ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

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C A P. LXXIII.

An Act for the better Security of His Majesty's Naval Arsenals in the River *Medway*, and *Portsmouth* and *Hamoaze* Harbours, and of His Majesty's Ships and Vessels lying at and resorting to the same.

[15th *June* 1811.]

WHEREAS it is necessary for the Preservation and Security of His Majesty's Ships and Vessels, and Naval Arsenals in the River *Medway*, and in the Great Harbours of *Portsmouth* and *Hamoaze*, that all Ships and Vessels, not belonging to the Royal Navy, entering the said River and Harbours should be placed under proper Regulations with respect to the Disposal of any Gunpowder which may be on board the same, 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 Master or Commander of every Ship or Vessel, not belonging to His Majesty, which shall be intended to proceed into or enter the said River or Harbours shall, previous to such Ships or Vessels entering the same, land or deposit all the Gunpowder which may be on board such Ship or Vessel over and above the Quantity of Five Pounds Weight at such Warehouse or Warehouses, Place or Places, as shall from Time to Time be appointed for the Purpose of receiving the same by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Lords Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Three or more of them (which Appointment of such Warehouses or Places shall be notified in the *London Gazette*), and the Master or Owner of every such Ship or Vessel shall pay Warehouse Rent for such Powder, at the Rate of One Shilling *per* Barrel, to the Officer, Keeper, or other Person appointed by the Master General and Officers of His Majesty's Ordnance, (who are hereby required and directed to make such Appointment as soon as they shall be certified of the Appointment by the said Lord High Admiral or Lords Commissioners of the Admiralty of such Warehouses or Places) for the Custody of such Gunpowder, and the Care and Superintendance of such Warehouses or Places,

Masters of Vessels shall, before entering the River Medway, &c. deposit all Gunpowder on board above 5lb. in such Warehouses as shall be appointed by the Admiralty.

1s. per Barrel to be paid for Warehouse Rent to the Keeper appointed by the Master of the Ordnance.

Places, and which Rent the said Officer, Keeper, or Person so appointed is hereby authorized and required to demand and receive; and if any such Master or Owner shall neglect or refuse to land or deposit such Gunpowder as aforesaid without reasonable Excuse to be allowed by Certificate in Writing of the Commander in Chief of His Majesty's Ships or Vessels, or the Resident Commissioner of the Navy at *Sheerness*, *Portsmouth*, and *Plymouth*, for the Time being respectively, or in his or their Absence by the Senior Master Attendant of His Majesty's Dock Yard at either of the said Places, or shall refuse to pay such Warehouse Rent as aforesaid, he shall respectively, for every such Offence or Default, forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Five Pounds, together with all the Gunpowder on board such Ship or Vessel: Provided always, that in case any Ship or Vessel shall be driven within the said River or Harbours by stress of Weather, so that it shall not have been possible to have previously landed or deposited at the Warehouse or Place appointed the Gunpowder on board the same, the Officer of the Customs that shall first go on board such Ship or Vessel shall make a Report to the Collector and Comptroller of the Customs of the Port of the Quantity of Gunpowder (if any) on board such Ship or Vessel; and such Collector or Comptroller shall, without Delay, transmit a Copy thereof to the Resident Commissioner of the Navy at *Sheerness*, *Portsmouth*, or *Plymouth*, or in his Absence to the Senior Master Attendant of His Majesty's Dock Yards at either of those Places; and the Master or Commander of every Ship or Vessel so driven in as aforesaid shall, within Twenty-four Hours after such Ship or Vessel shall have entered said River or Harbours, land and deposit all the Gunpowder over and above the Quantity of Five Pounds Weight which may be on board the same, at the Warehouse or Place and in the Manner herein-before provided for, on pain of forfeiting a Sum not exceeding Twenty Pounds, nor less than Five Pounds, together with all the Gunpowder on board such Ship or Vessel: Provided always, that it shall and may be lawful to and for the said Lord High Admiral, or Lords Commissioners for executing the Office of Lord High Admiral, or any Three or more of them for the Time being, or for the Resident Commissioner at *Sheerness*, *Portsmouth* or *Plymouth*, to order such Gunpowder to be restored to the Owner or Owners thereof, in such Cases where it may be deemed proper so to do.

