

BR 15761

**KING'S LYNN
DOCKS
AND
RAILWAY COMPANY
BYE-LAWS**

With Extracts from the Harbours, Docks and Piers
Clauses Act, 1847 (10 & 11 Vict., cap 27).

BYELAWS.

These Bye-Laws are made by the King's Lynn Docks and Railway Company in pursuance of the powers vested in them by the King's Lynn Docks and Railway Acts, 1865 to 1924, the King's Lynn Docks and Railway (Quay) Order, 1930, and of every other power vested in them and applicable to the making of Byelaws.

NOTE.—The limits, as defined in Section 9 of the King's Lynn Docks and Railway (Quay) Order, 1930, within which the powers of the Dock Master of the Company may be exercised comprise the existing docks of the Company and entrances thereto and a distance of one hundred yards measured in all directions from any part of the said docks and entrances but not so as to supersede or interfere with otherwise than with the consent of the King's Lynn Conservancy Board the powers of the harbour master of King's Lynn in directing the navigation of vessels through the harbour or port of King's Lynn nor to permit or allow any ship or vessel to be moored within one hundred feet from the low-water mark on the west side of the river Ouse.

Citation.—Repeal of previous Byelaws.

1. These Byelaws may be cited as the King's Lynn Docks and Railway Byelaws 1935 and shall come into operation one month after the allowance and confirmation thereof by the Minister of Transport.

As from the expiration of the said month the Byelaws made by the King's Lynn Dock Company on the 23rd July, 1869, which were confirmed and allowed at the General Quarter Sessions of the Peace at King's Lynn on the 4th November 1869 shall be repealed.

Interpretation.

2. The following words or expressions where used in the Bye-laws hereinafter set forth shall have the several meanings hereby assigned to them unless there be something in the subject or the context repugnant to such meaning (that is to say) :—

“The Company” means the King's Lynn Docks and Railway Company ;

“The Dock” includes the Docks of the Company, and either of them, and any part thereof and any lock, cut or entrance, quays, wharves, walls, jetties, piers or other works connected therewith ;

“Person,” “Vessel,” “Master,” “Owner,” “Goods,” “Rate” and “Collector of Rates” have respectively the meanings assigned thereto by the Harbours, Docks and Piers Clauses Act, 1847 ;

*See
Appendix
pages 14
and 15.*

“Boat” means a Vessel, whether propelled by oars or otherwise, not being a Vessel used in sea navigation.

“The Dock Master” means the Dock Master appointed by the Company and includes his duly authorised deputy and assistants.

“Motor Vehicle” means any vehicle propelled otherwise than by human or animal power.

Entry of Vessels into Dock.

3. The Master or other person having the charge of any Vessel about to enter the Dock shall not approach the gates of the Dock or Lock with that Vessel by day until a blue flag shall be hoisted, nor by night until a red light shall be exhibited on the Pier Head of the Dock, and shall only enter the Dock or Lock whilst that flag remains hoisted or that red light remains exhibited. Vessels shall enter the Dock or Lock only in the order of arrival.

Departure of Vessels from Dock.

4. No Vessel shall pass out of the Dock by day until a red flag shall be hoisted nor by night until a green light shall be exhibited on the Pier Head of the Dock.

Competent person to be in charge.

5. No Vessel shall enter or leave the Dock without having the Master or other competent person in charge of her on board.

Information as to draught.

6. The Master of every Vessel about to enter the Dock shall, if required, truly state to the Dock Master before entry the draught of such Vessel.

Ropes of Vessels lying up.

7. The Master of any Vessel lying up in the Dock must at all times slack and otherwise attend to the ropes by which she is moored or fastened.

Control of sails, yards and masts.

8. No Vessel in the Dock shall have the sails thereof loose after sunset, or in squally weather, or at any time after directions to furl them have been given by the Dock Master, and the yards and masts of any Vessel lying in the Dock shall be struck when required by the Dock Master.

Adequate number of men to be kept on board.

9. The Master or other person having the charge of any Vessel shall, whilst his Vessel is lying in the Dock, keep on board of her a number of men sufficient to move and to look after and protect or take charge of her.

Mooring of Vessels.

10. Every Vessel in the Dock shall be securely and efficiently moored to the mooring or warping buoys of the Dock and not to any

other buoy or any dredger, ballast crane, spout, staith, drop, coffer dam or Lock Gate, or to any part of the works of the Dock except the proper mooring posts and rings.

Obstructions to navigation.

11. No obstruction of any kind to navigation shall be placed or laid in any part of the Dock or the approaches thereto.

Speed of Vessels in Dock—Towing.

12. No Vessel shall navigate the Dock at a greater speed than two miles an hour and the Master of any Vessel entering or being in the Dock for the purpose of towing shall cause the same to take its turn as appointed by the Dock Master and shall not without his permission tow more than one vessel at once into or out of the Dock.

Period during which Vessels may remain in Dock.

13. No Vessel shall remain in the Dock for a longer period than six days (except while awaiting her turn for being discharged or receiving a cargo) without the consent in writing of the General Manager of the Company and the Master or Owner of every Vessel remaining in the Dock for any longer period, shall be deemed to have committed a breach of this Bye-law.

Opening or closing of Dock Gates or Sluices.

14. No person shall, without the authority of the Dock Master open or shut any Dock Gate or Sluice appertaining to the Dock.

Fumigating of Vessels.

15. No person shall fumigate or assist in fumigating any Vessel in the Dock without or otherwise than in accordance with the permission in writing of the Dock Master, and no Owner or Master of a Vessel shall cause or permit it to be fumigated in contravention of this Bye-law.

