ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XXX.

An Act for the better Regulation and Government of the Pilots conducting Ships and Veſſels to and out of the Port of *King's Lynn*, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the ſame; and for laying down Moorings in the Harbour of the ſaid Port, and for preventing Miſchiefs by Fire therein.

WHEREAS the Borough of Lenne Regis, commonly called King's Lynn, in the County of Norfolk, is a very ancient Borough, within the Liberties whereof there are a Port and Harbour of the Sea for importing and exporting Merchandiſe; and the Mayor and Burgeſſes of the ſaid Borough have, by Royal Charter, been a Corporation for Two hundred Years laſt paſt and upwards, and by certain Letters Patent, granted them by King James the Preamble.

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First, dated the Nineteenth Day of November, in the Second Year of his Reign, were constituted (and now are) Admirals within the said Borough, and the Port, Limits, and Bounds thereof; and, by virtue of the same Letters Patent, and others since granted to them by the Crown, and by long Usage have erected and put down proper Buoys and Beacons in the Channel of the said Port, and appointed Pilots for conducting Ships and Vessels into and out of the said Borough and Port, from and to a certain Place called Saint Edmund's Ness, otherwise Gore End, and from thence North and by West to another Place or Sand called Longsand, being the utmost Bounds Northwards of the said Admiralty Jurisdiction, and have also appointed other Persons, commonly called Bridgemen, to conduct Gangs of Lighters or Barges into and out of the said Borough and Port, from and to a certain Place called Staple Weere, being the utmost Bounds Southwards of the said Admiralty Jurisdiction: And whereas the Channel from Gore End and the Longsand aforesaid to the said Port or Harbour of King's Lynn, and from thence to Staple Weere aforesaid, is become a more difficult and dangerous Navigation than heretofore for Ships, Vessels, and Lighters, respectively using the same, and many Ships have been wrecked, and Lighters and Barges sunk, by Means of the large Bodies of Sand which often shift from Place to Place, and by Means of the double-fluked Anchors now used in the said Harbour, and divers unskilful Persons, without the Licence or Authority of the said Mayor and Burgesses, have often taken upon themselves to act as Pilots and Bridgemen for the Conducting and Guidance of Ships, Vessels, and Lighters, to and from the said Port, to the great Hazard of such Ships, Vessels, and Lighters, and their Cargoes, and the Lives of the Persons on Board the same, and to the Obstruction of Navigation: And whereas the Flood and Ebb Tides in the said Harbour run very rapid and strong, and the Harbour opposite the Town of late Years is become much wider towards the South-west, so that when the Ebb runs strong, and the Wind blows hard at the same Time, Ships and Vessels

lying there, are often driven from their Moorings, and sunk in the said Harbour: And whereas Losses by Fire have happened to Merchants and Owners of Ships and trading Vessels, lying in the said Harbour, occasioned by the heating of Pitch, Tar, Rosin, Oil, or other combustible Matters on board such Ships and Vessels: And whereas the Powers and Authorities vested in the said Mayor and Burgesses are found not sufficient or effectual to regulate and govern the said Pilots and Bridgemen, and to remedy and prevent the ill Practices and Mischiefs before mentioned: And whereas the Damages sustained in the Harbour might, in a great Measure, be prevented by laying down substantial Anchors for publick Use, furnished with proper Rings, Chains, and Floats, commonly called Harbour Moorings, for the more effectual securing the Ships and Vessels riding in the said Harbour from driving on Shore by violent Storms of Wind, by raging Tides, by great Land Floods, or otherwise; but as the laying down such Moorings will be attended with great Expence, the same cannot be carried into Execution without the Aid of Parliament; therefore, and for the Benefit and Improvement of Trade and Navigation, and promoting the Safety of His Majesty's Subjects, may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of June, One thousand seven hundred and seventy-three, if any Person or Persons shall take upon him or themselves to conduct or pilot any Ship or Vessel, or any Gang of Lighters or Barges, into or out of the said Port of King's Lynn, or between Saint Edmund's Ness, otherwise Gore End, and Steeple Weere aforesaid, without being licensed so to do by the said Mayor and Burgesses for the Time being, which Licences the said Mayor and Burgesses are hereby impowered to grant under their Common Seal; every Person so offending shall, for

No Person to pilot Ships or Lighters without Licence;

Penalty.

every such Offence, forfeit and pay any Sum not exceeding Three Pounds, nor less than Twenty Shillings.

No Pilot to be licensed unless approved by 12 Shipmasters;

Provided nevertheless, That the said Mayor and Burgesses shall not license or authorise any Person or Persons to be Pilots of the said Borough and Port as aforesaid, unless such Person or Persons shall have first obtained the Recommendation in Writing of Twelve Masters or Commanders of Ships of the Burthen of One hundred Tons and upwards, trading to and from the said Port, (not more than Two of such Masters or Commanders being Masters or Commanders of Ships belonging to One Merchant or Owner), certifying the Ability and Skill of such Person or Persons to pilot or conduct Ships and Vessels to and from the said Port; nor shall they license or authorise any Person or Persons to be Bridgemen of the said Borough and Port, as aforesaid, unless such Person or Persons shall in like Manner have first obtained the Recommendation in Writing of Six Masters of Gangs of Lighters, certifying the Ability and Skill of such Person or Persons to conduct and pilot Gangs of Lighters and Barges to and from the same Port.

nor Bridgemen, unless approved by Six Masters of Gangs of Lighters.

