



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 98.

An Act to repeal Two Acts, passed in the Sixth and Thirty-second Years of His late Majesty, for the Regulation of Lestage and Ballastage in the River *Thames*; and to make more effectual Regulations relating thereto. [10th July 1805.]

WHEREAS the Lestage and Ballastage, and the Office of Lestage and Ballastage of all Ships and Vessels coming, being, floating, lying, remaining, issuing, passing, sailing, or going in, upon, to, or out of the River *Thames*, or elsewhere between *London Bridge* and the Main Sea, or any Wharf, Bank, Creek, Coast, Shore, or any Part of the same, or near or adjoining thereto, and the supplying of Ballast to all such Ships and Vessels, together with divers Privileges for rendering the same effectual, have been by certain ancient Grants of Queen *Elizabeth*, and King *Charles* the Second, respectively dated the Eleventh Day of *June*, in the Thirty-sixth Year of the Reign of the said Queen *Elizabeth*, and the Twenty-fourth Day of *June* in the Seventeenth Year of the Reign of the said King *Charles* the Second, or by One of the said Grants, vested in the Master, Wardens, and Assistants of the *Trinity House*, who have heretofore enjoyed the same under such Grants, and have received and applied the Emoluments and Profits thereof to the Use and Benefit, and in the Relief of many poor and decayed Seamen, their Wives, Widows, and Orphans, pursuant to the said Grant of His said Majesty King *Charles* the Second: And whereas the said Grants were recognized and confirmed, and further Provisions made for extending the Benefits arising therefrom, by an Act, passed in the Sixth Year of the

[*Lcc. & Per.*]

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Reign

6 G. 2. c. 29.

31 G. 2. c. 16.

35 G. 3. c. 24.

Reign of King George the Second, intituled, *An Act for the better regulating of Lestage and Ballastage in the River Thames*; and also by another Act, passed in the Thirty-second Year of the Reign of His said Majesty King George the Second, intituled, *An Act to continue, amend, explain, and render more effectual, an Act made in the Sixth Year of the Reign of His present Majesty, for the better Regulation of Lestage and Ballastage in the River Thames; and to prevent putting of Rubbish, Dung, Dirt, or Soil into the said River, and in the Streets, Passages, and Kennels in London, and in the Suburbs thereof, in Middlesex and in Westminter, and such Part of the Duchy of Lancaster as is in Middlesex, and for allowing a certain Quantity of Dung, Compost, Earth, or Soil yearly shipped as Ballast from the Laystalls in London, on board any Collier or Coasting Vessel*; which Acts have been continued by several subsequent Acts; and were, by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for continuing several Acts passed for the better Regulation of Lestage and Ballastage in the River Thames*, further continued to the Twenty-fourth Day of June One thousand one hundred and five, and from thence until the End of the then next Session of Parliament: And whereas the Size, Population, and Commerce of London and its Environs, and the Number and Burthen of the Ships and Vessels navigated on the said River of Thames have, since the said Grants and the passing of the said recited Acts, greatly increased; and it is essential to the Trade and Commerce of the said City, and the Safety and Accommodation of the Ships and Vessels remaining and passing and repassing on the said River, that the utmost Attention should be paid to the State of the said River, and especially to the Means of deepening the Beas and Channels thereof: And whereas it has become necessary for the Purposes aforesaid, and to ensure to the Publick the Benefit of the due and effectual Exercise of the Powers and Privileges given by the said Grants and Acts to the said Corporation of Trinity House, that further Provisions should be made for the better securing to the said Corporation the Lestage and Ballastage, and the exclusive Right of supplying Ballast as aforesaid; and that further Powers should be given to the said Corporation, and effectual Regulations made for the protecting of such exclusive Right; and for the procuring and distributing of Ballast; and, generally, for the better enabling of the said Corporation to carry into Execution the Purposes of the said Grants and Acts for the Benefit of the Publick, and of the Trade and Commerce of the said City: And whereas the Wages of the Ballast Men, allowed by the said first-mentioned Act, are now, by Reason of the Advance of the Prices of Provisions and Labour, found to be inadequate and insufficient, which has occasioned many Frauds and Abuses to be practised in relation to such Ballastage as aforesaid, for which no sufficient Remedies are provided in either of the said recited Acts; and the said Master, Wardens, and Assistants, are very desirous that all such Frauds and Abuses may be effectually prevented for the Time to come: And whereas it is necessary for the remedying thereof that they should be authorized to give greater Wages to the Ballast Men than were allowed to be given by the said first-mentioned Act: But such necessary Advance of Wages cannot be established without the Authority of Parliament: And whereas it is therefore expedient that the said recited Acts should be repealed, and that new Provisions should be made for the Purposes aforesaid; Most therefore please your Majesty that it may be enacted; and be it enacted

by,

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 the said recited Act of the Sixth Year of the Reign of His late Majesty, and the said recited Act of the Thirty-second Year of the Reign of His said late Majesty King *George* the Second, shall be and the same are hereby repealed.

6 G. 2. and
32 G. 2. re-
pealed.

II. And be it further enacted, That the sole Right of supplying all Ships and Vessels with Ballast that shall pass and repass in the River of *Thames* between *London Bridge* and the Main Sea, at the Rates and Prices accustomed, and of digging, raising, and taking up Gravel, Sand, and Soil of the said River *Thames*, and every Part and Parcel thereof between *London Bridge* and the Main Sea, for the ballasting of such Ships and Vessels as aforesaid, shall be and is hereby vested in and shall belong to the said Master, Wardens, and Assistants of the *Trinity House*, for the Uses and Purposes aforesaid, and for the ballasting of Ships and Vessels in the said River; and every Person not duly authorized by the said Master, Wardens, and Assistants, who shall raise or take any Gravel, Sand, or Soil from the Bed or Channel of the said River, for the ballasting of any Ship or Vessel being, remaining, or lying in or going out of the said River or elsewhere, between *London Bridge* and the Main Sea, or any Dock, Wharf, Bank, Creek, Shore, Coast, or any Part of the same or near adjoining thereto, or who shall supply any other Ballast to any such Ship or Vessel, contrary to the Provisions of this Act, shall for every Ton of Ballast so raised or supplied as aforesaid forfeit and pay the Sum of Ten Pounds.

Soil of River
between Lon-
don Bridge
and the main
Sea for the
purpose of
Ballast
vested in Cor-
porations.

Fines for
raising or sup-
plying Ballast
in the River
by Persons
not duly au-
thorized.

