Mortgages to be executed by the Commissioners;

With respect to the making of Bye Laws;

With respect to the giving of Notices and Orders; and

With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices,

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and such Clauses shall apply to the Haven of *Sandwich*, and to the several Works, Matters, and Things authorized to be done under this Act, and to the said Mayor, Aldermen, and Burgesses or the Council on their Behalf, and shall be construed as if the Expression "the Mayor, Aldermen, and Burgesses of the Town and Port of *Sandwich*" had been inserted instead of the Word "Commissioners," or, where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners."

Council may appoint Committees.

IV. And be it enacted, That the said Council may appoint, out of their own Body, from Time to Time such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which in the Discretion of such Council would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Quorum of Committee.

V. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of

the Committee unless the Quorum of Members, if any, fixed by the Commissioners, and if no Quorum be fixed, Three Members, be present; and at all Meetings of the Committee one of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present; in case of an equal Division of Votes, the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Treasurer and Clerk.

VI. And be it enacted, That the Treasurer and Town Clerk of the said Town and Port shall be the Treasurer and Clerk for the Purposes of this Act.

Accounts of Receipts and Disbursements to be kept, audited, and published.

VII. And be it enacted, That the said Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid, and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the said Town and Port; and all the Accounts, with Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year be submitted by the said Treasurer to the Auditors provided to be elected in pursuance of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and to such Member of the Council as the Mayor shall name in pursuance of the said last-mentioned Act, on the First Day of *March* in every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named, and if the Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall be so examined and audited in the Month of *September* in every Year, the Treasurer shall make out in Writing, and shall cause the same to be printed, a full Abstract of the Account for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the said Mayor, Aldermen, and Burgesses by virtue of this Act, and to all the Rate-payers of such Town and Port, and Copies thereof shall be delivered to all such Persons applying for the same on Payment of a reasonable Price for each Copy.

5 & 6 W. 4. c. 76.

Newspapers for Advertisements.

VIII. And be it enacted, That the Newspapers in which Advertisements may be published under the Provisions of this Act or any Act incorporated or partly incorporated herewith shall be the *Kentish Gazette* and the *Kent Herald*.

Power to cleanse, &c. the Haven.

IX. And be it enacted, That, subject to the Provisions of this Act and the several Acts incorporated therewith, so far as the same respectively are so incorporated, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby authorized and empowered, from Time to Time to cleanse, scour, deepen, and dredge the

the Haven as they shall think proper, and to repair, maintain, and regulate the public Quays of the said Town and Port, and from Time to Time to provide and maintain the Machinery and Apparatus necessary for effecting the aforesaid Purposes.

Haven of Sandwich defined.

X. And be it enacted, That for the Purposes of this Act the Haven of *Sandwich* shall be taken to include within its Limits so much of the Haven of *Sandwich* and the River *Stour* as lies between a certain Sluice in the said River called *North Poulder's Sluice* in the Parish of *Woodnesborough* otherwise *Winsborow* in the said County of *Kent* and the Sea at Low-water Mark at ordinary Spring Tides.

Power to dispose of Materials found in the Haven.

XI. Provided also, and be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to use and dispose of, in such Manner as they shall think proper, the Mud, Sand, Soil, and other Materials which shall be dug out of or removed from the Haven in execution of the aforesaid Powers.

Works below High-water Mark not to be executed without Consent of the Admiralty.

XII. Provided always, and be it enacted, That it shall not be lawful for the Mayor, Aldermen, and Burgesses to construct in the Haven, where and so far up the same as the Tide flows and re-flows, any Work without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral or the said Commissioners may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Mayor, Aldermen, and Burgesses at any Time to alter or extend the same without obtaining, previously to making such Alteration or Extension, the like Consents or Approvals; and if such Works shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Mayor, Aldermen, and Burgesses; and the Amount thereof may be recovered in the same Manner as a Penalty is recoverable against the Mayor, Aldermen, and Burgesses.

Power to Mayor, &c. to erect Cranes and Weighing Machines;

XIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, and they are hereby authorized and empowered, to erect and maintain such and so many Cranes and Weighing Machines and other Conveniences on the public Quays as may appear to be requisite for the loading, unloading, and weighing of

of the Goods which may be imported at and exported from the Haven, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods.

and to permit Cranes and Weighing Machines to be erected by other Persons.

XIV. Provided also, and be it enacted, That it shall and may be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to permit Cranes and Weighing Machines and other Conveniences, Weights and Measures, for the Purposes aforesaid, to be erected or provided, removed, renewed, repaired, and maintained by such Persons and on such Terms and Conditions and subject to such Regulations as the Mayor, Aldermen, and Burgesses shall think proper; and it shall be lawful for such Persons as last aforesaid to demand and take, for the Use of any Cranes and Weighing Machines erected by them, from the Owner or Person having the Charge of any Goods loaded or unloaded, weighed or measured, by means of the Cranes and Weighing Machines respectively, such reasonable Rates as the Mayor, Aldermen, and Burgesses shall from Time to Time appoint.