Master of a Ship of not more than 30 Chaldrons Burthen, or of a Gang or Lighters unladen, may conduct the Ship and Lighters, and any Person may assist Ships and Lighters in Distress.

Provided also, That this Act shall not extend to hinder or to subject to the said Penalty the Master or Commander for the Time being of any Ship or Vessel, not exceeding the Burthen of Thirty Chaldrons of Coals, Lynn Measure, or Thirty Tons, Builders Admeasurement, from piloting or conducting such Ship or Vessel to and from the said Port; nor the Master or Commander for the Time being of any Gang of Lighters or Barges coming unladen to or going unladen from the said Port from piloting or conducting such Gang of Lighters or Barges to or from the said Port, nor any Person or Persons from assisting any Ship or Vessel, or Gang of Lighters or Barges in Distress; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

Rates of Pilots ascertained,

And, for the preventing any exorbitant Demands being made by any Pilot or Pilots, licensed or authorised as aforesaid, for the conducting or piloting any Ship or Vessel into or out of the said Port and Limits afore-

said; be it enacted by the Authority aforesaid, That the following and no greater or other Rates or Prices shall be demanded or taken by such Pilot or Pilots than what are herein after mentioned; (that is to say), For piloting or conducting into or out of the said Port any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded not more than Ten Feet of Water, the Sum of One Shilling and Sixpence a Foot for every Foot of Water such Ship or Vessel shall then draw; and for piloting or conducting into or out of the said Port, any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded more than Ten Feet, but not more than Twelve Feet of Water, the Sum of One Shilling and Nine-pence a Foot for every Foot of Water such Ship or Vessel shall then draw; and for piloting or conducting into or out of the said Port any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded more than Twelve Feet, but not more than Fourteen Feet and an Half of Water, the Sum of Two Shillings a Foot for every Foot of Water such Ship or Vessel shall then draw; and for piloting or conducting into or out of the said Port any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded more than Fourteen Feet and an Half of Water, the Sum of Two Shillings and Sixpence a Foot, for every Foot of Water such Ship or Vessel shall then draw, and so in proportion for Half a Foot of Water in all and every of the Cases aforesaid; but no Allowance shall be made for any Number of Inches not amounting to Half a Foot; and for piloting or conducting into or out of the said Port, any Ship or Vessel belonging to the Subjects of any foreign Nation, double the Rate or Price above limited for piloting or conducting the like Ship or Vessel belonging to His Majesty's Subjects.

for British Ships,

and for foreign Ships.

And be it further enacted by the Authority aforesaid, That in case any Ship or Vessel, which shall be piloted or conducted by any of the said Pilots, shall not be got to the Place of her Delivery the same Tide she arrives at the Dolphins, then such Pilot shall, and he is hereby required to conduct or pilot, or procure to be conducted or

If the Ship cannot be got to her Delivery the same Tide she arrives at the Dolphins, the Pilot is to conduct her there, and be paid 2 s. 6 d. per Tide.

or piloted by some other such licensed Pilot, such Ship or Vessel to the Place of her Delivery, and shall receive Two Shillings and Sixpence for every Tide he shall be so employed, if belonging to His Majesty's Subjects, and double that Sum if belonging to the Subjects of foreign Nations, over and above the said Rates or Prices of Pilotage.

Commissioners to ascertain what Part of the Pilotage shall be paid for the Hire of Sloops, &c. and appoint a Receiver of it.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners herein-after nominated, constituted, and appointed, or any Seven or more of them, (whereof the Mayor or Deputy Mayor of the said Borough of King's Lynn for the Time being shall be One), from Time to Time, to ascertain, rate, and appoint, what Part of the said Rates or Prices of Pilotage shall be allowed and paid by the said Pilots to such Person or Persons as they the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being to be One), shall, from Time to Time, appoint or authorise to receive the same, for the Hire and Use of Two or more Sloops for the carrying and conveying such Pilots up and down the Channel of the said Port, and for the Maintenance of Boys to assist on Board and go in the said Sloops, and for and towards the Maintenance of the superannuated Pilots heretofore licensed by the said Mayor and Burgesses, or to be hereafter licensed in pursuance of this Act.

Bridgemen's Pilotage to be ascertained by the Commissioners.

And, for the preventing any exorbitant Demands by any Bridgeman or Bridgemen, licensed or authorised as aforesaid, for the conducting any Gangs of Lighters or Barges down to or from the said Port, be it enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, (whereof the said Mayor, or Deputy Mayor for the Time being to be One), shall, and they are hereby authorised and required, from Time to Time, to ascertain and appoint what Rates or Prices shall be demanded and taken by such Bridgeman or Bridgemen, for the conducting of such Gangs of Lighters or Barges down to, or from the said Port; and that no greater or other Rates or Prices shall be demanded or taken by such Bridgeman or Bridgemen for the conducting

conducting of such Gangs of Lighters or Barges down to or from the said Port, than what shall from Time to Time be so ascertained and appointed as aforesaid.