Lights, fires, etc.

16. (i) No person shall have, or cause or suffer any other person to have, any fire or other form of heating, lighted candle, lighted lamp or other illuminant (other than, subject as hereinafter provided, electric lights, fires in the furnaces, and fires and lights in the galleys, cabins and living accommodation) in any Vessel within

the Dock or within the limits within which the powers of the Dock Master may be exercised,* except at such times in such manner and in such circumstances as shall from time to time be permitted by the Dock Master.

(ii) No person shall have, or cause or suffer any other person to have any fire or any light (other than electric light) in or on the Dock except at such times in such manner and in such circumstances as shall from time to time be permitted by the Dock Master.

(iii) Such permission as aforesaid may be given subject to such conditions as may be prescribed by the Dock Master and all such conditions shall be strictly complied with. Such permission may be withdrawn at any time at the discretion of the General Manager or the Dock Master and the General Manager or the Dock Master may at any time require electric lights fires in furnaces and fires and lights in galleys cabins and living accommodation to be extinguished or discontinued if in his discretion he thinks fit.

(iv) Every Vessel, being within the Dock or within the said limits within which the powers of the Dock Master may be exercised shall constantly have on board sufficient hose, with apparatus for working the same, for the purpose of extinguishing fire; and the same shall at all times be kept in proper working order, and shall be at any time exhibited to the Dock Master upon request; and if, upon his inspection thereof, in the case of any Vessel, such hose and apparatus shall be considered by him to be out of repair, such Vessel shall not be allowed to have any fire or light on board until such apparatus and hose shall be repaired and put into proper order and condition, to the satisfaction of the Dock Master.

Safety of property from fire, etc.

17. No person shall have or cause or suffer any other person to have at any time on any part of the premises of or belonging to the Company any fire or light or inflammable or combustible goods whereby the safety of any property is or may be endangered.

Compliance with requirements as to machinery, etc., in case of liquid fuel Vessels.

18. Before any Vessel whose motive power is derived directly or indirectly from the combustion of liquid fuel (in this and the two next succeeding Byelaws referred to as a liquid fuel Vessel) shall be brought into or navigate the Dock the Owner or Master thereof shall

* See page 3.

if required by the Dock Master deliver to him a declaration signed by such Owner or Master that the machinery, fuel, tanks, boilers and every appliance for the production of motive power, light and heat have been surveyed and at the date of such declaration comply with the requirements either of the Board of Trade or of Lloyds Register of Shipping or of some other body approved by the Company.

Restriction on discharge of liquids from liquid fuel Vessels.

19. No liquid (other than clean water) shall be discharged into the Dock from any liquid fuel Vessel.

Transference of liquid fuel into or from liquid fuel Vessels.

20. No liquid fuel shall be transferred from any liquid fuel Vessel into any other vessel, or into any reservoir, tank, or tank vehicle on shore, nor shall liquid fuel be transferred from any vessel, or reservoir, tank, or tank vehicle on shore, into a liquid fuel Vessel, except by means of pumping through a perfectly oil-tight system of flexible pipes connected to the pipes leading to the tanks or reservoirs for containing the liquid fuel. This Bye-law shall not apply to any transfer of liquid fuel to which any Bye-laws made by the Company under the Petroleum (Consolidation) Act 1928 are applicable.

Repairing or scraping of Vessels.

21. No person shall repair or scrape any Vessel or anything thereon or belonging thereto in such a manner as to cause or allow any chips or pieces of wood or other material to fall into the water of the Dock. The Master of such Vessel shall in all respects conform to the reasonable directions of the Dock Master with reference to such work.

Ballast and other things not to be deposited on Quays, etc.

22. No person shall deposit or place on the quays, wharves, walls, jetties, piers or other works, any ballast, earth, dust, ashes, stones, rubbish, manure, filth, shavings, or other waste material, matter, or thing, and no person shall place any obstruction or allow any obstruction to remain thereon.

Report as to and discharge of ballast.

23. The Master of every Vessel entering the Dock in ballast shall forthwith make to the Collector of Rates a true and correct report of the quantity of ballast brought thereby within the Dock, and shall only discharge that ballast at such place in the Dock as shall from time to time be appointed for that purpose by the Dock Master; and

in case such discharge shall be allowed at any other place than that ordinarily appointed by the Dock Master for that purpose, then the Master of the Vessel shall have and provide a sufficient number of men on board during the time of and to assist in that discharge.

Use of portsails on discharging or taking in cargo or ballast.

24. The Master of every Vessel discharging or taking in a cargo in the Dock which may require the use of portsails, or (when permitted so to do as mentioned in the last preceding Bye-law), loading or discharging ballast in the Dock at any other place than that regularly appointed for that purpose, shall provide good and sufficient portsails for those purposes, and in default thereof, the Dock Master may prohibit the discharge or taking in of any cargo, or any part thereof, or of any ballast, until portsails satisfactory to him shall have been provided.

Discharge, etc., of timber into Dock.

25. The Owner or person having the charge of any Timber shall not without the consent in writing of the General Manager of the Company discharge timber from any vessel into the Dock or bring any floating timber into the Dock. The owner or person having the charge of any timber discharged or brought into the Dock shall forthwith upon the discharge thereof or bringing the same into the Dock make a raft or rafts thereof providing floats for all oak, elm or any other timber liable to sink and shall properly and effectually secure the same. Such owner or persons as aforesaid shall remove all such timber within the space of six days from the time when the discharge of the timber commenced, if discharged in the Dock or from the time when the timber was brought into the Dock, as the case may be.