III. And be it further enacted, That if any Owner, Master, Mate, or other Officer of any Ship or Vessel, or any other Person, shall procure for or take or receive on board of any Ship or Vessel being, remaining, or lying in or going out of the River *Thames* or elsewhere between *London Bridge* and the Main Sea, or any Dock, Wharf, Bank, Creek, Coast, Shore, or any Part of the same or near adjoining thereto, from any Person or Persons as Ballast for the ballasting of any Ship or Vessel, any Gravel, Sand, or Soil of the River *Thames*, or any other Gravel, Sand, or Soil, or any other Commodity or Thing whatsoever heretofore furnished by the said Corporation, as Ballast for the ballasting of any Ship or Vessel, other than such as shall be furnished by the said Corporation of *Trinity House*, or such as shall be allowed and permitted by the said Corporation to be taken for that Purpose, and also other than such Land Ballast as is herein-after allowed to be shipped under certain Restrictions, backward of the Town of *Woolwich*, in the County of *Kent*, every such Person shall for every such Ton of Ballast so procured, taken, or received, forfeit and pay the Sum of Ten Pounds.

Penalty for
taking Ballast
except from
the Corpora-
tion.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Ship or Vessel of War in His Majesty's Service from taking or receiving on board any Quantity of Sea Ballast or other Ballast instead of Ballast raised in the River *Thames*, any Thing in this Act, or any Law, Custom, Usage, or Charter, to the contrary notwithstanding.

King's Ships
may take in
any Ballast.

Entry not to be made at the Ballast Office, or the Custom House, in certain Cases.

V. Provided also, and be it further enacted, That it shall be lawful for any Owner or Master of any Ship or Vessel from Time to Time to ship, transport, and carry, in any Ship or Vessel, as Ballast from *London* or any Part of the River *Thames*, any Quantity of Bricks, Tiles, or Lime, or any Chalk (not being Chalk Rubbish) or Flints, or any other Merchandize whatever, without paying any Thing to the said Corporation for the same, and without making any Entry thereof at the Ballast Office, or at the Custom House in *London*, in case such Chalk or Flints are taken and used as Ballast only.

Land Ballast may be shipped Eastward of Woolwich.

VI. Provided also, and be it further enacted, That it shall be lawful for any Person or Persons being the Proprietor or Proprietors, Occupier or Occupiers of any Quarries, Pits, or Works of Chalk, Flint, and Lime, or any of them, in the Counties of *Essex* or *Kent*, or either of them, situated below and to the Eastward of the Town of *Woolwich* in the said County of *Kent*, to vend and supply Land Ballast from their respective Quarries, Pits, or Works to any Ships or Vessels lying and being there to receive the same, (subject nevertheless to the Restriction herein-after contained in respect to the total yearly Quantity of such Land Ballast), and that it shall be lawful for any Owner, Master, Mate, or other Officer of any Ship or Vessel, or any other Person belonging to any Ship or Vessel lying and being off the said Quarries, Pits, or Works, to take or receive on board any such Ship or Vessel any Land Ballast from such Quarries, Pits, or Works as aforesaid, so that the several Quantities of all such Land Ballast from all and every the said Quarries, Pits, or Works below and to the Eastward of the Town of *Woolwich* do not in any One Year after Notice to the contrary given by the said Corporation, in Manner herein-after mentioned, exceed in the whole Sixty thousand Tons of such Land Ballast, or such other total Quantity greater than Sixty thousand Tons as shall be expressed in such Notice or Notices from Time to Time given.

Persons taking in such Land Ballast to make Entry thereof, and pay 1d. per Ton for the Use of the Corporation.

VII. Provided always, and be it further enacted, That the Owner, Master, Mate, or other Officer of any Ship or Vessel, or such other Person belonging to, or acting on Behalf of any such Ship or Vessel, as shall cause any such Land Ballast to be shipped or put on board of any such Ship or Vessel, shall make a due Entry at the Place from whence the Shipment shall be made, and in Books to be provided for that Purpose by the said Corporation, of the Name of every such Ship or Vessel, and of the Place to which the same shall belong, and also of the Name of the Master or Commander thereof, and likewise of the true and exact Quantity of such Land Ballast so to be shipped in each such Ship or Vessel, and shall also at the Time of making every such respective Entry pay to the Proprietors or Occupiers of the said Works who shall permit such Shipment to be made, to and for the Use of the said Corporation One Penny for every Ton of the said Land Ballast so to be entered or shipped as aforesaid; which said Proprietors or Occupiers, so permitting such Shipments, shall receive the said Money, and shall account for and pay over the same without any Deduction to the said Corporation, or to their Agent or Agents in that Behalf appointed when and as often as such Production or Delivery shall be called for.

VIII. And be it further enacted, That if any Owner, Master, Mate, or other Officer of any Ship or Vessel, or any other Person belonging to any such Ship or Vessel, or the Owners or Proprietors of the said Quarries, Pits, or Works, or their Agent or Agents, shall, without such Entry and Payment as aforesaid having been duly made, ship or put on board, or suffer to be shipped or put, or taken, or received on board any such Ship or Vessel any such Land Ballast, or shall ship, or take, or receive on board any such Ship or Vessel any greater Quantity thereof than what shall be so entered and paid for as aforesaid, every Person so offending shall for every such Offence forfeit and pay the Sum of Ten Pounds for every Ton of Land Ballast so shipped, taken, or received without such Entry and Payment as aforesaid.

Penalty on not making full Entry and Payment as aforesaid, and on making a false Entry.

IX. And be it further enacted, That, from and after the passing of this Act, any Master, Owner or Owners of any Ship or Vessel, may ship, transport, and carry in his or their Ship or Ships, Vessel or Vessels, as Ballast from *London* or any Part of the said River *Thames*, any Dung or Compost, or any Soap Ashes, Soap Waste, Tobacco Pipe Clay, or other Clay (subject nevertheless to the Payment of the Rates and Duties, and under the Provisoes and Restrictions herein-after mentioned and contained concerning the same), so that the several Quantities of all Dung and other the said Commodities last mentioned, which shall be allowed to be shipped and transported for Ballast as aforesaid, under the Authority of this Act (other than the said Land Ballast from the said Quarries, Pits, or Works below and to the Eastward of *Woolwich*), do not in any one Year, after Notice to the contrary in that Behalf given by the said Corporation as herein-after mentioned, exceed in the Whole Ten thousand Tons of such Dung, and other the said Commodities last mentioned, or such other total Quantity greater than Ten thousand Tons as shall be expressed in such Notice or Notices from Time to Time given.

Quantities of Dungs, &c. allowed to be yearly shipped as Ballast.

X. Provided always, and be it further enacted, That before the Owner, Master, Mate, or other Officer of any Ship or Vessel, or any other Person belonging to or acting on Behalf of any such Ship or Vessel, shall permit any Land Ballast, or Dung, or other Commodities last mentioned, or any other Commodities or Things which the said Corporation are accustomed and entitled to furnish as Ballast, to be shipped or put on board of any such Ship or Vessel, such Owner, Master, Mate, or other Officer or Person belonging to or acting on Behalf of such Ship or Vessel, shall make a due Entry at the Ballast Office of the *Trinity House* in *London*, or shall make such Entry (except in the last Seven Days of the Month of *May* yearly), with the Officer of the said *Trinity House* at *Gravesend*, and not in any other Place (except as herein provided in relation to the Shipment of Land Ballast Eastward of the Town of *Woolwich*), of all Commodities and Things as last aforesaid, which shall be shipped or put on board of any such Ship or Vessel as Ballast, and of the Name of every such Ship or Vessel, and of the Master or Commander thereof, and also at the Time of making of every such respective Entry shall pay to the said Corporation, for such Licence or Authority as aforesaid, One Penny for every Ton of the said Commodities and Things so to be entered as aforesaid.