Commissioners.

And be it further enacted by the Authority aforesaid, That the Mayor, Recorder, Aldermen, and Common Council of the Borough of King's Lynn aforesaid, for the Time being, together with Joseph Peckover, Bartholomew Nelson, Thomas Goddard, Thomas Audley, George Collins, James Hamilton, Osbert Denton, James Taverner Read, Thomas Steward, Isaac Lambly, Joseph Lambly, and Robert Forster, Merchants; Hugh Crawforth, William Wilkinson, George Johnson, Robert Farthing, Lionel Selfe, Thomas Scott Henzell, Thomas Huggins, John Town, James Stratton, Bland Winniffe, Edward Hubbard, William Ayre, John Middleton, John Headly, William Holmes, William Robinson, William Clarke, William Standcliffe, Richard Barrett, and John Hubbard, Owners or Commanders of Vessels trading to and from the said Port, shall be, and they are hereby nominated, constituted, and appointed Commissioners for carrying this present Act into Execution, and for the Purposes herein-before and herein-after mentioned and expressed; and they or any Seven or more of them, (whereof the Mayor or Deputy Mayor of the said Borough of King's Lynn for the Time being to be One), shall and may, and they are hereby authorised and required, as soon as conveniently may be after the passing of this Act, to meet in the Guildhall within the said Borough, upon publick Notice to be given by Seven or more of the said Commissioners, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), of the Day and Hour of such Meeting, by Writing affixed on the Custom-house, Guildhall, and Market-cross, within the said Borough of King's Lynn, Seven Days exclusive before such Meeting; and then, and from Time to Time, when and as often as any Meeting shall be held in pursuance of this Act, to adjourn themselves, if they shall see Occasion, to any Time and Place within the said Borough; or otherwise, in case no Adjournment shall be then, or from Time to Time made or subsisting, or

First Meeting.

Commissioners may adjourn, and call new Meetings.

there shall be Occasion to meet previous to the Day of such Adjournment, to meet from Time to Time, at such Day, Hour, and Place, within the said Borough, as shall be appointed by like publick Notice to be given as aforesaid, by Seven or more of the said Commissioners, (whereof the said Mayor or Deputy-mayor for the Time being shall be One): And a General Meeting of the said Commissioners shall be held on the Third Friday in the Month of January in every Year, at the Guildhall in the said Borough, for the passing and settling all Accounts of their Treasurer, Collector, or other Officers; and if at any Meeting the Commissioners present shall be equally divided upon any Question which may come before them, then the Mayor of the said Borough for the Time being, if present, or in his Absence the Deputy Mayor, shall have the casting Vote: And all Orders, Determinations, and Proceedings of the said Commissioners in the Execution of this Act, shall be at Meetings held in pursuance of this Act, and not otherwise; and the said Commissioners, at all such their Meetings, shall defray their own Expences.

Annual Meetings.

All Proceedings to be at Meetings.

Commissioners to defray their own Expences.

Provision for Meetings without the Mayor.

Provided always, That in case the Mayor of the said Borough, or his Deputy for the Time being, shall at any Time or Times refuse to join in giving Notice of a Meeting as herein-before mentioned, being thereunto required by any Twenty-five of the said Commissioners, by Writing under their Hands, it shall and may be lawful for any Seven or more of the said Commissioners to give Notice of such Meeting, and to meet without the said Mayor or his Deputy for the Time being; and in case at any Meeting to be held in pursuance of this Act, the Mayor of the said Borough, or his Deputy, shall decline or refuse to attend; then, and in every such Case, the Commissioner who, at such Meeting, shall, by the Majority of the Commissioners then present, be elected Chairman at such Meeting, shall in all Things have such Power and Authority at the same Meeting as the Mayor of the said Borough, or his Deputy, would have had if present; and all Orders and Proceedings, at such Meetings, shall be as valid and effectual as if the said Mayor, or Deputy, had been present.

And, for the constant supplying the Number of Commissioners, be it further enacted by the Authority aforesaid, That as often as any of the said Commissioners for the Time being, not being the Mayor or Recorder, or an Alderman or Common Councilman of the said Borough, shall die or refuse to act, (such Refusal to be certified in Writing), being chosen a Member of the said Corporation, accept of any Office of Profit under this Act, or reside out of the said Borough for the Space of Six Calendar Months; then, and in any of the said Cases, and not otherwise, it shall and may be lawful to and for the surviving or remaining Commissioners for the Time being, by this Act appointed or to be appointed in pursuance thereof, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), from Time to Time, at any of their Meetings, to elect (by Appointment or Order entered in the Minute Book wherein they enter their Orders and Proceedings) such other Person, being a Merchant, Owner, or Commander, of a Ship or Vessel trading to and from the said Port, and an Inhabitant of the said Borough, to be a Commissioner in the Place of each Commissioner so dying or refusing to act, being chosen a Member of the said Corporation, accepting of any Office of Profit under this Act, or residing out of the said Borough as aforesaid, as they shall think fit; and each and every such Commissioner so from Time to Time elected and appoined shall, from and after such Election and Appointment, have the same Powers and Authorities in all Things as if he had been particularly named and appointed by this present Act.

