Anno tricesimo secundo

Georgii II. Regis.

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 Lastage and Ballastage in the River *Thames*, and to prevent putting of Rubbish, Ashes, Dirt, or Soil, into the said River, and in the Streets, Passages, and Kennells, in *London*, and in the Suburbs thereof in *Middlesex*, and in *Westminster*, and such Part of the Dutchy of *Lancaster* as is in *Middlesex*; and for allowing a certain Quantity of Dung, Compost, Earth, or Soil, to be yearly shipped as Ballast from the Laystalls in *London* on Board any Collier or Coasting Vessel.

WHEREAS an Act made in the Sixth Year of the Reign of His present Majesty, intituled, An Act for the better Regulation of Lastage and Ballastage in the River *Thames*, which was to continue in Force from the First Day of June, One thousand seven hundred and thirty three, for Five Years, and from thence to the End of the then next Session of Parliament; and which, by an Act made in the Eleventh Year of the Reign of His said present Majesty, was further continued for Seven Years, Act 6 Geo. II.

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Years, and from thence to the End of the then next Session of Parliament; and by an Act made in the Eighteenth Year of the Reign of his said present Majesty, was further continued for Eleven Years, and from thence to the End of the then next Session of Parliament, is near expiring: And whereas the said Act hath greatly tended to the preventing the Frauds and Abuses theretofore committed by the Ballast-men employed under the Master, Wardens, and Assistants of the Trinity House at Deptford Strond in the County of Kent, and also to the Preservation of the Navigation of the said River Thames, and the promoting and encouraging the Trade of this Kingdom, and for the Maintenance and Relief of decayed Seamen, their Wives, Widows, and Orphans; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, and all and every the Powers, Authorities, Clauses, and Provisions therein contained, other than such as are hereinafter altered or amended, shall be and continue, and the same is and are hereby continued, in Force, from the Expiration thereof, until the Twenty fourth Day of June, One thousand seven hundred and seventy, and from thence to the End of the then next Session of Parliament.

The recited Act further continued, except where altered by this Act, to 24 *June*, 1770.

And, for the explaining and rendering more effectual the said first recited Act, and ascertaining the Quantities of Dung, Compost, Earth, or Soil, which may be shipped or transported as Ballast, be it therefore further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty nine, 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 River Thames, any Dung, Compost, Earth, or Soil, or any Chalk Rubbish, Sope Ashes, Sope Waste, Flints, Tobacco Pipe Clay, or other Clay, or any other Goods or Commodities, claimed to be furnished as Ballast by the said Corporation of Trinity House (subject nevertheless to the Payment of the Rates and Duties, and under the Provisoes and Restrictions, hereinafter mentioned and contained concerning the same) so that the whole Quantity together of all Dung, Compost, Earth, or Soil, which shall be allowed to be shipped and transported for Ballast as aforesaid, under the Authority of this Act, for the Use of Coasters and Colliers, or on any other Account or Pretence whatsoever, doth not exceed in any One Year, to commence and be computed from

3000 Tons of Dung, Compost, Earth, or Soil, allowed to be yearly shipped as Ballast, from any Part of the River *Thames*;

from the First Day of June inclusive in every Year, the Quantity of Three thousand Tons, over and besides the Quantity of Two thousand Tons of Dung, Compost, Earth, or Soil, herein after specified and allowed to be shipped or put on Board any Coasting Ships or Vessels in the said River Thames, by the Lessee or Lessees, Occupier or Occupiers of the Laystalls of the City of London for the time being, on the Condition hereinafter mentioned; and so also that the whole Quantity of Chalk and Chalk Rubbish which shall be shipped and transported as Ballast, for the Use of Coasters and Colliers in the said River Thames, doth not exceed the Quantity of Three thousand Tons in any One Year, to commence and be computed as aforesaid; and so likewise that the whole Quantity of Sope Ashes, and of all other Sorts of Commodities as aforesaid, claimed to be furnished as Ballast as aforesaid by the said Corporation, and licensed by the Authority of this Act to be shipped and transported as Ballast as aforesaid, for the Use of Coasters and Colliers in the said River, doth not exceed the Quantity of Two thousand Tons in any One Year, to commence and be computed as aforesaid.

over and besides 2000 Tons from the Laystalls in *London*;

and of Chalk, and Chalk Rubbish 3000 Tons;

and of Sope Ashes, *&c.* 2000 Tons.