Regulations as to Boats.

26. No boat shall be moored at any of the landing places of the Dock, and no boat shall enter or be in the Dock for the purpose of buying or selling ships' stores or other materials, without the permission of the General Manager of the Company, in writing and no boat (unless belonging to a vessel in the Dock) shall be permitted to enter the Dock unless it shall have the name of the owner thereof painted on the stern thereof in letters of not less than two inches in height.

Information to be given as to dangerous or hazardous goods.

27. The Owner or Master of every Vessel carrying a cargo which or any part of which consists of dangerous or hazardous goods shall without delay on entering the Dock inform the Dock Master of the nature and quantity thereof and the manner in which the same are stowed.

Avoidance of injury or risk from dangerous or hazardous goods.

28. Every person who shall bring or cause or suffer to be brought whether by land or water or have in or upon any part of the premises of the Company any dangerous or hazardous goods shall at all times keep and deal with the same and each portion, parcel, package or case thereof in such a manner as not to involve injury or risk of injury to any part of the premises of the Company or to any other goods on any part of such premises.

This Bye-law, and the next preceding Bye-law, shall not prejudice or affect any Bye-laws made by the Company and for the time being in force under the Petroleum (Consolidation) Act, 1928, or the Explosives Act, 1875, or any Act amending those Acts or either of them.

Breaking bulk or landing of cargo.

29. The Master of any Vessel with a cargo on board, or the Owner of that cargo or any part thereof, shall not break bulk or land any part of that cargo without the permission of the Collector of Rates until the whole of the cargo to be landed shall have been duly entered at the Custom House and a proper account thereof given to the Collector of Rates.

Payment of Rates before departure of Vessel.

30. No Vessel shall leave the Dock until the rates thereon and on the cargo therein, both inwards and outwards, shall have been duly paid, and until a proper permit has been obtained from the Collector of Rates or other proper Officer (who will give the same upon such payment being made), and that permit has been delivered at the Dock Master's Office.

Smoking.

31. No person shall smoke tobacco or any other substance on or within any part of the premises of the Company, or on any Vessel having any inflammable goods or matter on board, or on any other Vessel during the loading or unloading of such Vessel.

Defacement of or injury to property.

32. No person shall write upon or wilfully soil, deface, mark, or injure any wall, shed, barricade, railing, fence, post, or any other property of the Company in any way whatsoever.

Bills or placards.

33. No person shall, without the written authorisation of the General Manager of the Company, affix or cause to be affixed any bills or placards upon any part of the premises of the Company.

Defacement of Notices, etc.

34. No person shall destroy or deface any authorised bill or placard or any board or paper purporting to contain any bye-laws, notices, rules, orders, or tables of tolls or rates of the Company.

Trespass.

35. No person shall break or get over through or under any boundary or other fence, or wilfully trespass upon any property of the Company.

Obstructions, etc., on railways.

36. No person shall trespass upon the railways passing through the property under the control of the Company; or cross the line at places other than those appointed therefor; no horse, beast of burden, or vehicle of any description, shall be allowed to be or remain upon or within the limits of any line of railway of the Company or the space required for the working thereof, except for the purpose of crossing at the places appointed therefor.

Lights on vehicles.

37. Every person who shall use or cause or permit to be used any vehicle on any part of the Company's premises shall cause such vehicle to be lighted and kept lighted with the same lamps and in the same manner as if such place were a public highway.

Regulations as to traffic.

38. No person shall do or suffer or cause to be done or suffered in or upon any part of the property of the Company any act or default which, if such place were a highway, would be an offence against any Act for the time being in force relating to highways or roads or the use thereof or traffic thereon, or shall ride or drive furiously or so as to endanger the life or limb of any person or to the common danger of persons using the premises of the Company, or shall disobey the reasonable directions of any officer of the Company for the regulation of traffic.

Regulations as to Motor vehicles.

39. In addition and without prejudice to any other Bye-law of the Company, the following rules, unless otherwise authorised by the Company, shall be observed with regard to motor vehicles by their Owners and by all persons using or having the charge or control thereof :—

(a) The name and address of the Owner must be legibly exhibited on them or declared to the Constable on duty at the gate;

(b) No vehicle propelled by means of motor spirit as defined by the Finance (1909-10) Act, 1910, or by any enactment for the time being in force amending that Act, shall be left unattended in any warehouse or shed or covered space used for the deposit of merchandise or within twenty feet of any opening thereto or within twenty feet of any merchandise deposited in the open unless all fuel shall have been previously removed from such motor vehicle and no motor vehicle shall be left unattended on any other part of the property of the Company for more than one hour unless all fuel shall have been removed therefrom previously to its being so left unattended;

(c) No motor vehicle shall be or be used upon any part of the property of the Company other than roads except with the express permission of the General Manager of the Company;

(d) No motor vehicle shall remain on the property of the Company longer than in the opinion of the said General Manager may be necessary;

(e) No vehicle shall be charged, re-charged or emptied on any part of the property of the Company with any petroleum spirit or other liquid fuel, except at approved places and with the express permission of the said General Manager;

(f) No gas-propelled motor vehicle shall be allowed in any building, shed, or covered space used for the deposit of any form of merchandise or without the permission of the said General Manager on any other premises of the Company;

(g) Steam-driven vehicles burning solid fuel must use coal or coke only, and :—

(1) If the boiler is "underfed" it must be provided with a metal footplate fitted close to the front of the furnace, and turned up not less than three inches on all sides;

(2) The ash-box must be so constructed that it can be entirely enclosed, and any air inlet supplementary to the ash-box door must be controlled by a separate damper above the level of the fire bars;

(3) An efficient spark-arrester and baffle-plates at base of funnel must be provided and used;

(4) Stoking must not be done except at such places as may be prescribed by the said General Manager ;

(5) No cleaning or clearing out of the furnace or fire-box must be done, or ashes or cinders removed, on any part of the property of the Company, and the ash-box must be kept entirely closed. Steam blast must not be used.

