



ANNO QUINQUAGESIMO SECUNDO

# GEORGI II. REGIS.

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## Cap. 78.

An Act to amend an Act made in the Forty-ninth Year of His present Majesty, for the better Government of the Watermen working on the Passage between *Gosport, Portsmouth, and Portsea*, and other Places within *Portsmouth Harbour*, and to and from *Spithead, Saint Helens*, and other Parts within the *Isle of Wight*, in the County of *Southampton*, and to and from certain Places in the said Island, and for regulating the Fares of such Watermen.

[5th May 1812.]

**W**HEREAS an Act was passed in the Forty-ninth Year of the 49 G. 3. Reign of His present Majesty, intituled, *An Act for the better Government of the Watermen working on the Passage between Gosport, Portsmouth, and Portsea and other Places within Portsmouth Harbour, and to and from Spithead, Saint Helens, and other Parts within the Isle of Wight, in the County of Southampton, and to and from certain Places in the said Island, and for regulating the Fares of such Watermen*: And whereas the said Act has been found ineffectual for answering the good Purposes thereby intended, and it is expedient that the same should be altered and amended; 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 Port-Admiral of *Portsmouth* for the Time being, the Lieutenant-Governor of *Portsmouth* for the Time being, the junior Port-Admiral for the Time being, the Com-  
mandant New Commissioners.

[Loc. & Per.]

mandant of the Royal Engineers for the Time being, the Collector and Comptroller of the Customs at *Portsmouth* for the Time being, the Agent Victualler at *Portsmouth* for the Time being, the Resident-Agent for Transports at *Portsmouth* for the Time being, *Herbert Allen, Elias Bruce Arnaud Esquire, Elias Arnaud, Thomas Atkinson, John Atkins, William Burridge, John Burridge, Nathaniel Baker, William Beazley, John Baker, Admiral Sir Roger Curtis Baronet, James Carter, Charles Carter Esquire, the Reverend James Collins, William Deacon Esquire, George Dunn, Robert Forbes the Younger, George Garrett, Joseph Gibson, Archibald Heartley, John Hasted Esquire, Andrew Hewson, Henry Hicks, Thomas Hoskins the Younger, William Johnson, Robert Larkan Esquire, John Lindegren, Thomas Mottley, John Turner Merritt, Moses Miall, James Matthews, Robert Mendis Esquire, George M'Kinley Esquire, Luke Nichols, George Parmeter, Thomas Paul, James Paul, Joseph Parsons, Nathaniel Portlock Esquire, John Rood, John King, George Sauce, William Spencer, John Sutton Sugar, Jonathan Skute, William Fitcher Esquire, Thomas Waller M.D., Henry White, James White, Daniel Woodriffe Esquire, Thomas Smith Williams, and David William Weddall, being qualified in the Manner directed by the said Act, shall be added to and joined with the Commissioners appointed for putting the said Act into Execution, and shall have the like Powers and Authorities as if they had been named and appointed in and by the said Act.*

So much of Act as directs Two Tables of Fares, repealed.

II. And be it further enacted, That from and after the First Day of *August* One thousand eight hundred and twelve, so much of the said Act as directs the said Commissioners to make and settle Two distinct Tables of Rates and Fares payable in fair Weather, and in foul Weather, and to provide Flags to be hoisted in order to determine the Time when such Rates and Fares may be respectively demanded, shall be and the same is hereby repealed.

Commissioners may establish Rates of Fares.

III. And be it enacted, That it shall and may be lawful to and for the Commissioners for putting the said Act in Execution, or any Seven or more of them, at any Meeting to be held in pursuance of the said Act, to make and settle such and so many Tables of Rates and Fares, to be taken by the said Watermen from and after the said First Day of *August* for the Carriage and Conveyance of any Person or Persons, Horses, and other Cattle and Goods, Wares, and Merchandize, as to the said Commissioners, or any Seven or more of them, shall appear to be necessary; and, in order to determine the Time when such Rates and Fares may be respectively demanded, the said Commissioners shall provide such and so many Flags to be hoisted at some convenient Place or Places at *Gosport, Portsmouth, or Portssea*, by such Person or Persons, and in such Manner and Form as the said Commissioners, or any Seven or more of them, shall, at any Meeting to be holden in pursuance of the said Act, from Time to Time, order and appoint; and which said Person or Persons shall be paid such Sum or Sums of Money as the said Commissioners, or any Seven or more of them, shall, from Time to Time direct, and so long as any Flag or Flags so to be provided as aforesaid shall remain hoisted, the extra or Foul-weather Fares to be denoted thereby shall be respectively payable, and at all other Times except as hereinafter mentioned, the Fares to be denominated the Fine-weather Fares shall be payable: Provided always, that if the said Flag or Flags shall be hoisted or hauled down while the said Waterman or Watermen, or any or either of them, is or are in the Act of carrying any Person or Persons to or from any Place or Places as aforesaid, the

Said Watermen shall be paid the Rate or Rates, Fare or Fares, which was or were payable at the Time such Person or Persons first left the Shore or Place in the Boat of such Waterman or Watermen.