Provided nevertheless, and be it enacted by the Authority aforesaid, That before the Master, Owner or Owners, of any Ship or Vessel, shall permit any of the said Commodities or Things, claimed to be furnished as Ballast by the said Corporation, to be shipped or put on Board any such Ship or Vessel, every such Master, Owner or Owners, shall make a due Entry at the Ballast Office of the Trinity House in London, or with the Officer of the said Trinity House at Gravesend (unless any of the said Commodities or Things shall be shipped or put on Board any Ship or Vessel as aforesaid in the last Seven Days of the Month of May in any Year, and then every Entry thereof shall be made at the Office of the Trinity House in London, and not in any other Place) of all Commodities and Things as aforesaid which shall be shipped or put on Board 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 the making of every such respective Entry, shall pay to the said Corporation for such Licence or Authority, One Penny for every Ton of the said Commodities and Things so to be entered as aforesaid.

Entry to be made of all Commodities shipped for Ballast;

and 1 *d. per* Ton paid for a Licence to the *Trinity House*;

And be it further enacted by the Authority aforesaid, That if any Master, Owner or Owners, or Officer of any Ship or Vessel, shall ship or put on Board, or suffer to be shipped or put on Board, any such Ship or Vessel, any of the Commodities or Things herein before-mentioned,

on Penalty of 5 *l.*

tioned, specified, and enumerated, before every such Entry and Payment as aforesaid in respect thereof shall be made; or shall ship or take on Board any such Ship or Vessel, any greater Quantity thereof than what shall be so entered and paid for as aforesaid; then, and in every such Case, every Person who shall so offend in the Premisses, and be thereof convicted in Manner herein-after provided or directed, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

with like Penalty for making a fraudulent Entry.

Bricks, Tyles, or Lime, &c. may be shipped as Ballast, Duty-free.

Provided always, and it is hereby likewise enacted, That from and after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, it shall be lawful for any Master or Owner of any Ship or Vessel, from time to time, to ship, transport, and carry, in any such Ship or Vessel, as Ballast, from London, or any Part of the River Thames, any Quantity of Bricks, Tyles, or Lime, or any other merchandizeable Commodities and Things (other than and except such of the said Commodities and Things as are herein before enumerated and specified, and allowed to be taken or carried as Ballast) without paying any thing to the said Corporation for the same.

Lighters and Vessels employed in the Ballastage to be weighed, marked, and numbered, by the Officers of the *Trinity House*;

And whereas it is necessary that the Lighters, Barges, or Vessels, in which any Dung, Compost, Earth, or Soil, shall be loaded, in order to be put on Board any Ships or Vessels, for the Use of Coasters or Colliers in the said River Thames, should be weighed, marked, and numbered; be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, no Lighter, Barge, or Vessel whatsoever, shall be used or employed by any Person or Persons, for carrying any Dung, Compost, Earth, or Soil, on Board any Ship or Vessel whatsoever in the said River Thames, for the Use of Coasters or Colliers there, until every such Lighter, Barge, or Vessel, shall have been first weighed, marked, and numbered, by the said Corporation of the Trinity House, and at their Costs, or by some Agent or Officer who shall be appointed for that Purpose by them; and the said Corporation, their Agent or Officer, is and are hereby authorized and required, from time to time, at seasonable Times in the Day-time, as they shall see Occasion, to weigh every such Lighter, Barge, or Vessel, which shall be employed in the said River Thames, for the carrying any Dung, Compost, Earth, or Soil, on Board any Coaster or Collier in the said River; and also to affix a Gauge Mark, by painting the same, or otherwise, in some con-

spicuous Place or Places, at the Stem and Stern of every such Lighter, Barge, or Vessel, as aforesaid, higher than the same shall sink into the Water when loaded, denoting the exact Tonage; and also the Number of every such Lighter, Barge, or Vessel, in a legible Manner, and in large White Capital Letters and Figures: And if any One shall offend in the Premisses, or shall remove, alter, deface, or counterfeit, any Gauge Mark of any such Lighter, Barge, or Vessel, as aforesaid, or the Number thereof, which shall be set, painted, or affixed, by the said Corporation, their Agent or Officer, on any such Lighter, Barge, or Vessel; every Person so offending, and being thereof convicted in the Manner herein after directed, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Penalty of removing, defacing, or counterfeiting, &c. the Marks, 5 *l.*

And be it further enacted by the Authority aforesaid, That in case the said Corporation shall have Reason at any Time to suspect that the Gauge Mark of any such Lighter, Barge, or Vessel, hath been removed, altered, or changed, then, and in such Case, it shall be lawful for the said Corporation, their Agent or Officer, at all Times hereafter, at seasonable Times in the Daytime, and at the Costs of the said Corporation, to reweigh any such Lighter, Barge, or Vessel (so as that no more than One such Lighter, Barge, or Vessel, shall be reweighed in any Week) and in case upon the reweighing of any such Lighter, Barge, or Vessel, the same shall be found to be of greater Tonage than by the Mark thereof such Lighter, Barge, or Vessel, shall be signified or denoted, and ought to be, then the Person or Persons to whom such Lighter, Barge, or Vessel, which shall be so found to be of greater Tonage than aforesaid shall belong, shall, for every such Offence, on being convicted in Manner by this Act prescribed, forfeit and pay the Sum of Five Pounds.