Entry of such last-mentioned Things to be made at the Ballast Office.

Penalty on not making Entry as is before-
said.

XI. And be it further enacted, That if any Owner, Master, Mate, or other Officer of any Ship or Vessel, or any other Person belonging to any such Ship or Vessel, shall ship or put on board, or suffer to be shipped or put, or taken, or received on board any such Ship or Vessel, any such Commodities or Things aforesaid, before such Entry and Payment as aforesaid in respect thereof shall have been made, or shall ship, or take or receive on board any such Ship or Vessel any greater Quantity thereof than what shall be so entered and paid for as aforesaid, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds for every Ton so shipped, taken, or received as aforesaid.

Notice to be given by the Corporation for restricting the Quantity of Land Ballast from the Chalk Works, and the Quantity of Dung, &c.

XII. Provided always, and be it enacted, That it shall be lawful for the said Master, Wardens, and Assistants, and they are hereby empowered whenever it shall appear to them to be necessary, by Notice given from Time to Time in Manner herein-after mentioned, to the Owners or Proprietors, and the Occupier or Occupiers of the said Quarries, Pits, or Works below and to the Eastward of the Town of *Woolwich*, to restrict and limit the total Quantity of Land Ballast to be shipped from all and every the said Quarries, Pits, or Works as aforesaid to Sixty thousand Tons, or any Quantity greater than Sixty thousand Tons, at the Discretion of the said Corporation, within any and every Period of One Year subsequent to such Notices respectively, and also at the same or any other Time or Times, by Notice given from Time to Time in Manner herein-after mentioned, to restrict and limit the total Quantity of Dung and other Commodities shipped as Ballast, other than the said Land Ballast, to Ten thousand Tons, or any Quantity greater than Ten thousand Tons, at the Discretion of the said Corporation within any and every Period of One Year subsequent to such Notices respectively, which Notices, to be given to the said Parties respectively as aforesaid, shall be inserted Three Times in the *London Gazette*, and in One Morning and One Evening Newspaper usually circulated in *London*; and the respective Restrictions therein to be specified shall take Effect from the End of Six Calendar Months after the Third Insertion of such Notices respectively in the said Gazette and Newspapers, and from thenceforth it shall not be lawful to ship and transport in any One Year as Ballast, any greater Quantity than Sixty thousand Tons of the said Land Ballast, or such Quantity greater than Sixty thousand Tons as shall be expressed in such Notices, nor any greater Quantity than Ten thousand Tons of the said Dung and other Commodities, or such Quantity greater than Ten thousand Tons, as shall be expressed in such Notices, until the said Corporation shall by other such Notices, published as aforesaid, from Time to Time rescind, vary, or alter the said Restriction in Part or in the Whole, which it shall be lawful for them to do in any Manner which they shall judge proper, so as not to abridge the said respective Quantities to less than Sixty thousand Tons of Land Ballast yearly from the said Pits, Quarries, or Works, nor to less than Ten thousand Tons of Dung and other Commodities yearly as aforesaid.

Dung, &c. not to be shipped without being put into 100 Tons.

XIII. And, in order to ascertain the actual Quantity of Dung, Compost, and other Commodities yearly put on board Ships and Vessels as and for Ballast, be it further enacted, That no Person shall deliver into or put or receive on board any Ship or Vessel in any Part of the River

Thames

Thames westward of the Town of *Woolwich* aforesaid, any Dung, Compost, or other Commodity, as or for Ballast for such Ship or Vessel, otherwise than by and out of some Lighter, and not directly from any Wharf, Quay, or Shore, on Pain of forfeiting for every such Offence the Sum of Five Pounds for every Ton of Dung, Compost, or other Commodity so delivered, put, or received on board, contrary to the Regulation aforesaid.

XIV. And whereas by reason of the sailing of Ships and Vessels in Fleets during War, and from other occasional and temporary Causes, it hath sometimes happened that the necessary Supply of Ballast taken from the Bed of the River *Thames* below *London Bridge*, could not be obtained from the said Corporation with such Dispatch as the Urgency of the Case hath required, by reason whereof Inconveniencies have been sustained, which it is expedient to provide against for the Time to come; be it therefore enacted, That whenever any Ships or Vessels shall be about to sail from the River *Thames*, it shall be lawful to and for the said Corporation to supply such Ships and Vessels with other good and fit Ballast for the Purpose of making good any apprehended Want or Deficiency of Ballast raised or taken from the Bed of the River *Thames* below *London Bridge*, or to license or permit the Owners or Masters of Ships or Vessels to procure and obtain Ballast for the Use of such Ships or Vessels, wheresoever the same can be lawfully had or taken, the said Owners or Masters paying to the said Corporation One Penny *per Ton* for every Ton of such Ballast, as in the respective Licences, to be specially granted in that Behalf, shall be expressed: Provided always, that in case any Ballast, not raised or taken from the Bed of the said River below *London Bridge*, shall be furnished by the said Corporation as aforesaid, the Rates or Prices to be charged by and paid to the said Corporation for the same, shall be the same as are herein-before authorized to be charged and taken for such Ballast raised and taken from the Bed of the River *Thames* below *London Bridge*, and not any other Rate or Price.

Power for the Corporation to furnish Vessels with Land Ballast to make good any Deficiency of other Ballast.

XV. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower, or be construed to authorize or empower, the said Corporation of *Trinity House*, or any Person or Persons whomsoever under their Authority, Permission, Direction, Appointment, or otherwise, to supply or take any Ballast from the Bed of the said River *Thames* above or Westward of *London Bridge*, without Licence in Writing for that Purpose first had and obtained from the Lord Mayor of the City of *London* for the Time being, as Conservator of the said River of *Thames*, or the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, or the Committee or Committees for the Time being appointed or to be appointed by the said Mayor, Aldermen, and Commons, in Common Council assembled, to carry into Execution the several Acts of Parliament for improving the Navigation of the said River of *Thames* westward of *London Bridge*, under the several Powers and Authorities given or contained in the said several Acts, or any of them; and that every Licence so to be given or granted as aforesaid, shall be in force until the same shall be revoked, by Notice in Writing for that Purpose from the Lord Mayor for the Time being, as Conservator as aforesaid, or the Mayor, Aldermen, and Commons

No Ballast to be taken from the Bed of the River above or Westward of *London Bridge* without the Licence of the Lord Mayor of *London* as Conservator of the River *Thames*.

mons of the City of *London* in Common Council assembled, or such Committee or Committees appointed or to be appointed as aforesaid, or any or either of them, such Notice to be delivered to or left at the *Trinity House* in *London*, with the Secretary for the Time being, or some other known Officer of the said Corporation of *Trinity House*.

Ballast brought into the Thames to be put into the Ballast Lighters.