Penalty.

Proviso in case of being driven within the River, &c. by Stress of Weather.

II. And be it further enacted, That before any armed Ship or Vessel, not belonging to His Majesty, shall enter the said River or either of the said Harbours, the Guns on board the same shall be cleared or unloaded; and if any such Ship or Vessel shall come into or enter the said River or Harbours with any of her Guns loaded, either with Powder and Ball, or with Powder only (except in Cases of Distress as aforesaid), the Master or Person having the Charge or Command of every such Ship or Vessel shall, for every such Offence or Default, forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds.

Before entering the River, &c. the Guns of Vessels to be cleared.

III. And be it further enacted, That all Penalties or Forfeitures by this Act imposed shall be sued for within One Month after the Offence or Offences committed, and all such Penalties and Forfeitures shall be levied and recovered before any Two or more Justices of the Peace for the County in or adjoining to which the Offence shall be committed, and such Justices are hereby empowered and required, upon Information or Complaint to them made, to grant a Summons or Warrant to bring before them such Offender or Offenders at such Time or Place as shall be in such Warrant specified;

Penalties how to be levied and applied.

and if on the Conviction of the Offenders reſpectively, either on his, her, or their Confeſſion, or on the Evidence of any One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby empowered to adminiſter), ſuch Penalty or Forfeiture ſhall not be forthwith paid, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hands and Seals of ſuch Juſtices, and the Overplus (if any) of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fine, Penalty, or Forfeiture, and the Coſts and Charges of making ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained, and for Want of Diſtreſs, and in caſe the Penalty or Forfeiture ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Juſtices to commit every ſuch Offender to any Gaol or Houſe of Correction within the County, there to remain without Bail or Mainprize, for any Time not exceeding One Month, unleſs ſuch Penalty or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid; and all ſuch Penalties and Forfeitures when paid, and all the Warehouſe Rent for Gunpowder depoſited as herein-before provided, ſhall be applied towards carrying this Act into Execution, in ſuch Manner, and under ſuch Checks and Regulations as the ſaid Lord High Admiral, or the Lords Commiſſioners of the Admiralty, for the Time being, or any Three or more of them, ſhall direct.

Diſtreſs not unlawful for want of Form.

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

Convictions to be drawn according to the following Form.

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

Form.

'} BE it remembered, that on the Day of
'to wit, } in the Year of our Lord
'*A. B.* is convicted before us [*here ſpecify the Offence and the Time and Place when and where committed, as the Caſe may be*] contrary to an Act of Parliament made in the Fifty-firſt Year of the Reign of King *George* the Third, intituled, [*here inſert the Title of this Act.*] Given under our Hands and Seals the Day and Year firſt above written.

'*C. D.*
'*E. F.*'

Appeal may be made to Quarter Seſſions.

VI. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons, ſo convicted of any Offence or Offences againſt this Act, to appeal to the Juſtices of the Peace aſſembled at the next General Quarter Seſſions or General Seſſions to be holden for the County or Place in which ſuch Conviction ſhall be made, on giving Fourteen Days Notice

Notice of such Appeal, and finding sufficient Security, to the Satisfaction of such Justices, for being personally present at such General Quarter Sessions or General Sessions, and for prosecuting the said Appeal with Effect, and abiding the Determination of the Court therein; and such Justices, in such General Quarter Sessions or General Sessions, shall hear and determine the Matter of such Appeal, and may either confirm or quash and annul the said Conviction and award such Costs to either Party as to them the said Justices seem just and reasonable; and the Decision of the said Justices therein shall be final, binding, and conclusive; and no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form only, or be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice to be given of Actions, &c.

VII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgment shall be made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

VIII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Three Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place where or adjoining to which the Cause of Action shall arise; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, 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 or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases of Law.

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