On Suspicion of Fraud, the Lighters may be reweighed;

and the Owners to forfeit 5 *l.* on Conviction of the Offence.

And whereas it frequently happens that Ships and Vessels which come within the Port of London, bring in them large Quantities of Ballast, which, for Convenience of the Masters or Owners of such Ships or Vessels, and to save Expence, are frequently unloaded and thrown into the said River Thames, to the great Prejudice and Obstruction of the Navigation thereof: Now, for preventing such Annoyances for the future; be it further enacted by the Authority aforesaid, That if any Ship or Vessel, after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, shall come into the said River with any Ballast therein, no Part of any such Ballast shall be unloaded, put, or thrown, from or out of any such

Vessels to unload their Ballast on some Wharf or Ground, above High Water Mark;

such Ship or Vessel, into the said River, but all such Ballast shall be laid or put, at the Expence of the Owner or Owners, or Master, of every such respective Ship or Vessel, 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 unloaded from every such respective Ship or Vessel, at the Costs of the Owner or Owners, Master or Commander, of every such said Ship or Vessel, into One or more Lighter or Lighters belonging, or which shall belong, to 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, by or on the Behalf of every such Owner or Owners, or Master of any such Ship or Vessel; and in case the said Corporation, on any such Application or Demand as aforesaid, shall refuse, or shall neglect to furnish and send, sufficient Lighter or Lighters to take any Ballast from any such Ship or Vessel, according to the true Meaning of this Act, within the Space of Three Days after any such Application or Demand shall be made to them for that Purpose, then, and in every such Case, the said Corporation shall forfeit and pay, for every such Refusal or Neglect, the Sum of Fifty Pounds; unless such Refusal or Neglect shall be occasioned by frosty or tempestuous Weather, preventing such Lighter or Lighters from being navigated to take away the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, and no more than One Imparlance shall be allowed; One Moiety of which Penalty shall be applied to the Use of the Poor of the Parish or Place where the Offence shall be committed, and the other Moiety to the Person who shall sue for the same.

or into Lighters of the *Trinity House*.

Trinity House to furnish Lighters accordingly, on Penalty of 5 *l.*

Application of the Penalty.

And be it further enacted by the Authority aforesaid, That the Owner or Owners, Master or Commander, of every Ship or Vessel, out of which any Ballast shall be taken by any Lighter or Vessel belonging to the said Corporation, shall pay to the said Corporation the Sum of Six Pence per Ton, for every Ton of Ballast which shall be received by the said Corporation out of any such Ship or Vessel, within the Space of Twenty four Hours after any such Ballast shall be carried away from, or out of, any such Ship or Vessel, by the Ballast-men, Servants, or Agents, of the said Corporation; which Money, when received, shall be applied and disposed of for the Use of the Poor of the said Corporation; and in case of Nonpayment thereof, the same may be recovered for the Use aforesaid, by Action of

Corporation to be paid 6 *d. per* Ton, for Ballast unloaded into their Lighters.

Debt to be brought in any of His Majesty's Courts of Record at Westminster, in the Name of the said Corporation, against any such Owner or Owners, Master or Commander, of any such Ship or Vessel.

Penalty of unloading Ballast otherwise than is directed by this Act, 5*l.*

And be it further enacted by the Authority aforesaid, That if after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, any Ballast, of any Kind or Denomination whatsoever, shall be unloaded, put, or thrown, out of any Ship or Vessel, into the River Thames, or be unloaded, laid, or put on any Shore, Ground, or Place, below the High Water Mark in the said River, then, and in any such Case, the Master or Commander of every such respective Ship or Vessel from or out of which any such Ballast shall be so unloaded, or put on any such Shore, Ground, or Place, as aforesaid, on being thereof convicted in the Manner by this Act prescribed, shall forfeit and pay for every such Offence the Sum of Five Pounds.

and of unloading or throwing Rubbish, *&c.* from any Wharf or Lighter, *&c.* into the River, 40*s.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, 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; any Person so offending, and who shall be thereof convicted in Manner by this Act prescribed, shall forfeit and pay for every such Offence the Sum of Forty Shillings.