New Commissioners to be chosen in the Room of those dying, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), at any Time or Times hereafter, to make, ordain, and establish such Orders, Rules, and Bye-laws, for the better Regulation and Government of the Masters and Commanders of Ships and Vessels, and of Gangs of Lighters and Barges trading to and from the said Port, and of the Pilots and Bridgemen to be licensed by the

Commissioners to make Bye-laws for the Regulation of the Masters of Ships and Lighters, and of the Pilots and Bridgemen;

the said Mayor and Burgesses as aforesaid, and also from Time to Time, as Occasion may be, to repeal, add to, amend, or alter, such Orders, Rules, and Bye-laws, as to them the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), shall seem meet and convenient, and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds, for the Nonobservance, Nonperformance, or other Breach, of such Orders, Rules, or Bye-laws, or any of them, to be recovered by such Ways and Means as are herein-after directed for the Recovery of the Penalties by this Act inflicted; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), to suspend any of the Pilots and Bridgemen who shall be licensed as aforesaid, who shall break such Orders, Rules, or Bye-laws, or act in anywise contrary thereto; and if any Pilot or Bridgeman so suspended shall (during the Time of such Suspension) take upon himself to pilot or conduct any Ship or Vessel, or any Gang of Lighters or Barges, into or out of the said Port within the Limits aforesaid, such Pilot or Bridgeman shall be liable to the Penalty which is provided by this Act against unlicensed Persons acting as Pilots or Bridgemen.

and to fix Penalties, not exceeding 5*l.*

and the Pilots and Bridgemen may be suspended for Breach of such Laws;

and acting during such Suspension are subject to the Penalty.

The Bye-laws to be printed, with a List of the Pilots and Bridgemen, and their Fees.

And be it further enacted, That the said Commissioners shall cause the said Orders, Rules, and Bye-laws, and also a List of the Pilots and Bridgemen so to be licensed as aforesaid, with the Rates or Prices of Pilotage, to be from Time to Time printed and distributed, and likewise hung up in some conspicuous Place at the Custom-house, Town Dues Office, and Meters Office, in King's Lynn aforesaid.

But not to be repugnant to the Statutes.

Provided always, That the said Orders, Rules, and Bye-laws, or any of them, be not contrary or repugnant to the Laws or Statutes of the Realm of Great Britain.

Pilots and Bridgemen to have their Licences vacated for Misbehaviour, and if they act afterwards, to be subject to the Penalty.

And be it further enacted by the Authority aforesaid, That in case any Pilot or Pilots shall refuse to take the Charge of any of his Majesty's Ships, or of any Ship or Vessel in the Merchants Service; and in case any

Bridgeman or Bridgemen shall refuse to take the Charge of any Gang of Lighters or Barges; or in case it shall appear to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), that any Pilot or Pilots, Bridgeman or Bridgemen, shall have misbehaved him or themselves in the conducting of any Ship or Vessel, or Gang of Lighters or Barges, or in the Execution of any other Part of his or their Duty as Pilots or Bridgemen; or if any Pilot or Pilots, Bridgeman or Bridgemen, shall refuse to obey the Summons of the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), requiring his or their Appearance; or shall break, or act contrary to, such Orders, Rules, and Bye-laws, as the said Commissioners for the Time being shall from Time to Time make in the Premises, or in any-wise offend against this Act; then the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One) upon Examination thereof, are hereby authorised to annul the Licence or Licences granted to such Pilot or Pilots, Bridgeman or Bridgemen, and to declare the same to be from thenceforth utterly void; and if any such Person or Persons so offending shall (after such Declaration and Notice thereof given to him or them in Person, or left at his or their usual Place of Abode) act as a Pilot or Bridgeman within the said Port, or the Limits afore mentioned, he or they shall be subject to the Penalty inflicted by this Act on unlicensed Persons acting as Pilots or Bridgemen.

Pilots offering to conduct Vessels inward or outward bound, and refused, are notwithstanding to be paid.

And be it further enacted by the Authority aforesaid, That in case the Master or Commander of any Ship or Vessel, either inward or outward bound, shall refuse to take on Board and employ a Pilot to be licensed as aforesaid, who shall offer his Service, such Master or Commander shall pay, or cause to be paid, to the Pilot who first, or who only shall offer his Service as aforesaid, and shall be so refused, the full Pilotage, according to the several Rates and Prices herein-before directed to be paid, as if the said Pilot had been received and employed

in conducting or piloting such Ship or Vessel into or out of the said Port of King's Lynn.