Power to put up Beacons, Buoys, &c.

XV. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses and they are hereby authorized to provide, fix, and maintain such Beacons, Buoys, Mooring Posts, and other Conveniences as they shall judge expedient for the Guidance and Use of Vessels resorting to the Haven: Provided always, that it shall not be lawful for the Mayor, Aldermen, and Burgesses to fix, alter, or remove the same without having from Time to Time previously obtained and in every Case only in accordance with the Sanction in Writing of the Master, Warden, and Assistants of the Corporation of *Trinity House, Deptford Strond*, as to the Character and Situation of such Beacons, Buoys, Mooring Posts, and other Conveniences, and without having, previously to any such fixing, Alteration, or Removal, given Notice thereof to the Lord Warden of the Cinque Ports.

Power to provide Towing Vessels.

XVI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to purchase, hire, or provide Vessels, to be propelled by Steam or otherwise, for the Purpose of cleansing, deepening, or improving the Haven or any Part thereof, or of towing or hauling Vessels into or out of the Haven, or for both of such Purposes; and any Person requiring the Assistance of such Towing Vessel shall pay to the Mayor, Aldermen, and Burgesses such reasonable Rates or Compensation for the Use thereof as they shall from Time to Time establish and require for that Purpose.

Rates on Vessels.

XVII. And be it enacted, That from the Expiration of Three Calendar Months next after the passing of this Act it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to demand and receive from the Master or Owner of every Vessel which shall enter or leave the Haven, for each Time of its so entering or leaving, any Tolls, Rates, or Duties not exceeding the Rates specified in the Schedule to this Act annexed marked A.

Wharfage Dues.

XVIII. And be it enacted, That if any Goods shall be brought upon any of the public Quays of the said Town and Port, then and in every such Case there shall be paid to the Mayor, Aldermen, and

Burgesses, or their Lessees (as the Case may be), or to the Collector or other Person or Persons whom they shall appoint to demand, receive, and recover the same, over and above the Rates herein-before granted and authorized to be taken, and in such and the same Manner as such Rates are hereby directed and appointed to be paid and recovered, such Sum *per* Ton or otherwise as the Mayor, Aldermen, and Burgesses shall from Time to Time fix and appoint, not exceeding the Rates and Charges in the Schedule to this Act annexed and marked (B.)

Certain Provisions of 10 & 11 Vict. c. 27. incorporated with this Act.

XIX. And be it enacted, That all the Clauses and Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the following Matters, (that is to say,)

With respect to the Rates to be taken by the Undertakers;
With respect to the Collection and Recovery of Rates;
With respect to the Protection of the Harbour, Dock, and Pier, and the Vessels therein, from Fire or other Injury;
With respect to the Police of the Harbour, Dock, or Pier;
With respect to the Appointment of Meters and Weighers, and their Duties;
With respect to the Tender of Amends;
With respect to Access to the special Act;
And with respect to the saving of Rights,

Shall, so far as the same respectively are not varied by the Provisions of this Act, be incorporated with this Act.

Rates under this Act to be in lieu of former Rates.

XX. And be it enacted, That the Rates hereby authorized to be levied shall be in lieu of and substitution for, and not in addition to, the Tolls, Rates, or Duties which the Mayor, Aldermen, and Burgesses are authorized to levy upon Vessels and Goods within the Haven, and that from and after the passing of this Act such last-mentioned Tolls, Rates, and Duties respectively shall cease to be payable or recoverable.

Power to lease Rates, &c.

XXI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time, by a Lease to take effect in possession within Three Months from the making thereof, to let by Auction, or private Contract in case there shall not be a Bidder, or they shall not be satisfied with the Sum offered at such Auction, and upon such Terms and Conditions as they shall consider reasonable, the Rates, Cranes, and Weighing Machines by this Act authorized to be taken and made, or any of them, or any Part thereof respectively, to any Party for any Period not exceeding Three Years from the Time of such Lease taking effect in possession: Provided always, that no such letting shall take place unless public Notice of the Intention in that Behalf shall have been given by the Mayor, Aldermen, and Burgesses by Advertisement in Two Newspapers published and circulated in the said County of *Kent* at least Fourteen Days prior to the Meeting at which it shall be intended to let such Rates, Cranes, and Weighing Machines.

Lessees to be deemed Collectors.

XXII. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed

appointed by them to manage the Cranes and Weighing Machines and to collect the Rates so let, shall be deemed Managers of the Cranes and Weighing Machines and Collectors of the Rates so let, and they shall have the same Powers to manage such Cranes and Weighing Machines, and to collect and recover such Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been Collectors appointed for the Purpose by the Mayor, Aldermen, and Burgesses.