Dung, Compost, Earth, or Soil, for Ballast, to be first laid on Board some numbered and marked Lighter, and from thence delivered on Board the Coaster or Collier.

And, to the Intent that no greater Quantity of Dung, Compost, Earth, or Soil, may be delivered or put on Board any Coaster or Collier, as or for Ballast, than is allowed of by this Act, and that if any greater Quantity thereof than what is so allowed of shall be put on Board any Coaster or Coasters, Discovery may be made thereof; be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, no Dung, Compost, Earth, or Soil, shall be delivered into or put on Board any such Coaster or Collier immediately from any Laystall, Wharf, Quay, or other Place on Shore, adjoining or near to the said River Thames; and that all Dung, Compost, Earth, or Soil, which, after the said Twenty fourth Day of June, shall, in pursuance of this Act, be delivered or put on Board any such Coaster or Collier as or for Ballast, shall be taken from the Laystall, Wharf, Quay, or other Place on Shore, whereon the same shall lie, and therefrom shall be carried to every such Coaster or Collier,

in and by some Lighter, Barge, or Vessel, which shall be weighed, marked, and numbered, as by this Act is directed, and shall be delivered or put on Board such Coaster or Collier from such numbered and marked Lighter, Barge, or Vessel only, and not in any other Manner: And if any Person or Persons shall offend in the Premisses, he or they, on being thereof convicted as by this Act is directed, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; One Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Treasurers of the said Corporation of the Trinity House, for the Use of the Poor of the said Corporation.

On Penalty of 5*l.*

Application thereof.

And whereas great Quantities of Rubbish, Earth, Sand, Ashes, Dirt, Filth, and Soil, are frequently put or thrown into the Streets, Lanes, and Common Passages, of the City of London, and the Liberties thereof, and of the Suburbs of the said City in the County of Middlesex; and also in the Streets, Lanes, and Common Passages, of the City of Westminster, and the Liberties thereof; and in such Part of the Liberty of the Dutchy of Lancaster, as lies in the said County of Middlesex; and Scavengers or Rakers whose Duty it is to cleanse such Streets, Lanes, and Common Passages, their Servants or Labourers, and also other Persons, do frequently sweep or put Rubbish, Earth, Sand, Ashes, Dirt, Filth, and Soil, into the Kennels or Channels in the said Streets, Lanes, and Common Passages, and by Means thereof, such Rubbish, Earth, Sand, Ashes, Dirt, Filth, or Soil, or Part thereof, are frequently carried or forced down into the said River of Thames, to the manifest Prejudice of the said River, and the Navigation thereof, as well as to the Annoyance of the Docks and Wharfs contiguous to the said River: For Remedy whereof, be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and fifty nine, no Person or Persons shall lay, throw, or put, any Rubbish, Earth, Sand, Ashes, Dirt, Filth, or Soil, in any Street, Lane, Court, Common Way, or Passage, within the said City of London, or the Liberties thereof, or in the Suburbs thereof in the said County of Middlesex; or in any Street, Lane, Court, Common Way, or Passage, in the said City of Westminster, or the Liberties thereof; or in such Part of the Liberty of the Dutchy of Lancaster, as lies in the County of Middlesex; other than such as is or are allowed by Law to be laid or heaped up to drain, ready for the respective Scavengers or Rakers, within their several Precincts, to carry away; or sweep, throw, carry, or otherwise put, any Rubbish, Earth, Sand, Ashes, Dirt, Filth,

Penalty of laying Rubbish, Ashes, or Soil, &c. in any of the Streets or Common Ways in *London*, *Westminster*, or the Suburbs thereof.

or of sweeping or throwing any Rubbish, &c.

or Soil, into any Kennel or Channel, in the said City of London, or the Liberties thereof; or in the Suburbs of the said City of London, or the Liberties thereof; or in the said City of Westminster, or the Liberties thereof; or in such Part of the Liberty of the Dutchy of Lancaster, as lies in the said County of Middlesex; other than such as shall be swept away by the respective Inhabitants before their respective Habitations: And if any One shall offend in the Premisses, and shall be thereof convicted in the Manner by this Act directed, he, she, or they, so offending, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings. into any of the Kennels.

