ANNO TRICESIMO QUARTO

Georgii III. Regis.

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CAP. CXII.

An Act for better regulating the Harbour of *Dover*, in the County of *Kent*. [11th *June* 1794.]

WHEREAS the Number of Ships and other Veſſels reſorting to the Harbour of *Dover*, in the County of *Kent*, is of late Years greatly increaſed, and on Account thereof the Powers and Authorities veſted in the Warden and Aſſiſtants of the ſaid Harbour, for regulating the ſaid Harbour, and the mooring of Ships and Veſſels therein, are found inſufficient for thoſe Purpoſes: And whereas it is of great Conſequence to the Publick that ſome further Powers ſhould be given for regulating the ſaid Harbour, and the mooring of Ships and Veſſels therein: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Warden and Aſſiſtants, or their Harbour Maſter for the Time being, ſhall be, and are or is hereby authorized and empowered to order, direct, and regulate, the immediate mooring or ſtationing of Ships and Veſſels reſorting to or coming into the ſaid Harbour, and the paſſing or removing of Ships and Veſſels into and out of the ſaid Harbour, and the removing of any ſuch Ships or Veſſels from one Part or Baſon of the ſaid Harbour to any other Part, or to the other Baſon of the ſaid Harbour, or

Preamble.

Corporation empowered to regulate the Harbour;

or from any Part of the ſaid Harbour, or the inner Baſon thereof, into a certain Place or Baſon communicating with the ſaid Habour, called *The Pent*.

and for that Purpoſe to make Bye Laws.

II. And, for the better carrying the Purpoſes of this Act into Execution, be it further enacted, That the ſaid Warden and Aſſiſtants ſhall from Time to Time have full Power and Authority to make ſuch Bye Laws, Rules, and Orders, for the Purpoſes aforeſaid, and alſo for the well ordering and managing all Matters and Things concerning the ſaid Harbour, and for the Relief and Aſſiſtance of Ships and Veſſels reſorting to or ſeeking Shelter therein, as they ſhall think neceſſary or proper, and from Time to Time to alter or repeal any ſuch Bye Laws, Rules, and Orders, and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons offending againſt the ſame, as the ſaid Warden and Aſſiſtants ſhall think fit, not exceeding the Sum of Five Pounds for any One Offence; which ſaid Bye Laws, Rules, and Orders, being reduced into Writing, under the Common Seal of the ſaid Warden and Aſſiſtants, ſhall be obſerved and kept, and put in Execution, and ſhall have the ſame Force, Effect, and Operation, as if the ſame were reſpectively ſet forth and enacted in and by this Act, ſo that the ſame be not repugnant to the Laws of this Realm, or to any Proviſion contained in this Act.

Copy of the Bye Laws to be affixed upon a conſpicuous Part of the Harbour.

III. And be it further enacted, That Copies of all ſuch Bye Laws, Rules, and Orders, as ſhall be ſo made as aforeſaid, or of ſo much thereof as ſhall concern or relate to the Conduct and Regulation of the ſaid Harbour, or of any Officers, Servants, or other Perſons employed in or about the ſame, or of the Perſons reſorting to or making uſe thereof, ſhall be written or printed in large Characters, and in the moſt uſual Languages, and affixed in ſome conſpicuous Place in or near the ſaid Harbour.

Harbour Maſter may remove Ships where the Perſons having the Conduct of them omit, and ſhall be repaid the Expence.