IV. And be it further enacted, That One of the said Flags, to be provided by the said Commissioners; shall denote dangerous Weather, and, during such Time as the said Flag for denoting dangerous Weather shall be hoisted, no such Waterman shall be compelled or compellable to carry or convey any Person or Persons, Horses, or other Cattle, Goods, Wares, or Merchandize, to or from any Place or Places within the Limits of the said Act, or of this Act; not shall any such Waterman be subject or liable to any Fine or Penalty whatsoever for refusing to carry or convey any such Person or Persons, Horses, Cattle, Goods, Wares, or Merchandize, during the Time such Flag shall be hoisted, nor for taking or receiving any such Sum or Sums of Money as he may contract or agree with any Person or Persons to receive for Carriage or Conveyance, in case any such Waterman shall think proper to work during the Time such Flag shall be hoisted.

Flags for  
foul and fair  
Weather.

V. And for the better Regulation of the Night Fares to be taken by the said Watermen, be it further enacted, That from and after the said First Day of *August*, so much of the said Act as authorizes the said Watermen to demand double the Rate of Fare fixed by the Table of Rates between certain Hours, shall be and is hereby repealed; and it shall and may be lawful to and for the said Watermen to demand and receive such an increased Rate of Fare for working in the Night, as the said Commissioners, or any Seven or more of them, shall from Time to Time authorize and direct.

Night Fares.

VI. And whereas by the said Act it is enacted, That whenever any licenced Waterman shall be hired to go to any Place, Ship, or Vessel, without the said Harbour of *Portsmouth*, every such Waterman shall, on such Occasion, have, at least, One Assistant: And whereas such Regulation hath been found inconvenient, be it therefore further enacted, that from and after the passing of this Act the said Watermen shall not be required to take an Assistant, nor be subject or liable to the Penalty by the said Act imposed for not having an Assistant at any Time when the Rates or Fares to be appointed for fine Weather shall be payable.

Watermen  
not obliged to  
have an  
Assistant in  
fine Weather.

VII. And be it further enacted, That no Person or Persons employed by any licenced Waterman shall be deemed and considered an Assistant within the Intent and Meaning of the said Act, unless such Person shall be licenced as a Waterman in pursuance of the said Act, or this Act.

Assistants to  
be licenced  
Watermen.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, if they shall think fit, to nominate and appoint any Number of Persons not exceeding Three, of known and approved nautical Skill, to examine the several Watermen who shall apply for Licences under the said Act, and to report their Opinion to the said Commissioners as to the Qualifications, Skill, and Ability of such Watermen; and also to make out, for the Approbation of the said Commissioners, such several Tables of Rates and Fares as are by this Act directed to be made, and to recommend to the said Commissioners such Flags and Signals as are directed by this Act to be hoisted, and to inspect the Boats and Tackle to be used by the said Water-

Appointing  
Persons to  
examine  
Watermen,  
&c.

Watermen; and that the said Commissioners, or any Seven or more of them, shall and may allow and pay to the said several Persons, so to be appointed by them, such Yearly Salary as to the said Commissioners, or any Seven or more of them, shall seem proper, not exceeding the Yearly Sum of Thirty Pounds to each such Person; and that no such Person or Persons shall be capable of acting in the Execution of the several Duties hereby appointed, until he or they shall have taken an Oath to execute, perform, and discharge the said several Duties faithfully and impartially, without Favor or Affection, which Oath the said Commissioners, or any One or more of them, is, and are hereby empowered and required to administer.

Watermen to have served Three Years at Sea, or been an Apprentice.

IX. And be it further enacted, That no Person shall hereafter be entitled to a Licence under the said Act from the said Commissioners, unless such Person shall have served at Sea for the Space of Three Years, or for the like Period shall have worked in the said Harbour of *Portsmouth*, previous to the passing of this Act, or shall have served an Apprenticeship of Three Years to a Waterman licenced by virtue of this Act.