Master to give the Pilot the true Draught of the Ship;

And be it further enacted by the Authority aforesaid, That the Master or Commander of every Ship or Vessel, so to be piloted or conducted into the Port of King's Lynn aforesaid, shall and is hereby required to declare and give a true Account to the Pilot employed in conducting or piloting, or offering to conduct or pilot such Ship or Vessel, of the Draught of Water such Ship or Vessel shall then draw: And in case such Master or Commander shall refuse so to do, or shall give an untrue Account of the Draught of Water of such Ship or Vessel, then he shall forfeit for every such Refusal, or untrue Account so by him given, the Sum of Forty Shillings; and further, in case of such Refusal, or if the Pilot so employed, or offering to be employed, shall suspect the Truth of the Declaration or Account given, then such Pilot shall be, and he is hereby authorised to mark such Ship or Vessel on her Arrival, and when unloaded to lay her on Shore in some proper and convenient Place within the said Port, and there to admeasure, or cause to be admeasured, the said Ship or Vessel, in order to find the true Draught of Water she drew on her said Arrival; the Expence whereof, in case of such Refusal, or if upon such Admeasurement it shall appear that the said Declaration or Account shall be untrue, shall be paid by such Master or Commander; but in case the said Declaration or Account shall upon such Admeasurement appear to be true, then the said Expences shall be paid by the said Pilot: And if any Dispute shall arise between the said Master or Commander and Pilot, concerning the Expence of laying the said Ship or Vessel on Shore, and admeasuring her as aforesaid, then the same shall be settled and ascertained by the Mayor of the said Borough, or his Deputy for the Time being, or any Justice or Justices of the Peace for the said Borough; and the said Expences, if refused to be paid by such Master or Commander when he is liable to pay the same, shall be levied and recovered, with all Charges attending such Levying and Recovery, in the same Manner, and by the same Means,

40 s. Penalty in case of Refusal or Suspicion of Truth of the Account.

Pilot may admeasure the Ship.

Expences how to be paid.

as

as are herein-after given and directed, for the Levying and Recovery of the Pilotage by this Act directed to be paid.

Pilotage of Ships outward bound to be secured, or the Pilot may refuse to take the Charge.

And be it further enacted by the Authority aforesaid, That if any of the Pilots so to be licenced as aforesaid, shall be requested by the Master, Commander, Owner, Agent, or Consignee, of any Ship or Vessel outward bound, to take the Charge or Conduct of such Ship or Vessel, it shall and may be lawful to and for such Pilot, previous to his taking such Charge or Conduct, to demand a sufficient Security from such Master, Commander, Owner, Agent, or Consignee, for the Payment of such Pilotage outward, according to the Rates or Prices herein-before directed to be paid; and if such Master, Commander, Owner, Agent, or Consignee, shall refuse to give such Security, then and in such Case, such Pilot may refuse to conduct or pilot such Ship or Vessel, and shall not be subject to any of the Penalties inflicted by or in pursuance of this Act on Pilots refusing to take the Charge or Conduct of a Ship or Vessel.

On Nonpayment of Pilots or Bridgemen's Rates, the Mayor, &c. may distrain.

And be it further enacted by the Authority aforesaid, That in case any Owner or Master, or any other Person having or taking upon himself, or appearing to have or take the Command, Charge, Agency, or Consignment of any Ship or Ships, Vessel or Vessels, Gang or Gangs of Lighters or Barges, charged or chargeable with the said respective Rates or Prices of Pilotage hereby directed to be paid, shall refuse to pay the same; then, and in such Case, it shall and may be lawful to and for the Mayor of the said Borough, or his Deputy for the Time being, or any Justice or Justices of the Peace for the said Borough, and preferable to, and notwithstanding any Right of Hypothecation, Attachment, Arrestment, or other Right whatsoever, claimable by, or due to any Person or Persons whomsoever, to seize, take, and distrain any of the Goods, Guns, Ropes, Tackle, Furniture, and Apparel, of or belonging to any such Ship or Vessel, or Gang of Lighters or Barges, and the same to detain and keep until the Sum or Sums of Money due for piloting or conducting such Ships or Vessels, or Gangs of Lighters or Barges, into or out of the said

Port

Port of King's Lynn, according to the said Rates or Prices, and reasonable Charges for taking such Distress, shall be paid and satisfied; and in case of any Neglect or Delay in Payment of such Sum or Sums of Money, and Charges, for the Space of Three Days next after such seizing, taking, or distraining, then it shall and may be lawful to and for the said Mayor, or his Deputy, Justice or Justices, to cause the same to be appraised by any Two sufficient Persons or Appraisers of the said Borough of King's Lynn, and afterwards to sell and dispose of the said Goods so taken and appraised, and thereout to satisfy the said Rates or Prices of Pilotage so due and unpaid, with all reasonable Charges of such taking, seizing, distraining, appraising, and selling, rendering the said Rates or Prices so due and unpaid to the Pilot or Pilots, Bridgeman or Bridgemen, intitled thereto; and the Overplus (if any there be, after the said Charges deducted) to the Masters or Owners, Agents or Consignees, upon Demand.

Penalty for heating, &c. Pitch, &c. on Board any Ship in the Port is 40 s.

And, for preventing the Losses and Mischiefs hereinbefore mentioned, be it enacted by the Authority aforesaid, That if any Master or Commander, or other Officer of any Ship or Vessel, shall, during the Time such Ship or Vessel shall lie in the Borough and Port of King's Lynn aforesaid, heat, boil, or melt, or cause or permit to be heated, boiled, or melted, on Board any such Ship or Vessel, any Pitch, Tar, Rosin, Grease, Tallow, Oil, or any other combustible Matter; every Person so offending, and being thereof convicted on the Oath of One or more Witness or Witnesses, shall, for every such Offence, forfeit the Sum of Forty Shillings.