(h) Every motor vehicle shall carry in such a position as to be readily available for use suitable and efficient means of and apparatus for extinguishing fire ;

(i) Under no circumstances shall any motor vehicle enter any premises or place prohibited by the said General Manager.

Loitering.

40. No person shall loiter about the Dock or on any part of the property of the Company, or be thereon without having proper business thereat, and every person shall, on request of the General Manager of the Company or any of his duly authorised assistants, give a proper account of himself, and of his business, and submit to or obey the order of the General Manager or any of his duly authorised assistants ; and any person committing a breach of this Bye-law may be forthwith removed by the General Manager or any of his duly authorised assistants from the premises of the Company, and excluded therefrom.

Obstructions on sidings or roads.

41. No person shall place or leave standing upon any of the lines of Railway sidings or roads of the Company, any waggon, truck, or carriage, or any goods, whereby the business of the Dock shall be impeded, or the transit on such lines of Railway sidings or roads or otherwise on the property of the Company prevented or delayed.

Removal of goods from quays, etc.

42. All goods landed or placed upon any of the quays, wharves, walls, jetties or piers of the Company shall be removed therefrom within forty-eight hours after the same shall have been so landed or placed thereon, unless the sanction of the General Manager of the Company to their remaining for a longer period shall have been in each case first obtained, and then only for so long as he shall have sanctioned the same.

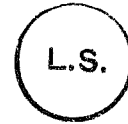
Penalties for breach of Byelaws.

43. Every person, who shall make default or breach in the performance or observance of or offend against or contravene any of the foregoing Bye-laws shall for every such default, breach or offence forfeit and pay to the Company a sum not exceeding Forty shillings.

Provided that where by any statutory provision any other penalty is imposed for a similar offence nothing in the foregoing Bye-laws shall operate to prevent the Company from proceeding under such statutory provision but no person shall incur more than one penalty for the commission of the same offence.

Provided further that nothing in the foregoing Bye-laws or the imposition of any penalty shall affect the liability of any person or vessel in respect of any claim consequent on any such default, breach or offence.

*Given under the Common Seal of the
King's Lynn Docks and Railway
Company this 17th day of May, 1935* }



JOHN C. FOX, Director.

THOMAS J. BOND, Secretary.

*The Minister of Transport hereby allows and confirms the foregoing
Bye-laws.*

Signed on behalf of the Minister of Transport this 3rd day of June, 1935.

E. W. ROWNTREE,

Assistant Secretary.

APPENDIX.

EXTRACTS

FROM

“THE HARBOURS, DOCKS, AND PIERS CLAUSES ACT, 1847”
 (10 & 11 Victoria, cap 27) incorporated with the King’s Lynn
 Docks and Railway Acts, 1865 to 1924, and the King’s Lynn Docks
 and Railway (Quay) Order, 1930.

Interpretation.

Sect. 2. The expression “the Special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction or improving of an harbour, dock, or pier, and with which this Act shall be incorporated. . . . the expression “the Harbour Master” shall mean. . . . with reference to any such Dock the Dock Master. . . . and shall include the assistants of every such. . . . Dock Master. . . . and the expression “the undertakers” shall mean the persons by the Special Act authorized to construct the harbour, dock, or pier, or otherwise carry into effect the purposes of the Special Act with reference thereto.

Interpretation in this and the Special Act.

Sect. 3. The following words and expressions in both this and the Special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say),

* * * *

The word “person” shall include corporation, whether aggregate or sole;

* * * *

The word “vessel” shall include ship, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise;

* * * *

The word “master” when used in relation to any vessel, shall be understood to mean the person having the command or charge of the vessel for the time being;

* * * *

The word “owner” when used in relation to goods, shall be understood to include any consignor, consignee, shipper, or agent for sale or custody of such goods, as well as the owner thereof;

* * * *

The word "goods" shall include wares and merchandize of every description and all articles in respect of which rates or duties are payable under the Special Act ;

* * * *

The word "rate" shall mean any rate or duty or other payment in the nature thereof payable under the Special Act ;

* * * *

The expression "the collector of rates" shall mean the person appointed by the undertakers to collect the rates by the Special Act authorized to be levied by them, and shall include the assistants of such collector.

* * * *

Collector may Enter Vessels to ascertain Rates Payable.

Sect. 34. The collector of rates may, either alone or with any other persons, enter into any vessel within the limits of the harbour, dock, or pier, in order to ascertain the rates payable in respect of such vessel, or of any goods therein.

Master to Report Arrival of Vessel. Penalty for neglect.

Sect. 35. Within twenty-four hours after the arrival within the limits of the harbour, dock, or pier of any vessel liable to rates, the master of such vessel shall report such arrival to the harbour-master, and if he fail to make such report within the time aforesaid he shall be liable to a penalty not exceeding ten pounds.

Master of Vessel to produce Certificate of Registry.

Sect. 36. The master of every registered vessel shall, on demand, produce the certificate of the registry of such vessel to the collector of rates, and if any such master refuse or neglect to make such production on demand, he shall be liable to a penalty not exceeding twenty pounds.

Masters of Vessels to give accounts of Goods intended to be Unshipped within the Limits, etc.