XVI. And be it further enacted, That all the Ballast of every Ship and Vessel coming into the River *Thames* shall be laid or put, at the Expence of the Owner or Master thereof, on some common Wharf or Quay near to the said River, or on some Ground or Place above High Water Mark, or otherwise shall be unladen, at the Coists of the Owner or Master, into One or more Lighter or Lighters of the said Corporation, which the said Corporation are hereby required to furnish and send on any Demand for the same being made or left in Writing at the said Ballast Office of the said Corporation, by or on the Behalf of any such Owner or Master, and on paying for so unloading the said Ballast at the Rate of Sixpence *per* Ton for every Ton of Ballast unladen into any such Lighter as aforesaid, which Money, and also such additional Rates or Prices as are herein-after allowed and given to the said Corporation for unloading any Ballast in any of the Docks herein-after mentioned, shall be paid within Twenty-four Hours after any such Ballast shall be carried away, from or out of any such Ship or Vessel; and in case of Non-payment thereof, the same may be recovered for the Use of the said Corporation, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in the Name of the said Corporation, against any such Owner or Master of any such Ship or Vessel, together with full Coists of Suit.

Ballast removed from one Ship may be put on board any other by the Corporation.

XVII. And be it further enacted, That all such Ballast so received and taken out of any Ship or Vessel as aforesaid may be laden and put on board, and the said Corporation are hereby authorized and empowered to load and put the same, or any Part thereof, on board any other Ship or Vessel in the said River wanting Ballast, at and for the several Rates and Prices in this Act allowed for Ballast furnished by the said Corporation.

Penalty on throwing Ballast into the Thames from Wharfs, &c.

XVIII. And be it further enacted, That every Person who shall unload, put, or throw into the said River *Thames* any Rubbish, Earth, Ashes, Dirt, or Soil from any Wharf, Quay, or Bank adjoining or near to the said River *Thames*, or from or out of any Barge or Lighter, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, nor less than Forty Shillings.

Penalty on throwing Ballast into the Thames from Ships.

XIX. And be it further enacted, That no Ballast of any Kind or Denomination shall be unladen or thrown from or out of any Ship or Vessel into the River *Thames*; and every Captain, Mate, or other Officer or Person belonging to or being on board of any Ship or Vessel in the River *Thames*; who shall throw or unload or put, or cause or procure, or permit or suffer to be thrown or unladen, or put any Ballast of any Kind or Denomination out of any Ship or Vessel into the River *Thames*, or shall unload, lay, or put, or cause or procure or permit to be unloaded, laid, or put any such Ballast on any Shore, Ground, or Place below the High Water

Water Mark in the said River, shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

XX. And be it further enacted, That the Tonnage and Burthen of every Lighter belonging to and employed by the said Corporation as a Ballast Lighter, shall be marked at the Stem and Stern thereof with visible Gauge Marks, distinguishing every Two Tons and a Half of the Tonnage or Burthen thereof respectively.

Lighters to be marked according to Tonnage.

XXI. And be it further enacted, That it shall be lawful for the Masters of all Ships and Vessels taking Ballast of the said Corporation, to meet in the Square at *Billingsgate*, on the Third *Monday* in *June* in every Year, and to adjourn to such Place as the Majority of them shall think fit, and then and there, by Writing under their Hands and Seals, or under the Hands and Seals of the major Part of them, to appoint One or more Person or Persons, being or having been Masters or Mates of Ships or Vessels, to inspect and survey all the Ballast Lighters belonging to the said Corporation, and which said Person or Persons so to be appointed shall be and is and are hereby authorized and empowered from Time to Time to view and examine the Marks of every such Lighter respectively; and if they shall suspect that the Gauge Mark of any such Lighter as aforesaid hath been removed, altered, or changed, it shall be lawful and competent for the major Part of any such Masters, being present at such Meeting held for that Purpose, by Writing under their Hands and Seals, to require the said Corporation, or their Officer or Agent, to cause such Lighter to be re-weighed at the Cost of the Corporation (so as that no more than One such Lighter shall be so re-weighed in any one Week), and if such Lighter shall be found to be of a less Tonnage than the same shall by the Mark thereof be denoted or ought to be, then the said Corporation shall, besides defraying all the Costs of re-weighing, make good any Deficiency of the just Quantity of Ballast to any Person or Persons who may have failed of receiving such just Quantity, by reason of any Alteration of the Mark of any such Lighter as aforesaid.

Masters of Vessels to meet annually, and appoint Persons to survey Ballast Lighters.

XXII. And be it further enacted, That immediately before the Delivery of any Ballast to any Ship or Vessel out of any Ballast Lighter the Ballast Man or Ballast Men belonging thereto shall trim such Ballast Lighter so as to make the same swim at equal Marks at the Stem and Stern thereof, and pump all the Water out of the same; and if any Ballast Man or Ballast Men, or other Person or Persons working on Board any such Lighter, shall obstruct, hinder, or interrupt any Person, appointed as aforesaid to inspect Ballast Lighters, from going on Board any such Lighter in order to examine, view, and inspect the same, or shall begin to deliver Ballast on board any Ship or Vessel before such Lighter shall be so trimmed to swim at equal Marks as aforesaid, and the Water pumped out of the same, every such Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Lighters to be trimmed.

XXIII. And be it further enacted, That the several Rates and Prices following shall be paid by the Owner or Owners, or Captain or Master, or other Person having the Command of or acting as Agent for any Ship

Prices of Ballast.

[Loc. & Per.]

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or

or Vessel for which Ballast shall be required, and shall be payable and paid to, and demanded, taken, and received by the said Corporation at the Time of making the Entry of the Demand of such Ballast at the Ballast Office of the said Corporation; (that is to say),

Rates.

For every Ton of Ballast, not being washed Ballast, consisting of Twenty hundred Weight, carried to any Ship or Vessel employed in the Coal Trade, the Sum of One Shilling:

For every such Ton of Ballast carried to any other *British* Ship or Vessel, the Sum of One Shilling and Three-pence:

For every such Ton of Ballast carried to any Foreign Ship or Vessel, the Sum of One Shilling and Seven-pence:

For every Ton of washed Ballast, consisting of Twenty hundred Weight, carried to any Ship or Vessel employed in the Coal Trade, the Sum of Two Shillings:

For every Ton of washed Ballast carried to any other *British* Ship or Vessel, the Sum of Two Shillings and Sixpence:

For every Ton of washed Ballast carried to any Foreign Ship or Vessel, the Sum of Three Shillings and Two-pence: And

For every Ton of Ballast delivered in or unladen from the Dock of Thirty Acres, called *The Inward West India Dock*, the further Sum of Ten-pence; and for every Ton of Ballast delivered in or unladen from the Dock of Twenty-five Acres now forming, and intended to be called *The Outward West India Dock*, the further Sum of Four-pence; and for every Ton of Ballast delivered in or unladen from the Docks called *The London Docks*, the further Sum of Four-pence; and for every Ton of Ballast delivered in or unladen from the Dock called *The Inward East India Dock*, the further Sum of Ten-pence; and for every Ton of Ballast delivered in or unladen from the Dock intended to be called *The Outward East India Dock*, the further Sum of Four-pence.