Lessees making Default to be removed.

XXIII. And be it enacted, That if any such Lease shall have become void or voidable according to any Stipulations therein contained for that Purpose by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall become payable, or if any Manager of the Cranes and Weighing Machines or Collector of the Rates so let be discharged or suspended from his Office or shall abscond or absent himself, and if such Manager or Collector (as the Case may be) so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Manager or Collector so discharged or suspended, or who shall have died, absconded, or absented himself as aforesaid, refuse or neglect, after Seven Days Notice in Writing for that Purpose signed by the Town Clerk, to deliver to the Mayor, Aldermen, and Burgesses, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Measures belonging to the Mayor, Aldermen, and Burgesses in the Possession or Custody of any such Manager or Collector at the Time of the Occurrence of any such Event as in this Clause mentioned, then and in any of the said Cases and as often as the same shall happen, upon Application made by the Mayor, Aldermen, and Burgesses to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, or other Building, Crane, or Weighing Machine, with the Appurtenances thereto, or upon any Lands belonging to the Mayor, Aldermen, and Burgesses, and remove from the same the Lessee, Manager, or Collector, or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Mayor, Aldermen, and Burgesses, and deliver the same to them or any Person appointed by them for that Purpose.

Power of reletting Rates.

XXIV. And be it enacted, That upon Possession being obtained, it shall be lawful for the Mayor, Aldermen, and Burgesses, by Notice in Writing under their Common Seal, or by Advertisement in Two Newspapers published and circulated in the said County of *Kent*, to determine the Lease (if any previously subsisting), and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Mayor, Aldermen, and Burgesses may again let the Rates, Cranes, and Weighing Machines,

or

or any of them, to the same or any other Person, or cause them to be collected, in the same Manner as if no such former Lease had been made relative thereto.

Power to borrow Money on Mortgage.

XXV. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to borrow at Interest, on the Credit of the Rates and Monies to be levied under or applied for the Purposes of this Act or any Part thereof, any Sum not exceeding Four thousand Pounds, and in the event of any Part of such Money being repaid by the Mayor, Aldermen, and Burgesses they may reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Four thousand Pounds at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Mayor, Aldermen, and Burgesses may assign over the said Rates and Monies, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money to be so borrowed, together with Interest on the same.

Arrears may be enforced by Appointment of a Receiver.

XXVI. And be it enacted, That it shall be lawful for the Mortgagees of the Mayor, Aldermen, and Burgesses to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

Sum to be set apart as a Sinking Fund for Payment of Mortgages.

XXVII. And be it enacted, That the Sum to be set apart and appropriated out of the Rates as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed or secured on Mortgage, shall be each Year One Fortieth Part of the Monies from Time to Time so borrowed or secured.

Application of Rates and Monies raised under this Act.

XXVIII. And be it enacted, That the whole of the Rates and other Monies to be levied or received by the Mayor, Aldermen, and Burgesses under the Authority of this Act shall be applied by them in manner following; (*videlicet,*) in the first place, in or towards Payment of the Expences connected with the preparing, procuring, and passing of this Act, or incidental thereto; in the second place, in Payment of the annual Interest of the Monies borrowed and due and owing under the Authority of this Act on the Credit of the Rates in manner herein provided; in the third place, towards the Expence of improving and maintaining the Haven and executing and maintaining the Works hereby authorized to be done, and otherwise in carrying into effect all or any of the Provisions of this Act; and, lastly, in repaying the Principal Money to be borrowed under the Provisions of this Act, and for no other Purpose whatsoever.

The 200*l.* per Annum payable under 32 G. 3. c. 74. by the

XXIX. And whereas by an Act made and passed in the Session of Parliament held in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Maintenance and Improvement of the Harbour of* Ramsgate *in the County of* Kent, *and*

and for cleansing, amending, and preserving the Haven of Sandwich *in the said County*, it was enacted, amongst other things, that out of the Monies arising by the Rates and Duties thereby granted and imposed, the Sum of Two hundred Pounds Sterling *per Annum* should, during the Continuance of the said Act, be paid by the Committee of Treasury therein mentioned for the Time being into the Hands of the Mayor and Jurats of the said Town and Port of *Sandwich* for the Time being, or into the Hands of such Person or Persons as they or the major Part of them should, by Writing under their Hands and Seals, authorize and appoint to receive the same, by Four equal quarterly Payments as therein mentioned, which Money when received should, after the Payment and Discharge of the Expences therein mentioned, be applied and disposed of in cleansing, scouring, deepening, preserving, and maintaining the said Haven, or in erecting a Pier or such other Works as the said Mayor and Jurats for the Time being, or the major Part of them, should from Time to Time judge necessary, and by Writing under their Hands and Seals should order and direct to be erected and maintained for preserving and improving the same Haven of *Sandwich*; be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, and they are hereby empowered and required, to apply the said annual Sum of Two hundred Pounds, or any Part thereof, payable to them under the Authority of the last-recited Act and of the said Act for the Regulation of Municipal Corporations in *England* and *Wales*, in the same Manner and for the same Purposes as the Rates and Monies to be raised under the Provisions of this Act are hereby directed to be applied.