Sect. 37. When any goods are intended to be unshipped within the limits of the harbour, dock, or pier, the master of the vessel containing such goods shall, within twelve hours after the arrival of such vessel within the limits of the harbour, dock, or pier, deliver to the collector of rates the name of the consignee of the goods intended to be unshipped, or other person to whom the same are to be delivered, and if the whole cargo be intended to be unshipped, a copy of the bill of lading or manifest of the cargo, or, if part only of the cargo be intended to be unshipped, the best account in writing in his power of the kinds, weights, and

quantities of the several goods intended to be unshipped; and every such master shall, if required so to do by the collector of rates, give to him twelve hours notice of the time at which the cargo of such vessel, or any part of the same, is intended to be unshipped.

Penalty on Masters giving No Account, or a False Account, of Goods, to be Unshipped.

Sect. 38. Every master of a vessel of which the cargo or part of the cargo shall be unshipped within the limits of the harbour, dock, or pier, who shall have failed to deliver or to give any of the particulars in regard to the cargo or the notice in regard to the unshipment thereof hereinbefore required to be delivered or given by such master, or who shall deliver or give any false particulars or notice, shall for every such offence be liable to a penalty not exceeding ten pounds.

Shippers to give an Account of Goods intended to be Shipped.

Sect. 39. Before any person shall ship any goods on board of any vessel lying within the limits of the harbour, dock, or pier, he shall give to the collector of rates a true account, signed by him, of the kinds, quantities, and weights of such goods; and every person who shall ship any goods in any such vessel without having given such accounts, or who shall give or sign a false account of such goods, shall for every such offence be liable to a penalty not exceeding ten pounds.

In case of Dispute between Collector and Master, etc., Goods to be Weighed or Measured.

Sect. 40. If any difference arise between the collector of the rates and the master of any vessel or the owner of any goods, concerning the weight or quantities of the goods in respect of which any rates are payable, such collector may cause all such goods to be weighed or measured, and, if necessary, may detain the vessel containing such goods until they have been weighed or measured.

As to the Expenses of Weighing or Measuring Goods.

Sect. 41. If the weight or quantity of such goods be greater than that shown by the manifest, bill of lading, account, or statement delivered by the master of the vessel or by the owner of the goods the expenses of such weighing or measuring shall be paid to the undertakers, and shall be recoverable by the same means as are herein or in the special Act provided for the recovery of rates; but if the weight or quantity of such goods be the same or less than that shown by the manifest, bill of lading, account, or statement so delivered, the undertakers shall pay

all the expenses of such weighing or measuring, and shall also pay to the master of the vessel or to the owner of the goods all the expenses occasioned by such weighing or measuring or by the detention of the vessel for that purpose.

Rates on Goods when Payable.

Sect. 42. The rates payable to the undertakers in respect of any goods shipped or unshipped within the limits of the harbour, dock, or pier, shall be paid as follows (that is to say)

If such goods are to be shipped they shall be paid before the shipment, or if such goods are to be unshipped they shall be paid before the removal of the goods from the premises of the undertakers, and before the expiration of two months next after they were unshipped.

Penalty on Evading Payment of Rates.

Sect. 43. If the master of any vessel or the owner of any goods evade the payment of the rates payable to the undertakers in respect of such vessel or goods, or any part thereof, he shall pay to them three times the amount of the rates of which he shall so have evaded the payment, and the same shall be recovered from such master or owner respectively in the same manner as penalties imposed by this Act are directed to be recovered, or by action in any court of competent jurisdiction.

Recovery of Tonnage Rates by distraint of Ship and Tackle.

Sect. 44. If the master of any vessel in respect of which any rate is payable to the undertakers refuse or neglect to pay the same, or any part thereof, the collector of rates may, with such assistance as he may deem necessary, go on board of such vessel and demand such rates, and on nonpayment thereof, or of any part thereof, take, distrain, or arrest, of his own authority, such vessel and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the matters so distrained or arrested until the rates are paid; and in case any of the said rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said collector may cause the matters so distrained or arrested to be appraised by two or more sworn appraisers, and afterwards cause the matters distrained or arrested, or any part thereof, to be sold, and with the proceeds of such sale may satisfy the rates so unpaid, and the expenses of taking, keeping, appraising, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel upon demand.

Recovery of Rates on Goods.

Sect. 45. If default be made in the payment of the rates payable in respect of any such goods, the collector of rates may distrain or arrest,

of his own authority, such goods, and for that purpose may enter any vessel within the limits of the harbour, dock, or pier in which the goods may be, with such assistance as he shall deem necessary, or if the said goods have been removed without payment of such rates he may distrain or arrest any other goods within the limits of the harbour, dock, or pier, or the premises of the undertakers, belonging to the person liable to pay such rates, and may sell the goods so distrained or arrested, and out of the proceeds of such sale pay the rates due to the undertakers, rendering the overplus, if any, to the owner of such goods on demand; or the undertakers may recover such rates by action in any court having competent jurisdiction; Provided always, that the collector of rates shall, before making any such distress or arrestment as aforesaid, pay all duties which may be payable to Her Majesty in respect of the goods so distrained or arrested, and he may retain the amount of duties so paid out of the proceeds arising from the sale of such goods.

Disputes concerning Rates or Charges occasioned by Distress to be settled by a Justice in England or Ireland, and in Scotland by the Sheriff.

Sect. 46. If any dispute arise concerning the amount of any rates due, or the charges occasioned by any distress or arrestment, by virtue of this or the special Act, the person making such distress or using such arrestment may detain the goods distrained or arrested until the amount of the rates due or the charges of such distress or arrestment be ascertained by a justice, if in England or Ireland, and by the Sheriff if in Scotland, who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either of the parties to the other of them as he shall think reasonable, and such costs if not paid on demand, shall be levied by distress or pouding and sale, and such Justice or Sheriff shall issue his warrant accordingly.