Provided always, and be it enacted by the Authority aforesaid, That nothing before in this Act contained shall extend to prevent any Inhabitant within the Limits herein before mentioned, or his or her Servant, from sweeping immediately after Snow, Thaw, or Rain, into any Kennel or Channel within the Limits aforesaid, any Ice, Snow, Dirt, or Soil, which by Means of any such Snow, Thaw, or Rain, shall be before his or her House or Tenement (other than and except Rubbish which shall be cast and thrown, or put, in any such Street, Lane, or Passage, within the Limits aforesaid, from repaired or decayed Buildings, or otherwise) or to inflict any Penalty on any such Inhabitant, or his or her Servant, in respect of his or her so doing. But none are liable to forfeit for sweeping before their Houses immediately after Snow, Thaw, or Rain.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Lessee or Lessees, Occupier or Occupiers, for the time being, of the Laystalls of the said City of London, and he and they is and are hereby required, either in Person, or by some proper Servant to be deputed by him or them, and at his or their Charges, to go about and inspect the several Streets, Courts, Lanes, and Common Passages, in the said City of London, and the Liberties thereof, every Day in the Year (Sundays excepted) and to give Information from time to time to the Mayor of the said City for the time being, or some Alderman of the said City, of every Person or Persons he or they shall at any Time discover or detect offending in the Premisses, in the said City of London, or the Liberties thereof, contrary to the Intent of this Act, so that every Person and Persons so offending in London, or the Liberties thereof, may be proceeded against, as by this Act is directed, for every such Offence. Lessees and Occupiers of Laystalls to inspect the Streets and Common Passages, and give Information of Offenders in the Premisses;

And in case such Lessee or Lessees, Occupier or Occupiers, or his or their Servant, shall duly, from time to time, make and perform the Inspection hereby directed to be made, in London, and the Liberties thereof, according

cording to the Intent of this Act, and give Information against the Persons found offending in the said City of London, and the Liberties thereof, to the Mayor of the said City for the time being, or some Alderman of the said City; be it further enacted by the Authority aforesaid, That such Lessee or Lessees, Occupier or Occupiers, of the said Laystalls for the time being, shall and may, between the First Day of June, One thousand seven hundred and fifty nine, and the First Day of June, One thousand seven hundred and sixty, ship, or cause to be shipped, from any Laystall of the said City of London, as and for Ballast, but on no other Account or Pretence whatsoever, on Board of any Collier, or Coasting Ship or Ships, Vessel or Vessels, in the said River, any Quantity of Dung, Compost, Earth, or Soil, not exceeding Two thousand Tons in the Whole; and also, shall and may, after the said First Day of June, One thousand seven hundred and sixty, yearly in every Year then following, ship, or cause to be shipped, from any Laystall or Laystalls of the said City of London, as and for Ballast, but on no other Account or Pretence whatsoever, on Board any Collier or Coasting Ship, Vessel or Vessels, any Quantity of Dung, Compost, Earth, or Soil, not exceeding Two thousand Tons.

and on performing their Duty therein, they are allowed to Ship annually, as Ballast, from any Laystalls in *London*, 2000 Tons of Dung, *&c.*

Provided nevertheless, That such said Lessee or Lessees, Occupier or Occupiers, of the said Laystalls, or the Inspector or Inspectors who shall be employed by or under him or them, shall do his or their Duty in the Premisses, directed and intended by this Act, and shall yearly, after the said First Day of June, One thousand seven hundred and sixty, before the shipping of any Part of the said additional Two thousand Tons of Dung, Compost, Earth, or Soil, obtain a Testimonial or Certificate thereof, under the Hand of the Mayor of the said City of London for the time being, and shall deliver such Certificate or Testimonial at the Ballast Office of the said Master, Wardens, and Assistants, of the said Trinity House, before the said First Day of June in every such Year, after the said First Day of June, One thousand seven hundred sixty; and which said additional Two thousand Tons of Dung, Compost, Earth, or Soil, shall be besides and exclusive of the said Three thousand Tons allowed by the said herein before recited Act made in the said Sixth Year of his present Majesty's Reign, to be yearly shipped and transported as Ballast; but such said Two thousand additional Tons of Dung, Compost, Earth, or Soil, by this Act allowed to be yearly shipped and transported, as aforesaid, are to be, and shall be, subject and liable to the like Penalties, Payments,

but before shipping thereof, they are to obtain a Certificate from the Mayor, and deliver the same at the Ballast Office;

the said Quantity to be exclusive of the 3000 Tons allowed by Act 6 *Geo.* II.

but subject to like Regulations, *&c.*

ments, Orders, Restrictions, and Regulations, as in and by the said First herein before recited Act are enacted and declared, concerning Dung or Compost thereby allowed to be shipped or transported as or for Ballast, other than such thereof as are altered or varied by this present Act.