Mayor, &c. to determine Offences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor of the said Borough, or his Deputy for the Time being, or any Justice or Justices of the Peace for the said Borough of King's Lynn, to hear and determine any of the Offences which are by this Act made subject to, and punishable by any pecuniary Penalties, and such Mayor, Deputy Mayor, Justice or Justices of the Peace, shall, and they are hereby authorised and required, upon any

Information

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Information exhibited or Complaint made in that Behalf within Two Calendar Months after such Offence committed, to summon the Party or Parties accused, and the Witnesses on either Side; or if such Information or Complaint shall be verified upon Oath, (which Oath the said Mayor, Deputy Mayor, and Justice or Justices, is and are hereby authorised to administer), by One or more credible Witness or Witnesses, to issue a Warrant or Warrants for apprehending the Party or Parties so offending; and upon the Appearance or Contempt of the Party accused in not appearing, and Proof of Notice given, to proceed to the Examination of the Witness or Witnesses upon Oath, (which Oath the said Mayor, Deputy Mayor, Justice or Justices, is and are hereby authorised to administer), and to give such Sentence, Judgement, or Determination as shall be just and comformable to the Tenor and true Meaning of this Act; and where the Party accused shall be convicted of such Offence upon such Information as aforesaid, or shall confess the same, it shall and may be lawful to and for such Mayor, or his Deputy, Justice or Justices, and he is and they are hereby required to issue out his or their Warrant or Warrants for levying the pecuniary Penalties and Forfeitures so adjudged to be incurred by Distress or Distresses on the Goods and Chattels of the Offender, and to cause Sale to be made thereof in case they shall not be redeemed in Three Days, rendering to the Party offending, (after Payment of the said Penalties, and all the Costs of the Conviction, Distress, and Sale), the Overplus (if any there be): And in case any Person or Persons shall be convicted in pursuance of this Act, of any Offence punishable by pecuniary Penalties, as aforesaid, and if no Goods and Chattels of such Person or Persons so offending can be found; then, and in such Case, it shall and may be lawful to and for such Mayor, or his Deputy, or such Justice or Justices of the Peace before whom such Person or Persons shall be convicted, as aforesaid, to commit every such Offender and Offenders to the House of Correction, or common Gaol of the said Borough of King's Lynn, there to be kept to hard Labour for any Time not exceeding the Space of Three Months, or until such pecuniary Pe-

nalties shall be paid; which said pecuniary Penalties, so adjudged and paid, or levied in the Manner herein directed, shall go and be paid, One Moiety thereof to the Use of the Informers, and the other Moiety thereof to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), to be by them applied and distributed for the Relief of such Poor Pilots or Bridgemen heretofore licensed by the said Mayor and Burgesses, or to be hereafter licensed in pursuance of this Act, in such Manner as the same Commissioners shall, from Time to Time, think meet and necessary.

Persons aggrieved may apply to the next Session.

And be it further enacted, That in case any Person or Persons shall think himself or themselves aggrieved by any Penalty or Penalties, Conviction or Convictions, in pursuance of this Act, it shall and may be lawful to and for him and them to appeal to the Justice of the Peace at the next General Quarter Sessions of the Peace to be holden for the said Borough, or any Adjournment thereof, who are hereby authorised and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of the Person or Persons so thinking him, her, or themselves aggrieved; and the said Justices may, by Order of such Sessions, mitigate or annul at their Discretion all or any of the Penalties laid on and incurred by the Party or Parties complaining, or alter or vacate the said Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise may ratify and confirm the same, and give such Costs to the Appellants or Respondents as they shall think fit; but the Person or Persons so appealing as aforesaid shall enter into a Recognizance before such Justice, with Two sufficient Sureties, to prosecute such Appeal at the next General Quarter Sessions of the Peace for the said Borough, or any Adjournment thereof; and every such Appeal shall, at such General Quarter Sessions, be heard and finally determined.

Proceedings not to be quashed for want of Form.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Order or other Proceedings to be had or made by or before any Mayor, Deputy Mayor, Justice or Justices of the Peace of the said Borough,

in

in relation to the Premises, shall be quashed or vacated for Want of Form only; and that it shall and may be sufficient for such Mayor, Deputy Mayor, Justice or Justices, to draw up the Conviction of any Offender against this present Act, in the following Form, or Words to that Effect:

Form of Conviction.

Borough of King's Lynn. } BE it remembered, That on the Day of in the Year of our Lord is (or are) convicted before of His Majesty's Justices of the Peace for the said Borough, for *(specifying the Offence, Time, and Place, when and where the same was committed, as the Case shall be)*. Given under Hand and Seal *(or Hands and Seals)* the Day and Year aforesaid.