Collector of Customs may withhold a Clearance to any Vessel until the Rates Paid.

Sect. 48. The collector or other proper officer of Her Majesty's customs for the district within which the harbour, dock, or pier is situate may, with the consent of the commissioners of Her Majesty's customs, refuse to receive any entry or give any cocquet, discharge, or clearance, or to take any report inwards or outwards of any vessel liable to the payment of any of the rates imposed by the special Act, until the master of such vessel produces to such collector or officer a certificate, under the hand of the collector of rates, that the rates payable in respect of such vessel, and any goods imported or exported by such vessel, have been paid, or, if there be any dispute as to the rates payable, until such collector or officer shall be satisfied that sufficient security has been given for the

payment of such rates when ascertained, together with the expenses arising from the non-payment thereof.

Powers of Harbour, Dock, or Pier Master.

Sect. 52. The Harbour-master* may give directions for all or any of the following purposes; (that is to say)

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring, or unmooring, placing and removing, whilst therein :

For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier :

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to the harbour, dock, or pier, and the moorings thereof :

For removing unserviceable vessels, and other obstructions from the harbour, dock, or pier, and keeping the same clear :

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same.

Provided always, that nothing in this or the special Act contained shall authorise the Harbour-master to do or cause to be done any Act in any way repugnant to or inconsistent with any law relating to the customs, or any regulation of the commissioners of Her Majesty's customs.

Penalty on Ship-masters not complying with Directions of the Harbour-master.

Sect. 53. The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the Harbour-master, made in conformity with this and the special Act; and any master of a vessel, who, after notice of any such direction by the Harbour-master served upon him, shall not forthwith regulate such vessel according to such direction, shall be liable to a penalty not exceeding twenty pounds.

Penalty on Harbour-master for Misbehaviour.

Sect. 54. If any Harbour-master, or any of his assistants, without reasonable cause, or in an unreasonable or unfair manner, exercise

* Harbour-master means, with reference to a Dock, the Dock-master and his assistants (see Section 2, page 14).

any of the powers or authorities vested in the Harbour-master by this or the special Act, the person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on Offering Bribes to Dock Officers, and on Officers Taking Bribes.

Sect. 55. If any person give or offer any sum of money or any thing whatsoever, by way of reward or bribe to any Harbour-master or any officer employed in or about the harbour, dock, or pier, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing such Harbour-master or other officer to do or omit to do anything relating to his office, or if such Harbour-master or other officer receive any such reward or bribe as aforesaid, every person so offending shall be liable for every such offence to a penalty of twenty pounds.

Harbour-master may Remove Wrecks, etc.

Sect. 56. The Harbour-master may remove any wreck or other obstruction to the harbour, dock, or pier, or the approaches to the same, and also any floating timber which impedes the navigation thereof, and the expense of removing any such wreck, obstruction, or floating timber shall be repaid by the owner of the same, and the Harbour-master may detain such wreck or floating timber for securing the expenses, and on non-payment of such expenses on demand, may sell such wreck or floating timber, and out of the proceeds of such sale pay such expenses, rendering the overplus, if any, to the owner on demand.

Unserviceable Vessels to be altogether Removed from Harbour.

Sect. 57. No vessel which shall be laid by or neglected as unfit for sea service shall be permitted to lie within the limits of the harbour, dock, or pier, but the Harbour-master may cause every such vessel to be, at the expense of the owner thereof, removed from the harbour, dock, or pier, and laid on any part of the strand or seashore, or other place where the same may, without injury to any person, be placed; and the charges of removing or placing such vessel may be recovered from the owner of such vessel by summary complaint, in England or Ireland, before any justice of the peace, and in Scotland before the Sheriff; and in case of refusal or neglect of payment of such charges for the space of seven days after having been awarded by such justice or sheriff, the Harbour-master may levy such charges by distress and sale or pouncing and sale of such vessel, or the tackle, apparel, or furniture thereof, or any part thereof, and the justice or sheriff shall issue his warrant accordingly.

Harbour-master may Remove Vessels within Dock, etc.

Sect. 58. If the master of any vessel in or at the harbour, dock, or pier, or within the prescribed limits, if any, shall not moor, unmoor, place,

or remove the same according to the directions of the Harbour-master, or if there be no person on board of any such vessel to attend to such directions, the Harbour-master may cause such vessel to be moored, unmoored, placed or removed as he shall think fit, within or at the harbour, dock, or pier, or within the prescribed limits, and for that purpose the Harbour-master may cast off, unloose, or cut the rope, or unshackle or break the chain by which any such vessel is moored or fastened; and all expenses attending the mooring, unmooring, placing, or removing of such vessel shall be paid to the undertakers by the master of such vessel: Provided always, that before the Harbour-master shall unloose or cut any rope or unshackle or break any chain by which any vessel, without any person on board to protect the same, shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

Vessels entering Harbour or Dock to be Dismantled as Harbour-master shall direct.

Sect. 59. Before any vessel shall enter the harbour or dock or approach the pier the master thereof shall cause her to be dismantled as directed by the Harbour-master; and if any vessel shall enter the harbour or dock or approach the pier without being dismantled in the manner required by the Harbour-master, after notice shall have been given to the master of such vessel so to dismantle the same, such master shall for every such offence be liable to a penalty not exceeding ten pounds.

Vessels to have their Sails Lowered when entering and navigating Dock.