Commissioners may refuse to grant new Licences.

X. And whereas Doubts have arisen whether, under the said recited Act, the Commissioners for carrying the same into Execution have Power to refuse to renew any Licence or Licences, which may have been granted to any Waterman or Watermen in pursuance of the said Act; be it therefore enacted, That the said Commissioners, or any Five or more of them, at every Meeting to be held on the First *Tuesday* in the Month of *November*, in each Year, or at any Adjournment or Adjournments of such Annual Meeting, shall have full Power and Authority, at their Discretion, to refuse to renew any such Licence or Licences, in like Manner as they are, by the said recited Act, authorized and empowered to refuse any original Licence or Licences, to any Person or Persons applying for the same.

List of licenced Persons to be delivered to Town Clerk of *Portsmouth*.

XI. And be it further enacted, That the Clerk to the said Commissioners shall, and he is hereby required to make out and deliver to the Town Clerk of the said Borough of *Portsmouth*, for the Time being, a true Copy of the List, directed by the said recited Act, to be made of the Persons who shall have obtained any original or renewed Licence from the said Commissioners, with the Number, Name, and Place of Abode of every such Person or Persons so licenced, within Fourteen Days after every such List shall have been annually made out, in pursuance of the said Act; and that all Persons may have Access to such Copy of the said List in the Office of the said Town Clerk, and be at Liberty to inspect the same at any Time between the Hours of Eleven of the Clock in the Forenoon and Three in the Afternoon, on Payment of the Sum of One Shilling, if the Person desiring such Inspection be not a licenced Waterman, and without any Fee or Reward if he be.

Exempting certain Watermen from the Act.

XII. And whereas it is expedient to exempt certain Watermen and other Persons from the Provisions of the said Act and this Act, be it therefore enacted, That it shall and may be lawful to and for any Waterman or other Person or Persons residing at *Brading*, *Ryde*, *Cowes*, or any other Place in the *Isle of Wight* between *Saint Helens* and *Cowes*, to work on the Passage to and from the said *Isle of Wight*, in any Boat or Boats kept at the said Island, without any Licence from the said Commissioners,

missioners, and without being in any Respect liable to the Regulations or Restrictions of the said Act or this Act; provided always, that if any such Waterman or other Person or Persons shall ply for Hire at *Gosport*, *Portsmouth*, or *Portsea*, or at any Place within *Portsmouth Harbour*, or shall carry, or engage to carry, any Person or Persons for Hire or Reward, from thence to *Spithead*, *Saint Helens*, the *Motherbank*, *Stokes Bay*, or any other Part within the *Iste of Wight*, or to any Ship or Vessel lying thereat, or to any Place between *Saint Helens* and *Cowes* (other than and except the Person or Persons by and for whom such Waterman or other Person or Persons shall previously on the same Day have been hired or engaged at the said Island,) such Waterman or other Person or Persons so plying for Hire, or carrying, or engaging to carry, any Person or Persons, Horses or Cattle, or any Goods, Wares, or Merchandize for Hire, to any of the said Places, shall be subject to the Penalty by the said Act and this Act imposed for working for Hire within the Limits of the said Act, without a Licence from the said Commissioners.

XIII. And for the greater Safety of Passengers, be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Waterman working on the said Passage to take, receive into, or carry in any Wherry or Boat, any more than Six Persons at one and the same Time, when such Flag as shall denote the highest Rate of Fare to be payable, shall be or remain hoisted, or more than Eight at one and the same Time, when such Flag shall not be hoisted; and in case any such Waterman shall take or receive into or carry in any Wherry or Boat, any greater Number of Persons than are respectively allowed to be carried as aforesaid, every such Waterman shall be subject and liable to the Penalty in the said Act or this Act imposed, for carrying a greater Number of Persons than therein mentioned.

Limiting the Number of Passengers in Wherries.

XIV. And whereas by the said recited Act it is enacted, That if any Master, or other Person, having the Command of any Ship, Vessel, Lighter, Barge, Boat of Burthen, or other Boat, shall place or permit, or suffer any such Ship, Vessel, Lighter, Barge, Boat of Burthen, or other Boat, to lie over or upon the Hard or Landing-place on the *Gosport* Side of the said Harbour of *Portsmouth*, every such Master, or other Person, should, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied, recovered, paid, and applied in Manner thereinafter mentioned, be it enacted, That so much of the said recited Act as relates to the Application of the Penalty thereby imposed, shall be and the same is hereby repealed.

Repeal of Provision in former Act as to Application of Penalty for Boats lying on the Hard.