Ramsgate Harbour Trustees for Maintenance of Sandwich Haven to be applied to the Purposes of this Act.

XXX. And be it enacted, That it shall be lawful for the Water Bailiff to give Directions for all or any of the following Purposes; (that is to say,)

Powers of WaterBailiff.

For regulating the Time and Manner in which any Vessel shall enter, go out of, or lie in the Haven, and the Position, mooring or unmooring, placing or removing, of any Vessel within the Haven:

For regulating the Manner in which any Vessel shall take in or discharge its Cargo, or any Part thereof, or shall take in or deliver Ballast, within the Haven:

For regulating the Navigation and Government of any Vessel within the Haven:

Provided, that nothing herein contained shall authorize such Water Bailiff to give any Directions in any way repugnant to or interfering with any Law or Regulation of Customs.

XXXI. And be it enacted, That in case any Water Bailiff appointed under this Act shall give an undue Preference or show any Partiality, or without reasonable Cause exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Water Bailiff exercising Powers without Cause.

XXXII. And be it enacted, That the Master of every Vessel within any Part of the Haven shall regulate such Vessel according to the Directions of the Water Bailiff made in conformity with this Act; and any Master of any Vessel who, after Notice from the Water Bailiff,

Penalty on not complying with Directions of the Water Bailiff.

Bailiff, shall not forthwith regulate such Vessel according to such Directions, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Power of Water Bailiff to remove Vessels.

XXXIII. And be it enacted, That if the Master of any Vessel within the Haven shall not moor, unmoor, place, or remove such Vessel according to the Directions of the Water Bailiff given to the said Master, it shall be lawful for such Water Bailiff to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and if necessary to cause such Vessel to be unloaded and lightened by the Removal of all or any Portion of the Cargo or other Things which shall be on board of the same, and to employ a sufficient Number of Persons for those Purposes; and the Expences attending such mooring, unmooring, placing, unloading, or removing shall be paid by such Master or by the Owner of such Vessel, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and recovered from any such Master or Owner in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered.

Penalty on Commander for obstructing Water Bailiff.

XXXIV. And be it enacted, That if the Master of any Vessel within the Haven, or any Person on board the same, shall hinder the Water Bailiff or any Person employed by him in mooring, unmooring, placing, unloading, or removing such Vessel in manner aforesaid, such Master or other Person shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Water Bailiff may in certain Cases cut Ropes of Vessels moored.

XXXV. And be it enacted, That if the Master or any other Person on board of any Vessel which shall be moored or fastened within the Haven shall not upon Demand of the Water Bailiff unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the Water Bailiff to slacken, unloose, or cut the Rope or Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Water Bailiff shall slacken, unloose, or cut any Rope or Chain by which any Vessel without any Person on board shall be moored or fastened, he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel; and all Expences thereby incurred shall be paid by the Master or Owner of such Vessel, and shall and may be ascertained and recovered from any such Master or Owner in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered.

Power to Mayor, &c. to cause sunk Vessels to be raised, and to keep the same until Expences are paid.

XXXVI. And be it enacted, That if any Vessel shall sink within the Haven, and the Master of such Vessel shall not within the Space of Twenty-four Hours next after such Vessel shall so sink take the Measures proper for weighing or drawing up and removing the same, or within the Period aforesaid give sufficient Security to the Mayor, Aldermen, and Burgesses or to the Water Bailiff for so doing, and shall not also remove the same within Seven Days after the Day on

which he shall have taken such Measures or have given such Security, it shall be lawful for the Mayor, Aldermen, and Burgesses to weigh, draw up, and remove such Vessel, and to detain and keep the same, with her Tackle, Furniture, and Lading, until Payment of all Damages and Expences occasioned by the sinking of such Vessel, and attending the weighing, drawing up, and removing the same; and if the Amount of such Damages and Expences shall not be paid by the Master or Owner of such Vessel within Fourteen Days after Demand thereof made by the Water Bailiff or other the Agent in that Behalf of the Mayor, Aldermen, and Burgesses, it shall be lawful for the Mayor, Aldermen, and Burgesses to sell, either by public Auction or private Contract, such Vessel, and her Tackle, Apparel, Furniture, and Lading, or so much thereof as they shall think proper, for reimbursing the Amount of such Damages and Expences, and the Costs and Expences attending the keeping and selling of the same, rendering the Overplus (if any) of the Proceeds of such Sale, and the unsold Parts (if any) of such Vessel, Tackle, Apparel, Furniture, and Lading, on Demand, to the Master or Owner of such Vessel.