Which further Rates or Prices shall be payable and paid over and above the respective Rates first mentioned, by the Owner or Owners, or Captain or Master, or other Person having the Command or acting as Agent for the Ships or Vessels, into or from which Ballast shall be delivered or taken respectively.

Wages of
Ballast Men.

XXIV. And be it further enacted, That it shall be lawful for the said Corporation to pay the Ballast Men employed by them in the raising of Ballast, the Wages following; (that is to say),

For the raising and carrying of every Ton of Ballast, consisting of Twenty hundred Weight, so to be raised and carried to any such Ship or Vessel, not less than the Sum of Sixpence, nor more than the Sum of Eight-pence, at the Discretion of the said Corporation.

To be proportionably divided between the Ballast Men employed in each Lighter, in so raising or receiving, and carrying such Ballast, according to the customary Mode of Ballastage and Distribution of Wages of late Years practised: Provided always, that in case any other Mode of Ballastage shall hereafter be established by the said Master, Wardens, and Assistants, the Wages to be paid to the Ballast Men employed in such other Mode of Ballastage, shall not be less to each Ballast Man than such proportionate Part of the Wages *per* Ton above mentioned, as hath of late

late Years been paid to each Man respectively; any Thing herein contained to the contrary notwithstanding.

XXV. And be it further enacted, That the Owner or Owners and Master of any Ship or Vessel, who shall delay or detain any Lighter of the said Corporation beyond the Time necessary for delivering and putting on board such Ship or Vessel the Ballast directed to be delivered to and brought by such Lighter to be put on board the same, shall pay to the said Corporation for such Delay and Detention, the Sum of One Shilling and Sixpence *per* Hour for every Hour of such Lighter's Detention and Delay, over and above the Time necessary for completing the Delivery to and putting on board of such Ship or Vessel such Ballast as aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend to charge any Ship or Ships, or the Owners or Masters thereof, which shall or may receive Ballast from the said Corporation, or out of which Ballast may be unladen in any or either of the before-mentioned Docks, with Demurrage for or on account of any Detention of any of the Ballast Lighters of the said Corporation in the said Docks.

Demurrage
for Detention
of Lighters.

No Demurrage
right for Detention in the
Docks.

XXVI. And be it enacted, That if any Master or Owner of any Ship or Vessel, or any other Person being on board any such Ship or Vessel, and having Charge thereof for the Time being, shall wilfully cause any Obstruction or Hindrance, or shall wilfully (after due and reasonable Warning and Request made in that Behalf) continue, or shall refuse or neglect to remove any Obstruction or Hindrance, whereby any Ballast Lighter shall be prevented from getting to the Ship or Vessel to which such Ballast Lighter shall be duly ordered for the Purpose of delivering any Ballast thereto, or taking away any Ballast therefrom, or whereby any Ballast Lighter shall be prevented from withdrawing and returning from such Ship or Vessel, after such Delivery of or taking away any Ballast as aforesaid, such Master or Owner, or other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for
obstructing
the Passage
of Ballast
Lighters.

XXVII. And be it further enacted, That if any Ruler or Rulers of the Ballast Office, with whom any Application or Demand of the Owner, Master, Mate, or other Officer or Person belonging to any Ship or Vessel, for any Lighter or Lighters for the receiving of Ballast to be unloaded out of any such Ship or Vessel, shall have been left in Writing, shall refuse, or for Twenty-four Hours after the Delivery of such written Demand neglect to give proper Orders and Directions for the supplying of a sufficient Number of Lighters for the receiving of such Ballast, according to the Number of Tons thereof, that shall be specified in such written Demand, or if any Ruler or Rulers, to whom any Application shall be duly made in Writing by any Person appointed to inspect Lighters as aforesaid, for the re-weighing of any Lighters, shall refuse or neglect to cause such Lighter to be re-weighed in due Course of the Service, such Ruler or Rulers shall forfeit for every such Offence the Sum of Fifty Pounds.

Penalty on
Rulers of
Ballast Office
for neglecting
to supply
Lighters for
unloading
Ballast, and
for Neglect of
re-weighing
Lighters.

XXVIII. And be it further enacted, That if any working Ballast Man or Ballast Men shall wilfully and knowingly deliver or cause to be delivered

Penalty on
Ballast Men
for their
Delivery of
Ballast.

vered to any Ship or Vessel any Ballast which shall fall short of the Tonnage at and for which the same shall be delivered, then and in such Case the Ballast Man or Ballast Men so offending shall for every Ton which the Ballast so delivered shall fall short of the full Tonnage or Quantity for which the same was delivered, forfeit and pay any Sum not exceeding Five Shillings nor less than Two Shillings and Sixpence; and the Ruler or Rulers of the Ballast Office shall upon Demand repay to the Owner or Master of such Ship or Vessel, all such Monies as shall have been paid to the said Corporation for such Quantities of the said Ballast as shall not have been duly delivered as aforesaid.

Penalties for Neglect or Refusal, and for Irregularity in Delivery of Ballast.

XXIX. And be it further enacted, That if any working Ballast Man or Ballast Men shall neglect or refuse to deliver to any Ship or Vessel such Quantity of Ballast as the Rulers of the Ballast Office of the said Corporation shall by their usual Notes or Tickets for the Purpose order or direct, or shall deliver to any Ship or Vessel any more or other Ballast than shall be ordered or directed by the said Rulers to be delivered to any Ship or Vessel respectively, or shall wilfully deliver any Quantity of Ballast to any Ship or Vessel for which the same was not specifically and expressly in such Note or Ticket ordered and directed to be delivered, unless the Rulers of the Ballast Office of the said Corporation shall have given Licence or Order to change the Destination and Delivery of any particular Quantity from one Ship or Vessel to another Ship or Vessel, or unless such Deviation from such original Rule or Order for the Delivery thereof shall have been necessarily occasioned by Circumstances of Wind or Weather, or some other unavoidable Necessity, to be judged of by the said Rulers, or shall, by the Space of Twenty-four Hours after any Order given by any Ruler of the Ballast Office for that Purpose, neglect to take or receive any Ballast from any Ship or Vessel coming into the River *Thames*, unless prevented by frosty or tempestuous Weather, or other reasonable Hindrance, then and in such Case the Ballast Man or Ballast Men so offending shall for every Ton of Ballast so ordered and directed by the Ballast Rulers to be delivered on board any Ship or Vessel, which such Ballast Man or Ballast Men shall neglect or refuse to deliver as aforesaid, and for every Ton of Ballast so delivered without or contrary to the Orders and Directions of the said Rulers as aforesaid, and for every Ton of Ballast so neglected to be received as aforesaid, forfeit and pay any Sum not exceeding Ten Shillings nor less than Three Shillings.

Penalty on Ballast Men taking or soliciting Bribes, etc.