Justices, not being Members of the *Trinity House*, may convict Offenders on their own View and Knowledge;

And be it further enacted by the Authority aforesaid, That any Justice or Justices of the Peace, of the County, City, Division, or Place, in which any Offence as aforesaid for unloading, putting, or throwing any Ballast from or out of any Ship or Vessel into the said River Thames, or for putting, unloading, or throwing into the said River Thames, any Rubbish, Earth, Sand, Ashes, Filth, Dirt, or Soil, from any Wharf, Quay, or Bank, adjoining to or near the said River, or from or out of any Barge or Lighter, or for putting or throwing any Rubbish, Earth, Sand, Ashes, Filth, Dirt, or Soil, in any Street, Lane, or Passage, in the said City of London, or the Liberties thereof, or in the said Suburbs of the said City in the said County of Middlesex, or in the said City of Westminster, or the Liberties thereof, or in such Part of the Liberty of the Dutchy of Lancaster as lies in the said County of Middlesex, except as herein before is excepted, or sweeping, putting, or throwing the same into any Kennel or Channel in the said City of London, or the Liberties thereof, or in the Suburbs of the said City in the said County of Middlesex, or in the City of Westminster, or the Liberties thereof, or in such Part of the Dutchy of Lancaster as lies in the said County of Middlesex, except as herein before is excepted, by Means whereof the same shall or may be carried or forced down any such Kennel or Channel into the said River Thames, shall be committed, or wherein any such Offender or Offenders shall be found, such Justice or Justices (not being a Member of the said Corporation of the said Trinity House) is and are hereby authorized and required to convict any such Offender or Offenders on the proper Knowledge or View of any such Justice or Justices; and every such Justice and Justices is and are hereby also authorized and required to hear all the Offences punishable by this Act by any pecuniary Penalties, other than such as are herein before directed to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; and upon an Information exhibited, or Complaint made, in that Behalf, so that every such Information or Complaint be exhibited upon Oath before such Justice or Justices, within Seven Days after any such Offence shall be committed (which Oath such Justice or Justices is or are hereby impowered and required to administer) every such

and hear all Offences punishable by pecuniary Penalties (except where such are directed to be recovered in Courts of Record)

and upon Complaint or Information, issue Warrants for apprehending Offenders;

such Justice or Justices is and are hereby required, within their respective Jurisdictions, to issue a Warrant or Warrants for the immediate apprehending of the Party or Parties accused, and bringing him, her, or them, before any Justice or Justices, within his or their respective Jurisdiction, to answer the Matters of Complaint to be contained in such Warrant or Warrants; and which Warrant or Warrants the Person and Persons to whom the same shall be directed is and are hereby authorized and impowered to execute upon the said River Thames, or on any Shore adjoining thereto; and for that Purpose they, and every of them, is and are hereby authorized, impowered, and required, at all Times in the Day Time, to go on Board any Ship, Vessel, Boat, or Craft, in the said River, for apprehending any such Offender or Offenders who shall be named in any such Warrant or Warrants: And on any such Offender or Offenders being apprehended, he, she, or they shall, with all convenient Speed, be carried before some Justice or Justices of the Peace, having Jurisdiction in the Premisses; and every such Justice and Justices, within his and their respective Jurisdiction, is and are hereby authorized and required to summon Witnesses within Jurisdiction of such Justice or Justices, as shall be desired, on either Side, and, on their Appearance, to examine them on Oath (and which Oath any such Justice and Justices is and are hereby authorized and required to administer) touching the Premisses, and thereupon to hear and determine same, and to give such Judgement in the Premisses as shall be just, and according to the Meaning of this Act: And in case the Party or Parties accused shall be convicted, upon the proper Knowledge or View of the Justice or Justices, of any Offence cognizable by this Act, or upon or by the Oath of any credible Witness, or by his, her, or their own Confession, and the Penalty thereby incurred or forfeited shall not immediately be paid on such Conviction, the same shall be recovered and levied by Distress and Sale, in the like Manner as any of the Penalties incurred and forfeited by the first-recited Act are thereby directed to be recovered and levied by Distress and Sale; and in case sufficient Distress cannot be found whereon the same may be recovered and levied, then such Justice or Justices shall, by Warrant under his Hand and Seal, or their Hands and Seals, commit the Person or Persons who shall be so convicted to the House of Correction of the County, City, or Place, where any such Offender shall be apprehended, there to remain, without Bail or Mainprize, and be kept to hard Labour, for any Time not exceeding One Month, or until Payment shall, before that Time,

which may be executed as well upon the River as on Shore;

Offender, when taken, to be immediately carried before some Justice, who is to summon Witnesses on either Side, and examine them on Oath, &c.