Sect. 60. Before any vessel shall enter into the dock the master of such vessel shall cause her sails to be lowered or furled; and if the master of any vessel shall navigate the same under sail into or in the dock he shall for every such offence be liable to a penalty not exceeding ten pounds.

Vessels to have Hawsers, etc., fixed to Moorings.

Sect. 61. Every vessel in the harbour or dock or at or near the pier shall have substantial hawsers, tow-lines, and fasts fixed to the dolphins, booms, buoys, or mooring-posts, when required by the Harbour-master; and if any vessel shall be in the harbour or dock or at or near the pier without substantial hawsers, tow-lines, or fasts fixed as aforesaid, after notice from the Harbour-master to the master of such vessel to furnish or fix the same, such master shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for wilfully Cutting Moorings.

Sect. 62. Every person other than the Harbour-master who shall wilfully cut, break, or destroy the mooring or fastening of any vessel lying

in the harbour or dock or at or near the pier shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on Vessels lying near the entrance of Harbour or Dock without permission.

Sect. 63. As soon as the harbour or dock shall be so far completed as to admit vessels to enter therein, no vessel, except with the permission of the Harbour-master, shall lie or be moored in the entrance of the harbour or dock, or within the prescribed limits, and if the master of any vessel either place it or suffer it to remain in the entrance of the harbour or dock, or within the prescribed limits, without such permission, and do not, on being required so to do by the Harbour-master, forthwith proceed to remove such vessel, he shall be liable to a penalty not exceeding five pounds, and a further sum of twenty shillings for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition.

Vessels may be removed for the purpose of Repairing Harbour or Dock.

Sect. 64. Whenever the undertakers shall deem it necessary, for the purpose of repairing, scouring, or cleansing the harbour, dock, or pier, that any vessel lying therein or thereat shall be removed therefrom, the master of such vessel shall, within three days after notice in writing signed by the Harbour-master has been given to him, remove such vessel according to such notice; and in case of his neglecting so to do, such master shall be liable to a penalty not exceeding ten pounds.

Harbour-master may remove such Vessel if the Master thereof neglect or refuse so to do.

Sect. 65. If the master of such vessel cannot be found, or if he neglect or refuse to remove the same, as required by the said notice, the Harbour-master may remove such vessel to such station as he shall select, and the expenses of such removal shall be paid to the undertakers by the owner of the said vessel or the master thereof: Provided always, that previous to the repair of harbour, dock, or pier which shall require the removal of the vessels therefrom, the Harbour-master shall give three days' notice of such repair and of the necessity for such removal to the collector and comptroller of the customs of the district within which the harbour, dock, or pier is situate, or which shall be specified for that purpose in the special Act, and cause a like notice to be affixed on some conspicuous part of such custom house and of the office of the undertakers.

Delivery of Cargoes and placing of Discharged Vessels.

Sect. 66. The master of every vessel which shall go into the harbour or dock for the purpose of being discharged of her cargo shall cause

her to be so discharged as soon as conveniently may be after entering therein, and shall cause her, after being so discharged, to be removed, without loss of time, into such part of the harbour or dock as shall be set apart for light vessels, and the Harbour-master shall cause a part of the harbour or dock to be set apart for light vessels accordingly; and if the master of any such vessel shall not cause it to be so removed within twenty-four hours after being required so to do by notice in writing signed by the Harbour-master, he shall be liable to a penalty not exceeding ten pounds, and the Harbour-master may cause such vessel to be so removed, and the expenses of such removal shall be paid to the undertakers by the master of such vessel.

Penalty on Wharfingers giving undue preference.

Sect. 67. If any wharfinger or other servant of the undertakers, or any of their lessees, or the servants of such lessees, shall give any undue preference, or show any partiality in loading or unloading any goods on any of the quays, wharfs, or other works belonging to the undertakers, the person so offending shall be liable to a penalty not exceeding five pounds.

Goods may be removed from the Quays, etc., after lying there longer than allowed by Bye-laws.

Sect. 68. No goods shall be allowed to remain upon any of the piers or quays or in the approaches thereto for a longer time than shall be allowed by the bye-laws of the undertakers; and if any goods shall so remain without the consent of the undertakers the Harbour-master, or any person appointed by the undertakers for that purpose, may remove the same to any of the premises of the undertakers or other convenient place, and keep the same until payment to the undertakers of the expenses of such removal, and of the keeping of the goods; and if such expenses be not paid within seven days after demand thereof made upon the owner, or if no such owner can be found, the Harbour-master may sell such goods, and out of the proceeds of such sale pay such expenses, rendering the overplus, if any, to the owner on demand.

Combustible matter on Quays, etc., to be removed.

Sect. 69. Every person being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, or other combustible thing which shall be upon any quay, dock, or wharf belonging to the undertakers, or on the deck of any vessel within the harbour or dock or at or near the pier, shall cause the same to be removed to a place of safety within two hours after being required so to do by notice in writing signed by the Harbour-master, and if he fail so to do shall forfeit a sum not exceeding forty shillings for every hour such combustible thing shall remain in any such place as aforesaid after the expiration of two hours from the service of the said notice.

Combustibles to be Guarded during the Night.

Sect. 70. If any such combustible thing as aforesaid shall remain on any part of the quays or works connected with the harbour, dock, or pier, or on the deck of any vessel within the harbour or dock or at or near the pier, after sunset, the owner or person having the charge of the same, or on his default the Harbour-master, at the expense of such owner, shall provide a sufficient number of persons to guard the same from half an hour before sunset to half an hour after sunrise; and such expense, if not paid by the said owner to the undertakers, on demand, shall be ascertained and recovered in the same manner as damages for the recovery of which no special provision is made are by this Act directed to be ascertained and recovered.