IV. And be it further enacted, That in caſe the Maſter or Commander of any Ship or Veſſel which ſhall come into the ſaid Harbour ſhall not, upon being required ſo to do by the Harbour Maſter for the Time being appointed by the ſaid Warden and Aſſiſtants, remove ſuch Ship or Veſſel as ſoon as may be to ſuch Part of the ſaid Harbour as the ſaid Harbour Maſter ſhall direct, it ſhall be lawful for ſuch Harbour Maſter to cauſe ſuch Ship or Veſſel to be removed to ſuch Part of the ſaid Harbour as he ſhall think proper, and the Maſter or Commander thereof ſhall pay the Charges and Expences of ſuch Removal, and ſhall alſo pay the Fine or Forfeiture which he would be ſubject to for Breach of any ſuch Bye Laws, Rules, or Orders as aforeſaid, and ſuch Charges and Expences ſhall and may be recovered in like Manner as any Fine, Penalty, or Forfeiture, leſs than Fifty Pounds, is by this Act directed to be recovered; and if any Perſon ſhall obſtruct or hinder the Removal of any ſuch Ship or Veſſel, either by the Maſter or Commander thereof, or by the ſaid Harbour Maſter, or any Perſon or Perſons acting under his Direction, every ſuch Perſon ſhall forfeit and pay the Sum of Fifty Pounds for every ſuch Offence; and if any ſuch Harbour Maſter ſhall, in the Judgement of the ſaid Warden and Aſſiſtants, give any undue Preference, or otherwiſe abuſe the Power or Authority veſted in him by virtue of this Act, touching the removing of any ſuch Ship or Veſſel, it ſhall be lawful for the ſaid Warden and Aſſiſtants to impoſe any Fine upon ſuch

Penalty on obſtructing the Removal of Ships;

and on the Harbour Maſter for Abuſe of his Power.

ſuch Harbour Maſter for every ſuch Offence, not exceeding Fifty Pounds.

V. And, in order to prevent Accidents by the bringing of Gunpowder into the ſaid Harbour, be it further enacted, That the Maſter or Commander of every Ship or Veſſel which ſhall enter the ſaid Harbour, having any Quantity of Gunpowder on Board exceeding the Weight of Twenty-five Pounds, ſhall, without Delay, after entering into the ſaid Harbour, give Notice thereof to the ſaid Harbour Maſter, and ſuch Ship or Veſſel ſhall be immediately moored and placed in ſuch Situation, within the outer Part or Baſon of the ſaid Harbour, or within the ſaid *Pent*, as the ſaid Harbour Maſter ſhall think moſt ſecure, and ſhall direct; and ſuch Ship or Veſſel ſhall not be permitted, under any Pretence whatſoever, to remain in the middle Baſon of the ſaid Harbour, unleſs the immediate Safety of ſuch Ship or Veſſel ſhall, in the Judgement of the ſaid Harbour Maſter, require the ſame; and in caſe the Maſter or Commander of any ſuch Ship or Veſſel ſhall not give ſuch Notice as aforeſaid, he ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Pounds; and in caſe any ſuch Ship or Veſſel ſhall, with Permiſſion of the ſaid Harbour Maſter, be placed in the middle Baſon of the ſaid Harbour, all Gunpowder exceeding the Weight aforeſaid, ſhall without Delay be delivered or diſcharged from on Board ſuch Ship or Veſſel, at the Expence of the Owner or Owners of ſuch Ship or Veſſel, and depoſited in ſome Place of Safety, (to be appointed by the ſaid Warden and Aſſiſtants), out of the ſaid Harbour; and in caſe the Maſter or Commander of any ſuch Ship or Veſſel ſhall refuſe or neglect to moor or place ſuch Ship or Veſſel in ſuch Situation as the ſaid Harbour Maſter ſhall have required as aforeſaid, or in caſe ſuch Ship or Veſſel ſhall be placed in the middle Baſon of the ſaid Harbour, and the Maſter or Commander thereof ſhall not without Delay deliver or diſcharge from on Board of ſuch Ship or Veſſel all Gunpowder exceeding the Weight aforeſaid, and depoſit the ſame in ſuch Place as ſhall be appointed by the ſaid Warden and Aſſiſtants as aforeſaid, the Maſter or Commander of ſuch Ship or Veſſel ſo offending ſhall forfeit and pay, for every ſuch Offence, the Sum of Fifty Pounds.

To prevent Accidents by Gunpowder.