Water Bailiff may remove floating Timber or other Obstructions.

XXXVII. Provided also, and it is hereby enacted, That it shall be lawful for the Water Bailiff from Time to Time to remove any floating Timber or any other Obstruction which may impede the Navigation of the Haven, and the Expence of such Removal shall be repaid by the Owner of the floating Timber or the Person who shall have caused the Obstruction.

Penalty for wilfully cutting Ropes.

XXXVIII. And be it enacted, That if any Person other than the Water Bailiff in execution of the Powers of this Act shall wilfully cut, break, or destroy, slacken, or cast off any Rope or other Thing by or to which any Vessel lying in the Haven shall be moored or fastened, or shall wilfully cut, injure, or deface any Mooring Post or other Convenience for mooring Vessels in the Haven, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for destroying Works.

XXXIX. And be it enacted, That any Person who shall wilfully break, throw down, destroy, steal, take away, injure, or deface any Part of the Works continued, erected, made, or maintained by virtue of this Act, or any Part of the Materials of any such Works, being lawfully convicted of any such Offence, shall be subjected and liable to such Pains and Penalties as the Law directs in Cases of Simple Larceny, or, at the Option of the Prosecutor, as in Cases of Trespass on summary Conviction.

Officers may remove Goods, &c. lying on the Quays.

XL. And be it enacted, That the said Mayor, Aldermen, and Burgesses, or any Officer or Person employed by them in virtue of this Act, shall have Power, and they are hereby authorized if they shall see Cause, to remove or cause to be removed all such Goods as shall be allowed to remain on the said Quays to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, Keeping, and Detention, together with the Rates and Duties herein-before authorized to be levied on the said Goods as aforesaid.

XLI. And

Power to Mayor, &c. to make Bye Laws for the Purposes herein named.

XLI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For regulating, with the Consent of the Commissioners of Her Majesty's Customs, the shipping, unshipping, landing, warehousing, stowing, depositing, and removing of all Goods from, in, or on the Works;

For regulating the Duties and Conduct of all Persons, as well the Servants of the Mayor, Aldermen, and Burgesses as others, not being Officers of Customs, who shall be employed on or about the Haven or Works;

For regulating the Use of Fires, Candles, and Lamps, and combustible Things on the Works, or on any Vessel being within the Haven;

For preventing Damage or Injury to any Goods on the Quays, or on any Vessel in the Haven;

For preventing unlicensed Persons from acting as Pilots in the Haven;

For regulating the Use of Cranes, Weighing Machines, Weights, and Measures, and the Duties and Conduct of all Weighers and Meters appointed or employed by them, or by their Lessees or others;

For regulating the Conduct of the Carriers employed on the Quays;

For regulating the Fishery in the Haven, and the Fishermen, and the Nets, Punts, Butts, and other Instruments used by them for the Purpose of fishing therein;

For regulating the Exercise of the several Powers hereby vested in the Water Bailiff;

For regulating the Removal of any Boats or Rafts of Timber or Wood or other Thing obstructing the Navigation of the Haven;

And generally for regulating the Navigation of the Haven, and the Use of the Quays and Works and the Conduct of their Officers: Provided always, that such Bye Laws or any of them be not repugnant to the Laws of *England* or the Provisions of this Act:

And it shall be lawful for the Mayor, Aldermen, and Burgesses by any such Bye Laws to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justice or Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of the Penalty to be paid.

Bye Laws may be repealed.

XLII. Provided also, and be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time as they shall think fit to repeal, alter, or amend any such Bye Laws.

Bye Laws before acted on to be confirmed by Secretary of State.

XLIII. And be it enacted, That no Bye Law made under any of the Powers for that Purpose herein or in any Act incorporated or partly incorporated herewith contained, (except such as relate only to the Officers and Servants of the said Mayor, Aldermen, and Burgesses,) shall be of any Force until the Expiration of Forty Days after

after the same or a Copy thereof shall have been sent, sealed with the Seal of the said Mayor, Aldermen, and Burgesses, to One of Her Majesty's Principal Secretaries of State, and shall have been published once in Two of the Newspapers circulating within the said Town and Port; and if at any Time, within the said Period of Forty Days, Her Majesty, with the Advice of Her Privy Council, shall disallow the same Bye Laws, or any Part thereof, such Bye Laws, or the Part thereof disallowed, shall not come into operation; provided also, that it shall be lawful for Her Majesty if she thinks fit, at any Time within the said Period of Forty Days, to enlarge the Time within which any Bye Law (if allowed) shall come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

Evidence of Bye Laws.