XV. And be it further enacted, That from and after the passing of this Act, all and every Penalty and Penalties which shall or may be paid and recovered for any Offence against the said recited Clause of the said Act, shall be paid and applied in and towards the maintaining and repairing of the said Hard or Landing-place at *Gosport* aforesaid.

Application thereof.

XVI. And whereas very serious Danger is frequently experienced in crossing the said Harbour of *Portsmouth*, by reason of Hawfers and Ropes extending for a considerable Distance from Ships and Vessels lying in the said Harbour, to the Shore on either Side of the said Harbour, or from One Ship or Vessel to another, and also by such Ships and Vessels lying in such a Situation as to obstruct the said Passage to

Preventing Hawfers being placed across the Passage,

and from *Portsmouth*, *Portsea*, and *Gosport*, and great Inconvenience is occasioned by Vessels lying on the Beach at *Portsmouth*, whereby Boats are hindered from landing their Passengers there, be it therefore enacted, That from and after the passing of this Act, every Master, or other Person, having the Command of any Ship or Vessel lying in the said Harbour, who shall permit or suffer any Ship or Vessel to be moored or fastened by, or shall place or lay out, or permit or suffer to be placed or laid out, any Hawser or Rope from such Ship or Vessel to the Shore, on either Side of the said Harbour, or from such Ship or Vessel to any other Ship or Vessel, or shall lay such Ship or Vessel in such a Situation in the said Harbour as to obstruct the Passage to and from *Portsmouth*, *Portsea*, or *Gosport*, or shall lay any such Ship or Vessel for more than One Tide on the said Beach at *Portsmouth*, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered by Information before any Justice of the Peace acting in and for the Borough of *Portsmouth*, with Power of Appeal by any Person who may think himself aggrieved by the Adjudication of any such Justice to the Mayor and Justices assembled at the next Quarter Sessions of the said Borough, on giving Ten Days Notice of his Intention to appeal, such Penalties and Forfeitures, when recovered, shall be applied in such Manner as by the said Act, or this Act, is directed; provided always, that nothing herein contained shall extend to any Ship or Vessel belonging to His Majesty, or in His Majesty's Service, any Thing in this Act contained to the contrary notwithstanding.

Penalties for Offences.

XVII. And be it further enacted, That all Fines and Penalties by the said Act imposed, for Offences committed against the same, shall be and the same are hereby repealed; and that from and after the passing of this Act, all Offenders, on whom any Fines or Penalties are imposed by the said Act, shall, for every Offence committed against the same, forfeit and pay, at the Discretion of the Justice or Justices of the Peace before whom such Offender shall be brought, any Sum not exceeding Forty Shillings, except for working upon the said Passage, or between any of the Places mentioned in the said Act, without having obtained a Licence from the said Commissioners, for which last-mentioned Offence every Offender shall forfeit and pay any Sum not exceeding Ten Pounds; and all and every the said Fines and Penalties by this Act imposed, shall be levied and recovered in the same Manner as the Fines and Penalties by the said Act imposed are thereby directed to be levied and recovered.

Commissioners may establish a Fund for the Relief of decayed Watermen.

XVIII. And for the due Encouragement of the Watermen working on the said Passage, be it further enacted, That it shall and may be lawful to and for the said Commissioners, by and out of the Monies arising under the said Act or this Act, to form and establish a Fund for the Purpose of relieving any decayed Watermen working, or who shall have been accustomed to work on the said Passage, or of relieving the Widows or Children of any deceased Waterman who shall have been accustomed to work on the said Passage, under such Regulations as the said Commissioners, or any Seven or more of them, at any Meeting under the said Act shall order and direct.

Payment to the Clerk.

XIX. And be it further enacted, That it shall be lawful for the Clerk to the said Commissioners to retain the Sum of Two Shillings and Sixpence for his own Trouble, out of every Sum paid for any Licence to be

be granted under the said Act, whether the same be an original or a renewed Licence.

XX. And whereas it is by the said Act enacted, That the said Commissioners may make such Allowance to their Clerk and Treasurer for the Time being, as to them should seem reasonable, not exceeding the Sum of Twenty-five Pounds a Year: And whereas the said Allowance has been found quite inadequate, be it therefore enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, to make such additional Allowance to their Clerk and Treasurer as they shall think a fair and adequate Recompence for his Trouble, not exceeding Fifty Pounds a Year.

Annual Allowance to the Clerk for Licences.