Penalty, on Conviction, may be levied by Distress and Sale,

and for want of sufficient Distress, the Party be committed.

be made, of the pecunia y Penalties or Forfeitures, or Composition shall be made and accepted for the same.

Inhabitants deemed competent Witnesses.

Provided always, and it is hereby enacted and declared, That any Inhabitant of the Parish or Place in which any Offence against this Act shall be committed, shall, notwithstanding such Inhabitancy, be a good and competent Witness.

Where Witnesses refuse to appear upon being summoned,

And be it further enacted by the Authority aforesaid, That if any Person who shall be so summoned as a Witness or Witnesses, as aforesaid, before any Justice or Justices, shall refuse or neglect to appear at the Time by such Summons appointed, and no just Cause shall be offered for such Neglect or Refusal; then (after Proof on Oath of such Summons having been duly served upon the Party or Parties so summoned) every such Justice and Justices is and are hereby authorized and required to issue his or their Warrant under his Hand and Seal, or their Hands and Seals, to bring every such Witness or Witnesses before any Justice or Justices: And if any such Witness or Witnesses, on his or her Appearance, or on being brought before any such Justice or Justices, shall refuse to be examined on Oath concerning the Premisses, without offering some just Excuse for such Refusal, any such Justice or Justices, within the Limits of his or their respective Jurisdiction, may, by Warrant under his Hand and Seal, or their Hands and Seals, commit any Person or Persons so refusing to be examined to the House of Correction of the County, City, or Place, where any such Person shall be apprehended, there to remain for any Time not exceeding One Month, nor less than One Week, as any such Justice or Justices shall direct.

Warrants are to be issued out against them;

and where they refuse to give Evidence, they are to be committed.

Penalty of Witness not appearing to the Summons, or refusing to give Evidence, 40s.

Provided always, and be it further enacted, That every Person who shall be summoned to appear and give Evidence before a Justice or Justices of the Peace, concerning any Offence cognizable before him or them by this Act, and shall refuse or neglect to appear according to such Summons, or appearing, shall refuse to give Evidence, without offering some just Cause, to be allowed of by such Justice or Justices, in Excuse for such Neglect or Refusal, shall, on being convicted thereof by such Justice or Justices, forfeit and pay for every such Neglect or Refusal the Sum of Forty Shillings; to be recovered and levied by Distress and Sale of the Goods and Chatties of the Party convicted of any such Neglect or Refusal, in like Manner as any other pecuniary Penalty incurred under this Act is hereby directed to be recovered and levied; and that all Money so forfeited, shall, when recovered, be paid and applied for the Use of the Poor of

to be recovered by Distress and Sale,

and paid over for the Use of the Poor of the Parish;

the Parish or Place in which any such Neglect or Refusal shall be made; but that no Warrant shall be signed by a Justice or Justices of the Peace for committing to any House of Correction any Person who shall be convicted of such Neglect or Refusal as aforesaid, until it shall have been proved, by Oath, to the Satisfaction of such Justice or Justices, that the Money forfeited by such Neglect or Refusal hath not been paid; and likewise that no sufficient Distress can be found, within the Jurisdiction of such Justice or Justices, whereon the Money so forfeited may be recovered and levied.

but Oath is to be made of Nonpayment of the Penalty, and want of Distress, before Warrant of Commitment be issued.

And it is hereby further enacted, That in case any Person against whom a Warrant shall be issued by any Justice or Justices before or after Conviction as aforesaid, 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 Person granting such Warrant or Warrants as aforesaid; or if the Goods and Chattles 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 and may 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 Chattles 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 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 Person or Persons 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 Jurisdictions, may proceed to hear and determine the Complaint in the same Manner as if it had originally arose within his or their respective Jurisdictions, or may direct the Offender or Offenders to be carried to the Justice or Justices who granted the original Warrant, to be dealt with according to Law.

Justices may back Warrants of Apprehension or Distress, where the Offender or Goods shall be out of the Jurisdiction of the Person first granting the same;

and may hear and determine the Complaint, or remit the Offender to the Justice who granted the original Warrant.

And be it further enacted by the Authority aforesaid, That the Justice or Justices before whom any Person shall be convicted in manner prescribed by this Act, shall cause

every such Conviction to be drawn up in the Form or to the Effect following:

To wit, } BE it remembered, That on the Day of in the Year of His present Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County of or for the City of (as the Case shall happen to be) for and do adjudge him, her, or them (as the Case shall be) to pay and forfeit for the same the Sum of

Given under the Day and Year aforesaid. Form of Conviction.