XLIV. And be it enacted, That a Copy of any such Bye Law under the Seal of the Mayor, Aldermen, and Burgesses, with a Declaration thereon, signed by the Mayor of the said Town and Port, that the same hath been sent, sealed as aforesaid, to One of Her Majesty's Principal Secretaries of State and published in Two of the Newspapers aforesaid, and that no Part thereof hath been disallowed by such Secretary of State, and that the same is in force, shall be received as Evidence of any such Bye Law, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity and before all Justices.

Bye Laws to be printed and published.

XLV. And be it enacted, That all Bye Laws made in pursuance of this Act, or any Act incorporated or partly incorporated herewith, (except such as relate only to the Officers and Servants of the said Mayor, Aldermen, and Burgesses,) shall be printed, and a Copy thereof shall be affixed and continued in every Justice Room or Office in which any Justice shall sit for the Administration of Justice, and Copies of such Bye Laws shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Council shall think fit to fix as the Price of such Bye Laws.

Penalty on Town Clerk refusing to supply Copies of Bye Laws, and on Persons refusing Inspection of Bye Laws.

XLVI. And be it enacted, That if the Town Clerk shall not, upon the Payment or Tender of such Sum as the Council shall direct to be paid for the same, deliver to any Person applying for the same at the Office of the Town Clerk a printed Copy of all or any Bye Laws made in pursuance of this Act, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds; and if the Person for the Time being having the Care of any Police Office or any Justice Room wherein any Justice shall sit for the Administration of Justice shall not permit the printed Copy of any Bye Laws affixed in such Office or Room to be inspected at all reasonable Times by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for committing any of the Offences herein named.

XLVII. And be it enacted, That every Person who shall commit any of the following Offences shall for every Offence be liable to a Penalty not exceeding Five Pounds:

Every Person who shall suffer the Lading of any Vessel being on the Haven to lie over the Sides thereof so as to obstruct the Passage

Passage of any other Vessel, or to do any Damage thereto, or to the Works hereby authorized to be made:

Every Person who shall wilfully obstruct or prevent any Person in the Execution of this Act.

Penalty for malicious Injuries.

XLVIII. And be it enacted, That any Person offending in any of the following Particulars shall for each Offence forfeit a Sum not exceeding Ten Pounds; (that is to say,)

If without the Authority of the Mayor, Aldermen, and Burgesses, or of the Water Bailiff, he wilfully throw any Ballast, Gravel, Dirt, Soil, Stone, or Rubbish, or other Matter or Thing into the said Haven or other Works, or do any Injury thereto:

If without the Authority of the Mayor, Aldermen, and Burgesses, of the Water Bailiff, he extinguish any Light or Lamp set up on or near the Haven or Works for the Purposes thereof:

If he wilfully do any Act or Thing to obstruct the free Passage of the Haven or any Part thereof, and not herein-before provided for and made subject to a Penalty.

Damage to the Property to be made good.

XLIX. And be it enacted, That if through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this Act any Damage to the Property of the Mayor, Aldermen, and Burgesses shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty.

Act not to prejudice the Rights of the Commissioners of Sewers.

L. And be it enacted, That nothing herein contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the several Limits in the Eastern Parts of the County of *Kent*, by virtue of the Commission under the Authority whereof they act, or of the general Laws relating to Sewers, but that such Rights, Privileges, Powers, and Authorities of the said Commissioners of Sewers shall remain, continue, and be in full Force and Effect; and also that nothing in this Act contained shall extend or shall be construed or taken to extend to alter or vary the Enactments and Provisions contained in an Act passed in the Sixteenth Year of the Reign of King *George* the Third, intituled *An Act to enable the Commissioners of Sewers for several Limits in the Eastern Parts of the County of* Kent *more effectually to drain and improve the Lands and Grounds within the General Vallies*, in any Manner whatsoever, except as appears by this Act: Provided always, that nothing herein contained shall extend or be construed to extend to enable the Commissioners of Sewers to interrupt or hinder the Execution of this Act, the Mayor, Aldermen, and Burgesses erecting or making no Works, and doing no other Matter or Thing, to prevent or hinder the Enactments and Provisions contained in the said Act passed in the Sixteenth Year of the Reign of King *George* the Third from being observed and acted upon.

16 G. 3. c. 62.

Saving the Rights of the Trinity House.

LI. And be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the said Corporation of the *Trinity House, Deptford Strond.*

LII. Pro-

Saving Right of the Lord Warden of the Cinque Ports, and of the Mayor, Aldermen, and Burgesses.