XXI. And be it further enacted, That the said Commissioners shall, at any Public Meeting to be held pursuant to the said Act, in case a Majority of such Commissioners attending such Meeting, shall so think proper, nominate and appoint an additional Clerk to the One already appointed, or hereafter to be appointed, in pursuance of the Provisions of the said recited Act; provided always, that such additional Clerk shall not be entitled to any of the Fees or Salary of the Clerk already appointed, or who shall or may be appointed, in pursuance of the said Act, but such additional Clerk shall have such Annual Salary as the Majority of the said Commissioners shall, at such Meeting, settle and determine; provided also, that Fourteen Days Notice shall be given in the Manner prescribed by the said Act, of the Intention to elect such additional Clerk.

An additional Clerk to be appointed.

XXII. And be it further enacted, That all Meetings under the said Act shall be held alternately at the Borough of Gosport and Borough of Portsmouth, and that all Notices and other Matters and Things directed by the said Act, to be affixed on certain Places in the said Act specified, shall and may be affixed on such Places, or on such other Places as the said Commissioners, or any Seven or more of them, shall, from Time to Time, at any Meeting under the said Act, order or direct.

Meetings to be held alternately at Gosport and Portsmouth.

XXIII. And in order to determine the Jurisdiction upon the Water, of the Justices of the Peace for the said County of Southampton and those for the said Borough of Portsmouth, be it further enacted, That from and after the passing of this Act, the said respective Justices shall and may have and exercise a concurrent Jurisdiction over all Offences committed upon the Water, within the Limits aforesaid, against the said Act, or this Act; and the Parties aggrieved may in such Case make Complaint thereof to the Justices of the Peace for the said County, or those for the said Borough, as they shall think proper.

Jurisdiction of Justices.

XXIV. And be it further enacted, That so much of the said Act as relates to the Power given to the Justices of the Peace for the County of Southampton, and the Borough of Portsmouth respectively, to determine Offences against the said Act upon the Water, and to Appeals against any Thing done in pursuance thereof, by the said Justices, shall be and the same is hereby repealed.

Repeal of so much of Act as relates to Powers of Justices for Southamptonshire, and Portsmouth.

XXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said Act or this Act, such Person or Persons shall and may, as to any Thing done by any Justice of the Peace for the

Appeal.

the County of *Southampton*, appeal to the Justices of the Peace for the said County, and as to any Thing done by any Justice of the Peace for the said Borough of *Portsmouth*, to the Justices of the Peace for the said Borough, at the then next General, or General Quarter Sessions of the Peace, which shall be holden in and for the said County or Borough respectively, after the Expiration of Twenty Days from the Cause of such Appeal, such Appellant first giving, or causing to be given, Ten Days Notice at least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the Clerk to the said Commissioners, and within Two Days next after such Notice given, entering into a Recognizance or Recognizances, before some Justice of the Peace for the said County or Borough, as the Case may require, with Two sufficient Sureties, in the Penalty of Thirty Pounds, conditioned to try such Appeal at such Sessions, and abide the Order of, and to pay such Costs as shall be awarded by the said Justices upon the Hearing of the said Appeal; and the said Justices, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, at the said Sessions, to which the said Appeal shall be made, or if they shall see fit to adjourn the same, to the Sessions then next following at farthest, hear and finally determine the Causes and Matters of such Appeal in a summary Way, and Award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices respectively shall think proper; and the Determination of such Justices shall be final, binding, and conclusive, to all Parties concerned or interested therein.

Expences of Act.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences, incident to or attending the obtaining and passing of the said former Act, and of this Act, shall be borne and paid out of the Money arising from the Sums paid for Licences by the said Watermen, under the said Act, and from the Fines thereby imposed.

This Act to be construed as Part of former Act.

XXVII. And be it further enacted, That this Act shall be construed, adjudged, deemed, and taken as Part of the said recited Act, as much and in the same Manner, to all Intents and Purposes whatsoever, as if the several Clauses, Powers, and Authorities herein contained had been enacted and inserted in the Body of the said recited Act; and all Clauses, Provisions, Authorities, Penalties, Matters, and Things in the said recited Act contained, for the Purposes and due Execution thereof, are hereby declared to be extended to, and shall and may operate, and be allowed, performed, exercised, and put in Force (in all Cases where the same are not hereby altered or repealed) for the due Execution of this Act, as fully and effectually, to all Intents and Purposes, as could or might have been, in case such Clauses, Provisions, Authorities, Penalties, Matters, and Things in the said recited Act, had been particularly repeated and re-enacted in this present Act.

Public Act.

XXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.