Commissioners to fix down in the Harbour not less than 18 Moorings.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), to fix and lay down, or cause to be fixed and laid down, in the Harbour of the said Borough and Port, not less than Eighteen sufficient Moorings, with proper Chains, Rings, and Floats to each Mooring, usually called Harbour Moorings, for the safe Riding of the Ships and Vessels in the said Harbour; the Property and Right whereof, and of all Materials of which the same shall consist, are hereby vested in the said Commissioners for ever; and they, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), are hereby impowered, from Time to Time, to bring, or cause to be brought, any Action or Actions, in the Name of their Treasurer or Clerk, against any Person or Persons who shall wilfully injure or damage the same.

After *June* 24, 1773, the Commissioners are to receive the following Duties.

And be it further enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of June, One thousand seven hundred and seventy-three, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), or for such Person or Persons as they shall appoint for that Pur-

pose, to demand, collect, receive, and take as a Tonnage or Duty, (over and above the several Rates and Dues paid and payable before the passing of this Act), of and from all and every the Masters or Commanders of every Ship or Vessel belonging to His Majesty's Subjects arriving at, or coming to the said Port of King's Lynn, and laden with Coals, any Sum of Money not exceeding One Penny per Chaldron, Lynn Measure, for each and every Chaldron of Coals on board such Ship or Vessel; and also of and from all and every the Masters or Commanders of every Ship or Vessel, belonging to His said Majesty's Subjects, as well those bound inward as outward, and laden with any other Kind of Goods, Wares, and Merchandises, any Sum of Money not exceeding One Penny per Ton, for each and every Ton of Goods, Wares, and Merchandises, on board such Ship or Vessel; and also of and from all and every the Masters or Commanders of every foreign Ship or Vessel, any Sum of Money not exceeding Double the Duty or Tonage in the respective Cases before mentioned, payable by Masters or Vessels belonging to His Majesty's Subjects.

Power to borrow Money on the Credit of such Duties.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), from Time to Time, upon the Credit of the said Tonage or Duties payable by this Act, to borrow and take up at Interest, not exceeding the Rate of Five Pounds per Centum per Annum, any Sum or Sums of Money which they shall think needful, not exceeding the Sum of Five thousand Pounds; and they are hereby authorised and impowered, by any Writing or Writings without Stamp, under their Hands and Seals, to assign over the said Tonage or Duties, or any Part or Parts thereof, to any Person or Persons for any Term or Number of Years, as a Security or Securities for the Sums of Money that shall be borrowed, and the Interest thereof, as aforesaid; and Copies of all such Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners;

Assignments to be entered in a Book.

sioners; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the said gross Sum of Five thousand Pounds, in respect of Priority of advancing his, her, or their Part or Parts thereof; but that all such Lendees and Persons to whom such Assignments shall be made as aforesaid, shall, so far as the gross Sum shall extend, be, and are hereby declared to be Creditors on the said Tonage or Duties, in equal Degree One with another.

Securities may be transferred,

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Assignment or Assignments of the said Tonage or Duties shall be made by virtue of this Act, his, her, or their Executors or Administrators, shall and may, and he, she, and they is and are hereby authorised, from Time to Time, by any Instrument in Writing, or by signing any Indorsement on his, her, or their Security or Securities, in the following Words, or in Words to the same or the like Effect:

I *A. B.* do hereby assign and transfer all my Title and Interest in the principal Sum and Interest secured by the within Assignment to *C. D.* his Executors, Administrators, and Assigns:

To assign and transfer his, her, and their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which Instrument or Indorsement shall be without Stamp, and the same so made, and signed, and entered with the Clerk to the said Commissioners, (for which he shall be paid the Sum of Two Shillings and Sixpence, and no more), shall intitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof; and such Person and Persons, Executors, and Administrators, may, in like Manner, indorse and transfer the same again, and so toties quoties; and it shall not be in the Power of the Person or Persons who shall have made such Instrument or Indorsement to make void, release, or discharge the same.

and entered with the Clerk.

Commissioners may appoint Officers,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), to chuse and appoint a Clerk, Treasurer, Collector, and such other Officers or Persons as they shall judge necessary for carrying this Act into Execution; and to settle such Fees and Salaries to be taken by such Officers as the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being to be One), shall from Time to Time judge reasonable; and from Time to Time to remove such Officers, or any of them, and to appoint others in their Stead; and that the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being to be One), shall take of such Treasurer and Collector, so to be chosen and appointed as aforesaid, such good and sufficient Security for the due Execution of their respective Offices as to them the said Commissioners shall seem meet; and that all such Officers and Persons shall, from Time to Time, when thereunto required by the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), deliver to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), or to such other Person or Persons as they, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), shall for that Purpose appoint, true and perfect Accounts in Writings under their respective Hands, upon Oath, (which Oath any One of the said Commissioners is hereby impowered to administer), of all Monies which he, they, and every of them respectively shall to that Time have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall then appear to be in their Hands to the said Commissioners, or any Seven or more of them, (whereof the said Mayor

allow them Salaries,

and remove them.

Commissioners to take Security of the Treasurer and Collector.