LII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Lord Warden of the Cinque Ports, or of the Mayor, Aldermen, and Burgesses, at the Time of the passing of this Act, save only and except so far as the Rights, Privileges, Powers, or Authorities, or any of them, of the Mayor, Aldermen, and Burgesses are necessarily prejudiced, diminished, altered, or taken away by any of the Provisions in this Act contained.

Saving the Rights of the Crown.

LIII. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Interpretation of Expressions in this Act.

LIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses for the Time being of the said Town and Port:

The Word "Treasurer" shall mean the Treasurer for the Time being of the said Town and Port:

The Expression "Town Clerk" shall mean the Town Clerk for the Time being of the said Town and Port:

The Word "Quays" shall mean the public Quays, Wharfs, and Landing Places at the said Town and Port belonging or reputed to belong to the Mayor, Aldermen, and Burgesses:

The Word "Vessel" shall include Ship, Lighter, Barge, Raft, Boat, and other Vessel:

The Word "Works" shall mean the Works, Machines, and Conveniences hereby authorized to be maintained, done, and provided:

The Word "Master," when used in relation to any Vessel, shall be understood to include any Person, whether the Owner, Captain, Master, Pilot, or other Person for the Time being lawfully or wrongfully having or taking the Command, Charge, or Management of the Vessel:

The Word "Owner," when used in relation to any Goods, Wares, Merchandize, or other Articles whatsoever, shall be understood to include any Consignee, Agent, or Shipper of such Goods, Wares, Merchandize, or Articles, as well as the Owner thereof:

The Word "Goods" shall include all Goods, Wares, live and dead Stock, Merchandize, Articles, Things, and moveable Chattels, of every Sort, Description, and Kind:

The Word "Water-bailiff" shall include the Water-bailiff or Harbour Master for the Time being, and any Assistant for the Time being appointed or employed by any such Water-bailiff or Harbour Master:

The Word "Justice" shall mean Justice of the Peace for the Town and Port of *Sandwich*; and where any Matter is to be done by Justices, the Word Justices shall mean Two Justices of the Peace for the said Town and Port assembled and acting together at Petty Sessions:

The Word "Rates" shall include the several Tolls, Rates, and Duties hereby authorized to be levied:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath, or in case of Persons exempted by Law from the Necessity of taking an Oath:

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

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall include Lands, Tenements, and Hereditaments of whatever Nature or Tenure:

The Word "Haven" shall mean the Haven of *Sandwich* as defined by this Act:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Expression "Quarter Sessions" in this Act and all Acts incorporated herewith shall, so far as the same are so incorporated, shall for the Purposes of this Act mean the Quarter Sessions of the Town and Port of *Sandwich* holden at *Sandwich* aforesaid; and the Expression "the Chairman" of such Quarter Sessions shall mean the Recorder or other the presiding Officer thereof for the Time being.

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

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SCHEDULES referred to in this Act.

SCHEDULE (A.)

Harbour Rates payable upon Vessels using the Haven.

	£	s.	d.
For every laden Vessel - - - per Ton	0	0	6
But for every such Vessel upon a return Voyage, having on her previous Entry or Departure paid the foregoing Rate - - - - per Ton	0	0	2
For every Vessel (other than regular Traders between Sandwich and London) laden with Coal, Timber, Iron, Stone, Lead, Slate, Corn, Manure, or other Cargo of whatever Description, a further Rate upon such Cargo - - - per Ton thereof	0	0	6
For every Vessel carrying Passengers, for each Passenger	0	0	6
For every Fishing Vessel - - - per Ton	0	0	2

SCHEDULE (B.)

Wharfage Rates upon Goods, &c. landed on or embarked from the public Quays.

Corn and Seeds:			
For every Quarter of Wheat, Barley, Malt, Beans, Peas, Maize, Oats, Meal, Bran, Tares, Canary and other Grain and Seeds -	0	0	0½
Sack of Flour - - - -	0	0	0½
Sack of Clover, Trefoil, Mustard, and other heavy Seeds - - - -	0	0	0½
Ditto of Potatoes, Onions, &c. - -	0	0	0½
Bushel of Apples, Pears, &c. - - -	0	0	0½
Bags of Hops - - - - -	0	0	1
Pocket of ditto - - - - -	0	0	0½
Thousand of English Oil Cakes - -	0	0	6
Ditto of Foreign ditto - - - -	0	0	6
Pack of Wool, Cotton, &c. containing 240 lbs.	0	0	1
Leather, Hides, and Skins:			
For every Hundred Weight of tanned Hides and Calf Skins - - - - -	0	0	0½
Ram Hide - - - - -	0	0	0½
Hundred of Pelts - - - -	0	0	2
Hundred of Horns - - - -	0	0	1
Ton of Tan or Bark - - - -	0	0	4