XXX. And be it further enacted, That if any Ruler, Clerk, or other Officer or Person employed or acting in or about the Ballast Office, or otherwise in the Service of the said Corporation, or any Ballast Man, or any Person on Behalf of any of the Parties aforesaid, shall directly or indirectly take or receive, or shall demand, ask for, or solicit, or by any Ways or Means endeavour to obtain of and from any Owner, Master, or Officer, of any Ship or Vessel, or any other Person or Persons, any Bribe, Sum of Money, or other Fee or Reward, Gratuity, or extra Allowance, or Promise of any Money, Fee, or Reward, whether such Demand or Solicitation shall be complied with or not, for or on account of any Ballast, or the Delivery of the same, to or for the Use or Service of any Ship or Vessel, or unloading the same from any Ship or Vessel, every such Person not being a Ballast Man shall, for every such Offence, forfeit

forfeit a Sum not exceeding Fifty Pounds, and not less than Five Pounds, over and above any Sum of Money or Benefit or Advantage that may have been received by such Person as such Bribe as aforesaid; and every Ballast Man so offending, shall for every such his Offence forfeit a Sum not exceeding Ten Pounds, and not less than Forty Shillings, over and above any Sum of Money, Benefit or Advantage, that shall have been received by such Ballast Man as such Bribe as aforesaid.

XXXI. And be it further enacted, That if any Owner, Master, Mate, or other Officer of any Ship or Vessel, or other Person, shall directly or indirectly, for or on account of any Ballast or the Delivery of the same, to or for the Use or Service of any Ship or Vessel, or unloading the same from any Ship or Vessel, give or pay, or offer or promise to give or pay, any Bribe, Sum of Money, or Fee or other Gratuity or Reward, to any Ballast Man, or other Person, in the Service of the said Corporation, or to any Person for his Use or Behoof, or with Intent that he or his Family, or any Person or Persons on his Behalf, should participate therein, or should derive any Profit, Emolument or Assistance therefrom, whether such Offer or Promise, Fee, Gratuity, or Reward, shall be accepted or not, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Fifty Pounds, nor less than Five Pounds.

Penalty on
Owners and
Masters, &c.

XXXII. And be it further enacted, That no Master, Owner, or Officer of any Ship or Vessel, or any other Person whatsoever, shall oblige or compel any Ballast Man to carry and deliver to any Ship or Vessel any Quantity of Ballast which shall have been ordered and directed by the Rulers of the Ballast Office of the said Corporation to be carried to any other Ship or Vessel; and if any Master, Mate, or other Officer of any Ship or Vessel, or any other Person, shall fraudulently or by Collusion with any of the Ballast Men, take and receive, or fraudulently, or by such Collusion, cause or procure, or permit, or suffer to be taken, or be concerned in the fraudulently and collusively taking on board any such Ship or Vessel, any greater or other Quantity of Ballast than they respectively shall enter and pay for at the Ballast Office, or any other Ballast than such as shall be duly and specifically allotted and applied by the Rulers of the Ballast Office for such Ship or Vessel, except in Cases of Necessity, from Circumstances of Wind or Weather, as herein provided and allowed, the Person so offending shall, for every Ton of Ballast so compulsively caused to be carried or delivered, or so fraudulently and collusively taken and received, above the Quantity so entered and paid for, forfeit and pay a Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Compulsive
or fraudulent
obtaining of
Ballast by
Masters or
Owners.

XXXIII. And be it further enacted, That if any Ballast Man or Ballast Men shall wilfully and maliciously attempt and begin to destroy any Ship, Vessel, Lighter, or Boat, or shall wilfully and maliciously cut any Cable or Hawser, by which any Ship, Vessel, or Lighter, lying in the River Thames, or any Creek thereof, shall at such Time be moored or secured, then and in such Case such Ballast Man or Ballast Men, being lawfully convicted of the same in due Form of Law, shall be deemed and taken to be guilty of Felony, and may be adjudged to be transported beyond the Seas for any Term not exceeding Seven Years, or may be otherwise

Ballast Men
wilfully and
maliciously
destroying
Ships, &c.
guilty of
Felony.

[Loc. & Per.]

20 N

punished

punished by Fine, and by Imprisonment, not exceeding Two Years, in any Gaol or House of Correction in *England*, at the Discretion of the Court before which such Conviction shall take place.

Ballast Men doing other Damage, how to be punished.

XXXIV. And be it further enacted, That if any Ballast Man or Ballast Men shall wilfully or negligently do or cause to be done, or be wilfully or negligently concerned, directly or indirectly, in doing any Damage or Injury to any Ship, Vessel, Lighter, or Boat, or to any Goods or Merchandize laden and being on board thereof, then and in such Case it shall be lawful for any Justices of the Peace before whom Information shall be given upon Oath, by One or more credible Witness or Witnesses (which Oath every such Justice of the Peace is hereby empowered and required to administer) to grant a Warrant or Warrants, under his Hand and Seal, for the apprehending of such Offender or Offenders; and in case such Offender or Offenders shall not, on such Offence being proved by the Oath or Oaths of One or more credible Witness or Witnesses, before Two Justices of the Peace (which Oaths such Justices are hereby authorized to administer) make full Compensation to the Party injured, and also pay such Penalty or Forfeiture, not exceeding Twenty Pounds, nor less than Forty Shillings, as to such Justices shall appear, according to the Nature of the Case, to be proper, then and in such Case it shall be lawful for such Justices to commit such Ballast Man or Ballast Men to any Gaol or House of Correction of the County where such Offence was committed, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, as such Justices shall in their Discretion think fit and proportionate to the Offence committed; or if such Justices shall not think that the making such Compensation, and paying any pecuniary Penalty, or any such Commitment for Non-payment thereof, is an adequate Punishment for the Offence that shall have been committed, then and in such Case it shall be lawful for them to commit such Ballast Man or Ballast Men to the common Gaol of such County, there to remain until the next Quarter Sessions of the Peace to be holden for such County; and if any Indictment or Indictments shall be then preferred and found against such Offender or Offenders, it shall be lawful for the Justices at such Quarter Sessions to proceed forthwith at the same Quarter Sessions to the Trial and Conviction of such Offender or Offenders, and on Conviction to punish such Offender or Offenders by Fine and by Imprisonment in any Gaol or House of Correction of the County, according to the Enormity of the Offence.

Ballast Men quitting Service illegally or without due Notice, may be imprisoned or fined.

XXXV. And be it further enacted, That if any Ballast Man who shall have contracted to serve the said Corporation for any Term or Time shall quit or depart from such Service, in Breach of and contrary to such Contract, or if any Ballast Man, not having entered into any such Contract, but actually being in the Service of the said Corporation, shall depart from or quit the Service of the said Corporation without giving Three Calendar Months Notice in Writing to the Supervisors of the Ballast Office, or One of them, it shall be lawful for any Two Justices of the Peace before whom any such Ballast Man shall be convicted of such Offence, by the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justices are hereby required to administer) by Warrant under their Hands and Seals, to commit such Ballast Man to any House of Correction for the City of *London*, or County of *Middlesex*,
there

there to be kept to hard Labour for any Term not exceeding Three Calendar Months, or to fine such Ballast Man in any Sum not exceeding Five Pounds, and on Non-payment of such Fine to commit such Ballast Man to any Gaol of the City of *London* or County of *Middlesex*, for any Term not exceeding Two Calendar Months.