VI. And, for the better Preſervation of the ſaid Harbour and Baſons, be it further enacted, That if any Perſon ſhall throw or empty any Ballaſt, Earth, Duſt, Aſhes, Rubbiſh, or Stones, into the ſaid Harbour, or any Baſon belonging thereto, or into the ſaid Place or Baſon called *The Pent*, or on any of the Wharfs or Quays of or belonging to the ſaid Harbour, or take away or remove any Ballaſt, Shingle, or Stones, from any Part of the ſaid Harbour, or any Baſon thereof, or from any of the Wharfs, Quays, or Outworks, of or belonging to the ſaid Harbour, without Leave for that Purpoſe firſt had and obtained from the ſaid Warden and Aſſiſtants, or their Harbour Maſter, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, for every ſuch Offence.

Penalty on throwing Ballaſt, &c. into the Harbour to the Prejudice thereof.

VII. And be it further enacted, That all Acts and Proceedings of the ſaid Warden and Aſſiſtants to be done in Exerciſe of the Powers and Authorities by this Act given and granted to them, ſhall be done at publick Meetings of the ſaid Warden and Aſſiſtants; and that all the

Proceedings of the Corporation to be done at Meetings.

the Powers and Authorities hereby granted to or veſted in the ſaid Warden and Aſſiſtants, ſhall and may from Time to Time be exerciſed by the major Part of them preſent at their reſpective Meetings, (the Warden or his Lieutenant always being One), and all ſuch Acts and Proceedings ſhall be as valid as if done and exerciſed by the ſaid Warden and all the ſaid Aſſiſtants.

Recovery of Penalties.

VIII. And be it further enacted, That all Fines, Penalties, and Forfeitures impoſed by this Act, or any Bye Law, Rule, or Order, to be made by virtue of this Act as aforeſaid, ſhall be recovered in Manner following; (that is to ſay), in all Caſes where the Fine, Penalty, or Forfeiture, ſhall amount to the Sum of Fifty Pounds, or upwards, the ſame ſhall be recovered by the ſaid Warden and Aſſiſtants by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name of the Warden of the ſaid Harbour for the Time being; and where the Fine, Penalty, or Forfeiture, ſhall be leſs than Fifty Pounds, the ſame ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of the Mayor of the Town and Port of *Dover*, or any Juſtice of the Peace for the County or Place wherein the Offender ſhall be or reſide, which Warrant ſuch Mayor or Juſtice is hereby empowered to grant, upon Conviction of the Party before ſuch Mayor or Juſtice, either by the Confeſſion of the Party, or upon the Information of any credible Witneſs upon Oath, returning the Overplus (if any) to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Fines, Penalties, or Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall not be forthwith paid, ſuch Mayor or Juſtice is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Fines, Penalties, or Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied; and all Fines, Penalties, and Forfeitures, which ſhall be recovered or received by virtue of this Act, ſhall be paid to ſuch Perſon as the ſaid Warden and Aſſiſtants ſhall by Writing under their Common Seal appoint to receive the ſame, and ſhall be applied towards defraying the Expences of ſupporting, repairing, and managing, the ſaid Harbour.

Appeal.

IX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf aggrieved by any Matter or Thing to be done in purſuance of this Act, every ſuch Perſon may appeal to the Juſtices at any General or Quarter Seſſion of the Peace to be holden for the Town and Port of *Dover*, or the County of *Kent*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving Fourteen Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Warden of the ſaid Harbour for the Time being, or his Lieutenant, and within Five Days after ſuch Notice entering into a Recognizance before the ſaid Mayor, or ſome Juſtice of the Peace for the ſaid Town and Port, or County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by

by the Juſtices at ſuch Seſſion; and the Juſtices at ſuch Seſſion ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they ſhall think proper, and their Determination therein ſhall be final and concluſive.

Expences of the Act, and Publick Act.

X. And be it further enacted, That the Charges and Expences attending the obtaining and paſſing of this Act ſhall be paid by the ſaid Warden and Aſſiſtants; and that this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

FINIS.