Officers to settle Accounts when required by the Commissioners.

or

or Deputy Mayor for the Time being shall be One), or to such Person or Persons as they, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being to be One), shall appoint to receive the same: And if any such Officer or other Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to deliver up all the Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall neglect or refuse to pay the Money due on such Account in Manner aforesaid; or if any such Officer or other Person shall refuse or neglect to deliver up to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), or to such Person or Persons as they shall appoint, within Ten Days next after his or their being required so to do by the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), all the Books, Papers, and other Writings, in his or their Custody or Power, relating to the Execution of this Act; then, and in all or any of the said Cases, it shall and may be lawful for any One or more Justice or Justices of the Peace for the said Borough, and he or they is and are hereby required, upon Complaint made thereof, to make Enquiry concerning such Default in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justice or Justices is and are hereby impowered and required to administer); and if any such Officer or other Person shall be convicted of any of the Offences aforesaid, such Justice or Justices shall commit the Offender or Offenders to the common Gaol of the said Borough, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded for the same with the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Commissioners, or any Seven or

On Refusal to account,

or upon Conviction of any Offence, to be committed till they compound, or make Satisfaction.

more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), are hereby impowered to make; and until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One).

Commissioners accepting an Office of Profit under this Act, if a Member of the Corporation, not to act while he holds it.

Provided always, and be it further enacted by the Authority aforesaid, That if any Commissioner appointed by or to be elected in pursuance of this Act shall at any Time accept of any Office of Profit under this Act, such Commissioner, if a Member of the said Corporation, shall not, during his Continuance in such Office, act as a Commissioner in the Execution of this Act, and such Commissioner, if not a Member of the said Corporation, shall cease to be a Commissioner, and another Person shall be elected a Commissioner in his Place, as hereinbefore directed.

In case a Ship departs out of the Port before the Duties are paid, the Custom-house Officers shall not give her a Clearance.

And, to the Intent the said Tonage or Duties may be truly answered and paid, be it further enacted by the Authority aforesaid, That in case any Ship or Vessel shall depart out of the said Port without the said Tonage or Duties being paid, then the Collector of the said Tonage or Duties shall give Notice thereof to the Collector of His Majesty's Customs, Comptroller, Receiver of Entries, or their respective Deputies, at the Port of King's Lynn aforesaid; and such Collector, Comptroller, Receiver of Entries, or their Deputies, shall not, after such Notice, take or receive any Entry or Cocquet, or Discharge or Clearance, or take any Report outwards for such Ship or Vessel, British or Foreign, liable or subject to the Payment of the said Tonage or Duties, until double the Tonage or Duties so left unpaid shall be paid to the Collector of the said Tonage or Duties.

The King's Ships and Revenue Vessels exempted from Duties.

Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to charge any of the Ships or Vessels of War belonging to His Majesty, His Heirs or Successors, or any Vessel or Wherry employed in the Service of His Majesty's Revenue, with any of the Duties hereby granted.

And be it further enacted and declared by the Authority aforesaid, That the said Harbour Mooring shall, from Time to Time, be maintained and kept in good and sufficient Repair, so as the Shipping and Trade of the said Borough and Port may be effectually benefited thereby, according to the true Intent and Meaning of this Act; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), out of the said Tonage and Duties granted by this Act, or out of the Monies to be borrowed on the Credit thereof, to pay all just and reasonable Sums of Money and Charges that shall or may be expended and accrue in obtaining this Act, and in buying and laying down, maintaining, and repairing the said Harbour Moorings, together with all Salaries and other Charges which shall be proper and necessary for the several Purposes directed by this Act.

The Harbour Moorings to be kept in Repair.

Application of the Duties arising by this Act, &c.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to invalidate, alter, lessen, take away, impeach, or defeat any of the Rights, Grants, Liberties, Powers, Franchises, Privileges, Dues, Payments, and Revenues heretofore granted, or which by any Charter, ancient Usage, Prescription, or Custom, have, from Time to Time, been had, enjoyed, received, taken, and used by the Mayor and Burgesses of the said Borough, (save and except as to such Powers and Authorities as were heretofore vested in the said Mayor and Burgesses, which have been found to be insufficient and ineffectual to regulate and govern the said Pilots and Bridgemen), nor to affect any landed Property adjoining to the said Harbour, but that the same shall stand, remain, and be in their full Force and Effect, in the same Manner as if this Act had not been made; any Thing in this Act contained to the Contrary thereof in any-wise notwithstanding.

For saving of the Corporation Rights.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, 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, or the Party or Parties making the same deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done 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 in an Action upon the Case: Provided that no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, if sufficient Tender of Amends shall have been made to him, her, or them, by or on Behalf of the Defendant or Defendants before such Action brought.

nor the Party distraining a Trespasser *ab initio.*

Tender of Amends may be made.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Person or Persons against whom the same is to be brought; and every such Action or Suit shall be commenced within Six Calendar Months next after the Cause of Action shall arise, and shall be laid and brought in the County of Norfolk, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the Matter in Question was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action or Suit shall be brought after the Time herein-before limited in that Behalf, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action

General Issue.

tion or Suit, after the Defendant shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs of Suit, upon Affidavit made or Certificate of the Judge or Judges before whom such Cause shall be tried, of all or any of the Circumstances before mentioned, as the Case may happen, and shall have the like Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases of Law. Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed, in all Courts of Judicature within this Kingdom, as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof judicially as such, without specially pleading the same. Publick Act.

FINIS.