XXXVI. And be it further enacted, That if any Ballast Man, having contracted to work for the said Corporation, shall refuse to work at and for the Hire and Wages by this Act allowed, or shall altogether or in Part refuse to work, or shall not work in such Places or Stations in the River *Thames* as the said Corporation, or the Rulers of the Ballast Office, or any of them, shall in that Behalf assign and appoint, or shall work in any Place or Station contrary to the Orders or Directions of the Rulers of the said Ballast Office, or any of them, given for that Purpose, every such Ballast Man shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Five Shillings.

Penalty on Ballast Men refusing to work.

XXXVII. And be it further enacted, That all the Officers, Ballast Men, and other Persons employed or hereafter to be employed in the Service of the said Corporation, shall from Time to Time, and at all Times hereafter, be subject to the Regulations and Government of the Master, Wardens, and Assistants of the same Corporation, who may, and they are hereby authorized and empowered, as well for the Government and Management of such Officers, Ballast Men, and Persons, as for punishing any Misconduct, and for the general Purposes of this Act, from Time to Time to make and frame such Bye Laws, Rules, Orders, Regulations, and Ordinances as they shall think fit, which shall, when approved as in this Act directed, be binding and effectual on all such Officers, Ballast Men, and Persons, or others concerned in delivering Ballast from or in receiving the same on Account of the said Corporation, in all Matters or Things relating to such Ballast on the delivering or receiving thereof; and it shall be lawful for the said Master, Wardens, and Assistants, to annex such reasonable Penalties and Forfeitures for the Breach of such Bye Laws, Rules, Orders, and Ordinances, when made, as they shall deem expedient in that Behalf; and from Time to Time to alter and amend all or any of the existing Bye Laws, and to make such other and new Bye Laws, Rules, Orders, and Ordinances, as they shall think proper, so as such Bye Laws, Rules, Orders, and Ordinances be made conformable to the true Intent and Meaning of this Act, and do contain nothing repugnant to the Laws of this Realm: Provided always, that all and every such Bye Laws, Rules, Orders, and Ordinances, before they are acted upon, shall be examined, sanctioned, and approved of, by any Chief Justice or Judge of any of the Courts in *Westminster Hall*, such Sanction and Approbation to be verified under the Hand and Seal of such Chief Justice or Judge; and all and every such Bye Laws, Rules, Orders, and Ordinances so made and approved of as aforesaid, shall be observed and kept and put in Execution, and have the same Force, Effect, and Operation, to all Intents and Purposes, as if the same were respectively enacted and declared by this Act.

Ballast Men to be subject to the Government of the Corporation, who may make Bye Laws.

XXXVIII. And be it further enacted, That Copies of all such Bye Laws, Rules, Orders, and Ordinances as shall be so made as aforesaid, or of such Part

Copies of Bye Laws to be put up in the Ballast Office.

or Paris thereof as shall concern or relate to the Conduct and Regulation of the Business and Affairs of Lading and Ballastage in the said River, or of any Officers, Ballast Men, or other Persons employed in and about or using the same, shall be written or printed in large Characters, and shall be hung up in some publick or conspicuous Place in the respective Ballast Offices of the said Corporation in *London* and at *Gravesend*.

The Master of the Corporation, and his Deputy, to act as Justices in *Middlesex*, &c.

XXXIX. And whereas it is expedient that the Master of the said Corporation and his Deputy for the Time being, should be empowered to act as Justices of the Peace within the Counties of *Middlesex*, *Surrey*, *Essex*, and *Kent*, in all Things relating to the said Corporation, or any of the Persons employed thereby, or in the Service thereof, and also in all Matters and Things relating to or arising out of the Execution of any of the Purposes aforesaid; be it therefore further enacted, That the said Master and Deputy shall be and they are hereby authorized and empowered, during the Time in which they shall respectively continue to be such Master and Deputy, to act as if they had been named Justices of the Peace for any and every of the said Counties of *Middlesex*, *Surrey*, *Essex*, and *Kent*, wherein any Offence under this Act shall have been committed, and to exercise all and every the same Powers and Authorities for compelling the Attendance of Offenders and Witnesses, and for examining, convicting, and punishing such Offenders, as are hereinafter given to any Justices of the Peace in that Behalf; and every Constable or Peace Officer of such the said Counties of *Middlesex*, *Surrey*, *Essex*, and *Kent* respectively, to whom the Warrant or Warrants of any such Master or Deputy, issued under his or their Hands and Seals, for any of the Purposes for which he or they is or are hereby empowered to act as Justices of the Peace as aforesaid, shall be directed, is hereby required, to obey and execute such Warrant or Warrants without Delay: Provided always, that nothing herein contained shall authorize or empower any such Master or Deputy to act as a Justice of the Peace on the Commitment, Trial, or Conviction of any Owner, Master, Mate, or other Officer of any Ship or Vessel, or of any other Person not in the Service of the said Corporation, or in any Case in which any pecuniary Penalty may be demanded against any Ruler or Rulers of the said Ballast Office, for not supplying Lighters for unloading of Ballast, or for neglecting or refusing to re-weigh any Lighter.

Concurrent Jurisdiction to Justices of the Peace.

XL. Provided always, and be it further enacted, That no such Jurisdiction and Authority as last aforesaid, hereby given to the said Master and his Deputy as aforesaid, shall be deemed or construed to exclude any Jurisdiction or Authority of any Justice of the Peace of the said Counties of *Middlesex*, *Surrey*, *Essex*, and *Kent*, or any of them, wherein any Offence, under this Act, shall have been committed.

Saving the Rights of Lord Mayor of London, as Conservator of the River Thames, etc.

XLI. Provided also, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City, for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which, at the Time of making this

this Act, the Mayor, and Commonalty, and Citizens of the City of London, or the Lord Mayor of the said City, for the Time being, as Conservator of the River of *Thames* and Waters of *Medway*, did or might lawfully claim, use, or exercise; and further, that it shall be lawful for the Lord Mayor of the said City, for the Time being, in like Manner as he hath used to do in other Cases, to enquire of, hear, and determine, by Presentment or Indictment, taken before him as Conservator of the said River and Waters, all Offences contrary to this Act, or such Bye Laws, Rules, Orders, and Regulations as shall be made as aforesaid, and upon Conviction of the Offender or Offenders to impose a Penalty or Penalties on him, her, or them, not exceeding the Penalty or Penalties hereby inflicted, or which shall be inflicted in and by the said Bye Laws, Rules, Orders, and Regulations, for such Offence or Offences; but no Person shall be punished Twice for One and the same Offence.