And be it further enacted by the Authority aforesaid, That no Certiorari, or other Writ or Process, for 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; and that no Person who shall be prosecuted under this Act for any Offence committed against the same, and who shall be thereupon convicted, shall be prosecuted or convicted for any such Offence by or under any other Law whatsoever. No *Certiorari* issuable to remove the Conviction or Proceedings thereon. None to be prosecuted a Second Time for the same Offence.

And be it further enacted by the Authority aforesaid, That all pecuniary Penalties and Forfeitures which shall incur and become payable under or by virtue of this Act (the Application whereof is not herein before directed) shall, when recovered, go and be applied in manner following; that is to say, Where any Person or Persons shall be convicted under the Authority of this Act, on the View of any Justice or Justices, then the whole Money forfeited shall go to the Poor of the Parish or Place where such Offence shall be committed; and where any Person or Persons shall be convicted by the Oath of One or more credible Witness or Witnesses, or his, her, or their own Confession, for any Offence against this Act not done on the River Thames, One Moiety of the Penalty so forfeited shall go to the Poor of the Parish or Place where any such Offence shall be committed, and the other Moiety thereof to or for the Use of the Person or Persons on whose Information any such Offender or Offenders shall be convicted; and where any Party or Parties shall be convicted for any Offence committed against this Act on the said River Thames, then One Moiety of the Penalty forfeited shall go to, and be applied for, the Benefit of the Poor of the said Corporation of Trinity House, and the Application of the Penalties, not otherwise directed how to be applied.

other Moiety thereof to the Person or Persons on whose Information any Person shall be convicted for any Offence committed against this Act on the said River Thames.

Justices may mitigate the Penalties,

Provided nevertheless, and it is hereby also enacted, That it shall be lawful to and for any Justice or Justices of the Peace who shall convict any Offender or Offenders against this Act, from time to time, as he or they shall see Cause, to mitigate or lessen any of the Forfeitures or Penalties incurred by any such Conviction, as any such Justice or Justices in his or their Discretion shall think fit, so as such Mitigation doth not extend to remit above One Moiety of the Penalty forfeited by any such Conviction; and on the Payment by the Person or Persons who shall have been so convicted of the Sum to which any such Penalty or Forfeiture shall be so lessened or mitigated, the Person or Persons who shall have been so convicted, shall be acquitted and discharged of, from, and against, the Penalty or Forfeiture incurred by any such Conviction.

so as not to remit above One Moiety thereof.

Persons aggrieved, &c. may appeal to the General or Quarter Sessions;

Provided also, and it is hereby further enacted, That if any Person or Persons shall find himself or themselves aggrieved, or remain unsatisfied, in the Judgement or Determination of any Justice or Justices as aforesaid, then such Person or Persons shall or may, by virtue of this Act, complain or appeal to the Justices of the Peace at the next General or General Quarter Sessions of the Peace which shall be held for the County, City, or Place, wherein such Offence shall be committed, who are hereby impowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of every such Appeal; and which Determination shall be final, and shall not be removeable by Certiorari, or otherwise, into any other Court; and in case of Conviction, to issue a Warrant for levying or compelling, by the Means by this Act prescribed, the Payment of the Penalties and Forfeitures hereby incurred, and the reasonable Charges on any such Appeal, if such Charges at any such Sessions shall be awarded; and in case of Nonpayment, to commit the Offender or Offenders, on whose Goods no sufficient Distress can be made, to the House of Correction of the County, City, or Place, where any such Offender shall be apprehended, there to remain without Bail or Mainprize, and be kept to hard Labour, for any Time not exceeding One Month, or until Payment shall, before that Time, be made, of the pecuniary Penalty or Forfeiture incurred, and the reasonable Charges of every such Appeal, if the same at any such General or General Quarter Session of the Peace, shall be ordered to be paid, or

the Determination there to be final.

Penalties and Costs awarded, to be levied by Distress;

and for want of Distress, Offender to be committed.

Compoſition ſhall be made and accepted for ſuch Penalty or Forfeiture and Charges.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That the ſeveral Clauſes, Powers, Penalties, Forfeitures, Proviſions, and Matters, herein before contained, ſhall continue in Force and be executed from and after the reſpective Commencements thereof, until the Twenty fourth Day of June, One thouſand ſeven hundred and ſeventy, and from thence to the End of the then next Seſſion of Parliament.

Limitation of Actions.

And it is hereby further enacted and declared, 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 Six Months 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. 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 have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law. Treble Coſts.

Publick Act.

And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, are to take Notice hereof.

FINIS.