	£	s.	d.
Groceries:			
For every Ton of Sugar, Fruits, Bacon, Cheese, Butter, Pork, Hams, Tongues, Salt, salted Fish, Tallow, Soap, Candles, and all heavy Grocery Goods not here specified - -	0	0	4
Hundred Weight of Coffee and Spices - -	0	0	1
Chest of Tea, Oranges, Lemons, &c. - -	0	0	1
Puncheon of Molasses - - -	0	0	3
Ale, Porter, Cyder, Perry, Vinegar, and Oil:			
For every Butt - - - - -	0	0	3
Puncheon - - - - -	0	0	2
Hogshead - - - - -	0	0	1½
Barrel - - - - -	0	0	1
Kilderkin or Runlet - - - -	0	0	0½
Per Dozen in Hampers - - - -	0	0	0¼
Madder:			
At per Cask, per Cwt. - - - -	0	0	0½
Pipe Clay, at per Ton - - - -	0	0	4
Spirits and Wines:			
For every Pipe or Butt - - - -	0	0	6
Hogshead - - - - -	0	0	4
Half ditto - - - - -	0	0	3
Quarter ditto - - - - -	0	0	2
Under 20 Gallons at per Gallon - - -	0	0	0¼
Per Dozen in Hampers - - - - -	0	0	0½
For every Passenger - - - - -	0	0	6
Four-wheeled Carriage - - - -	0	5	0
Two-wheeled ditto - - - -	0	2	6
Horse, Mare, or Gelding - - - -	0	2	6
Other Beast - - - - -	0	1	0
Coal, &c.:			
For every Ton of Coal, Coke, Culm, Cinders, or Breeze - - - -	0	0	2
Hay and Straw:			
For every Ton of Hay, Cinquefoil, Clover, or Straw	0	0	6
Timber and Deals:			
For every Load of rough Timber - -	0	1	0
Ditto, square ditto - - - -	0	0	6
Load of Deals, Battens, and Lathwood -	0	0	6
Mahogany, &c:			
For every Cubic Foot of Mahogany, Teak Wood, or other valuable Woods - - -	0	0	0½
For every Ton of Hemp, Cordage, and Yarn -	0	0	6
Barrel of Pitch, Tar, Grease, Rosin, &c. -	0	0	1
Stone, Slate, &c.:			
For every Ton of Stone in Blocks - -	0	1	0
Ton of other Stone, Slate, Plaster of Paris, Alum, unwrought Iron, Bar Iron, Lead, &c. -	0	0	6
For every Cubic Foot of Marble - - -	0	0	1
1,000 of Gutter, Pan, Mathematical, and Plain Tiles - - - -	0	0	9
1,000 of Bricks and Paving Tiles - -	0	1	0
Crate of Glass or Earthenware - -	0	0	3

	£	*s.*	*d.*
For every Carboy of Vitriol or Oil - - -	0	0	1
Organ - - - - -	0	5	0
Pianoforte, Harpsichord, Harp, or Bass Viol -	0	1	0
100 Pipe Staves - - -	0	0	6
Ton of Copper, Pewter, Brass, or Metals (except Lead and Iron) - -	0	0	6
For Bale Goods, and all other Articles, Wares, or Merchandize not specified in this Schedule - - - at per Cwt.	0	0	1

SCHEDULE (C.)

Form of Mortgage Deed.

Sandwich Haven Improvement and Regulation Act, 1847.

Mortgage, Number £

By virtue of the Sandwich Haven Improvement and Regulation Act, 1847, we of the Mayor, Aldermen, and Burgesses of the Town and Port of Sandwich, in consideration of the Sum of Pounds paid to us by *A. B.* of do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the said Undertaking, and all the Tolls, Rates, and Monies arising or applicable by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Mayor, Aldermen, and Burgesses in the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year be satisfied; the Principal Sum to be repaid at the End of Years from the Date hereof [*in case any Period be agreed upon for that Purpose*].

Given under our Common Seal this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Transfer of Mortgage.

I *A. B.* of in consideration of the Sum of Pounds paid to me by *G. H.* of do hereby transfer to the said *G. H.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Mayor, Aldermen, and Burgesses of the Town and Port of Sandwich to bearing Date the Day of for securing the Sum of and Interest, [*or, if such Transfer be by Endorsement*, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Tolls, Money, and Property thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and .

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SCHEDULE (E.)

Form of Conviction.

to wit. } Be it remembered, That in the Year of our Lord } *A.B.* is convicted before me, *C.D.*, One of Her Majesty's Justices of the Peace for the County of Kent, [*here describe the Offence generally, and the Time, Place, when and where committed,*] contrary to "The Sandwich Haven Improvement and Regulation Act, 1847." Given under my Hand and Seal the Day and Year first above written.

C.D.

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