Penalties against offences herein named.

Sect. 71. Every person who shall commit any of the acts following shall be deemed guilty of an offence, and shall for every such offence be liable to a penalty not exceeding ten pounds; (that is to say)

Boiling or Heating Pitch, etc.

1. Every person who shall boil or heat any pitch, tar, resin, turpentine, oil, or other combustible matter in any vessel lying within the harbour, or dock, or near the pier, or in any place within the limits of the harbour, dock, or pier, except in such place and in such manner as shall be specially appointed by the undertakers for that purpose :

Fires in Vessels.

2. Every person who shall have or cause to be had any fire or lighted candle, or lamp in any vessel within the harbour or dock, or at or near the pier, except with the permission of the Harbour-master :

Fires within Docks.

3. Every person who shall have or cause to be had any fire, candle, or lamp lighted within any of the docks or the works belonging to the same, except at such times and in such manner as shall be permitted by the bye-laws of the undertakers :

Loaded Guns.

4. Every person who shall bring any loaded gun on the quays or works of the harbour or dock or on the pier, or shall have or suffer to remain any loaded gun in any vessel in the harbour or dock or at or near the pier :

Gunpowder.

5. Every person who shall, without the permission of the undertakers, bring or suffer to remain any gunpowder on the quays or works of the harbour or within the dock, or on the pier or in any vessel within the harbour or dock or at or near the pier.

Power to Enter Ship and Search for and Extinguish Fires or Lights.

Sect. 72. The Harbour-master may enter into any vessel within the harbour or dock or at or near the pier, to search for any fire or light in or suspected to be in such vessel, contrary to the provisions of this or the special Act, or of any bye-law made in pursuance thereof, and may extinguish the same; and any person who shall obstruct the Harbour-master in the execution of such duty shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for Throwing Ballast, etc., into Harbour or Dock.

Sect. 73. Every person who shall throw or put any ballast, earth, ashes, stones, or other thing into the harbour or dock shall for every such offence be liable to a penalty not exceeding five pounds.

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Owner of Vessel answerable for Damage to Works.

Sect. 74. The owner of every vessel or float of timber shall be answerable to the undertakers for any damage done by such vessel or float of timber, or by any person employed about the same, to the harbour, dock, or pier, or the quays or works connected therewith, and the master or person having the charge of such vessel or float of timber through whose wilful act or negligence any such damage is done shall also be liable to make good the same; and the undertakers may detain any such vessel or float of timber until sufficient security has been given for the amount of damage done by the same: Provided always, that nothing herein contained shall extend to impose any liability for any such damage upon the owner of any vessel where such vessel shall at the time when such damage is caused be in charge of a duly licensed pilot, whom such owner or master is bound by law to employ and put his vessel in charge of.

As to the Recovery of amount of Damage to Quays, etc.

Sect. 75. If the amount claimed in respect of any such damage as aforesaid do not exceed fifty pounds, such damage shall be ascertained, and the amount thereof shall, in England or Ireland, be recovered before two justices, and in Scotland before the sheriff; and in addition to the remedies hereby provided for the recovery of the same, the justices or sheriff before whom the same are recovered may cause the vessel or float of timber causing such damage, and any tackle or furniture thereof, to be distrained and kept until the amount of damages and costs awarded by them is paid, and if the same be not paid within seven days after such distress or keeping may cause the property so distrained or kept, or any part thereof, to be sold, and out of the proceeds of such sale may pay the amount of damages and costs awarded by such justices or sheriff, and all the charges incurred by the distress, keeping and sale of such property.

Owner may recover Damage from his Servants.

Sect. 76. If the owner of any vessel or float of timber make satisfaction for any such damage as aforesaid, wilfully or negligently done by the master or person having charge of such vessel or float of timber, or if the owner of any vessel or goods in any other case have been compelled to pay any penalty or costs by reason of any act or omission of any other person, the person who actually did such damage or who committed such offence shall repay to the owner of such vessel or such goods the amount of the damage or penalty and costs, together with the costs of the proceedings to enforce such repayment; and if such damage or penalty respectively do not exceed fifty pounds the sum may, in England or Ireland, be recovered before two or more justices, and in Scotland before the sheriff.

Power to appoint Meters and Weighers.

Sect. 81. Where under the Special Act the undertakers shall have the appointment of meters and weighers, the undertakers may appoint and license a sufficient number of persons to be meters and weighers within the limits of the harbour, dock, and pier, and remove any such persons at their pleasure, and may make regulations for their government, and fix reasonable rates to be paid, or other remuneration to be made to them for weighing and measuring goods.

Licensed Meters and Weighers only to be employed.

Penalty on other than Licensed Meters, etc., Weighing Goods.

Sect. 82. When a sufficient number of meters and weighers have been appointed by the undertakers, under the powers of this and the special Act, the master of any vessel or the owner of any goods shipped, unshipped, or delivered within or upon the harbour or dock or pier, shall not employ any person other than a weigher or meter licensed by the undertakers, or appointed by the commissioners of Her Majesty's customs, to weigh or measure the same; and if in such case any person other than a meter or weigher licensed by the undertakers, or a meter or weigher appointed by the commissioners of Her Majesty's customs, shall weigh or measure any such goods as aforesaid, such person, as well as the person by whom he shall be employed, shall for every such offence be liable to a penalty not exceeding five pounds, and the weighing or measurement of any such goods by any such person shall be deemed illegal.