XLII. And be it further enacted, That all pecuniary Penalties and Forfeitures which shall be incurred and become payable under and by virtue of this Act, by any Owner, Master, Mate, or other Officer or Person belonging to any Ship or Vessel, or by any other Person not in the Pay or Service of the said Corporation, for any Offence in this Act mentioned, or any Bye Law made in pursuance thereof, and also all Penalties incurred by any Ballast Men or Persons in the Service of the said Corporation, in relation to any Neglect or Refusal to work, or any Disobedience of any Orders or Regulations of the said Corporation, shall, when recovered, go and be applied to the Use and Benefit, and in the Relief of poor and decayed Seamen and Ballast Men, and their Wives and Families; and all other Penalties and Forfeitures, when recovered, shall go and be applied in Manner following; One Moiety of the Penalty to the said Corporation, to be applied as aforesaid, and the other Moiety thereof to or for the Use of the Person or Persons injured, or if no Injury shall have arisen, then to or for the Use of the Person or Persons on whose Information any such Conviction shall have taken place.

Penalties how
to be applied.

XLIII. And be it further enacted, That all Fines, Penalties, or Forfeitures by this Act imposed, or to be imposed by any Bye Law made under the Authority thereof, the Manner of levying whereof is not before directed, not exceeding Ten Pounds, shall be levied and recovered, within Six Calendar Months after the Offence or Offences committed, before any Justice or Justices of the Peace for the County, City, Division, or Place where the Offence shall be committed; and such Justice or Justices is and are hereby empowered and required, upon Complaint to him or them made, to grant a Warrant to bring before him or them such Offender or Offenders at the Time and Place in such Warrant specified, and if on the Conviction of the Offenders respectively, or on his, her, or their Confession, or on the Evidence of any One or more credible Witnesses or Witnessess, upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer), such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall and may be lawful to and for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction for the County, City, or Place where the

Penalties not
exceeding 10l.
to be recovered before a
Justice of the
Peace.

Offence shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months and not less than Seven Days, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid.

Penalties
above 10l.
how to be
recovered.

XLIV. And be it further enacted, That all Rates and Prices of Ballast due to the said Corporation, and all Fines, Penalties, or Forfeitures exceeding the Sum of Ten Pounds, by this Act imposed, for any Offence or Offences committed against this Act, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or any more than One Imparlance shall be allowed, within Twelve Calendar Months next after the Offence or Offences shall be committed; and in any Case in which it is by this Act enacted, that any Penalty shall not exceed any Sum specified, and shall not be less than Ten Pounds, it shall be lawful to sue for the full and utmost Penalty; and it shall also be lawful for the Jury giving the Verdict to award any Sum not less than the Sum specified, as the lowest Penalty for the Offence for which the Action, Bill, Plaint, or Information shall be brought.

Witnesses not
appearing on
Summons,
may be apprehended and
committed to
the House of
Correction.

XLV. And be it further enacted, That if any Person who shall be summoned as a Witness before any Justice or Justices of the Peace, shall refuse or neglect to appear at the Time by such Summons appointed, and shew no just Cause for such Neglect or Refusal, it shall be lawful for such Justice or Justices, on Proof of such Summons having been served, to issue his or their Warrant under his Hand and Seal, or their Hands and Seals, to bring such Person before him or them, and if on Appearance, or on being brought before any Justice or Justices, such Person shall refuse to be examined on Oath concerning the Premises, without having some just Cause for such Refusal, it shall be lawful for such Justice or Justices, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Person to the House of Correction of the County, City, Division, or Place where any such Person shall be apprehended, there to remain for any Time not exceeding One Calendar Month, nor less than Three Days, as any such Justice or Justices shall direct.

Persons escap-
ing into other
Counties,
&c. may be
followed.

XLVI. And be it further enacted, That in case any Person against whom a Warrant shall be issued by any Justice or Justices, before or after any Conviction for any Offence against this Act, shall escape, go into, reside, or be in any other County, Riding, Division, City, Liberty, Town, or Place out of the Jurisdiction of such Justice or Justices granting such Warrant or Warrants, or if the Goods and Chattels of any Offender convicted of any Offence in pursuance of this Act, shall be in a different County, Riding, Division, City, Liberty, Town, or Place than where the said Party was convicted, or Warrant of Distress granted, it shall be lawful for any Justice of the Peace of the County, Riding, Division, City, Liberty, Town, or Place, into which such Person shall escape, either before or after Conviction, or where his Goods and Chattels shall be after such Conviction, and they and every of them are hereby required, upon Proof made upon Oath of the Hand Writing of any Justice or Justices granting such Warrant or Warrants, to indorse his or their Name or Names on such Warrant, and the same when so indorsed shall be a sufficient

cient Authority to all Peace Officers to execute such Warrant in such other County, Riding, Division, City, Town, or Place out of the Jurisdiction of the Justice or Justices granting the said Warrant; and any Justice or Justices respectively, on the Offender or Offenders being apprehended and brought before him or them, within their respective Jurisdiction, may proceed to hear and determine the Complaint in the same Manner as if it had originally arisen within his or their respective Jurisdiction, and may direct the Offender or Offenders to be carried to the Justices or Justice who granted the original Warrant, to be dealt with according to Law.

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

Distress not unlawful for Want of Form.

XLVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; *videlicet*,

Form of Conviction;

To wit. } ' **B**E it remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before me [or, us] _____ One [or, Two, as the Case may be] of His Majesty's Justices of the Peace for the _____ [here specify the Offence, and the Time and Place when and where committed, as the Case may be] contrary to an Act, passed in the Forty-fifth Year of the Reign of King George the Third, intituled [here insert the Title of this Act]. Given under my Hand and Seal [or, our Hands and Seals] the Day and Year first above written. C. D.'

And no *Certiorari*, or other Writ or Process for the Removal of any such Conviction, or any Proceedings thereon, into any of His Majesty's Courts of Record at *Westminster*, shall be allowed or granted.

XLIX. And be it further enacted, That it shall and may be lawful to and for any Person or Persons so convicted by any Justice or Justices of the Peace before-mentioned, of any Offence or Offences against this Act, or against any Rule, Order, or Bye Law, made in pursuance thereof, within Three Calendar Months next after the Cause of Complaint shall have arisen, to appeal to the Justices of the Peace assembled at the General Quarter Sessions or General Sessions to be 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 within Fourteen Days after such Notice, entering

Appeal to the Quarter Sessions.

ing into a Recognizance before some Justice of the Peace for such County, City, or Place, with sufficient Sureties conditioned to try such Appeal, and for abiding the Determination of the Court therein; and such Justices shall, upon due Proof of such Notice having been given and Recognizance 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; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form only, or be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

Limitation of
Actions.

L. And be it further enacted, That if any Suit or Action shall be brought or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, in every such Case the Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County, City, or Place where the Cause of Action arises, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue Not Guilty, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

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

Continuance
of this Act.

LII. And be it further enacted, That this Act shall continue in Force from the passing thereof until the First Day of *August* in the Year One thousand eight hundred and eight, and from thence until the End of the then next Session of Parliament.