



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. cxvi.

An Act to consolidate and amend the Acts relating
to the *Ipswich Dock*, to allow certain Drawbacks,
and for other Purposes. [17th June 1852.]

WHEREAS an Act was passed in the First Year of the
Reign of Her present Majesty, intituled *An Act to amend* 7 W. 4. &
an Act of the Forty-fifth Year of the Reign of King George 1 Vict. c. 74.
the Third, for improving and rendering more commodious the Port of
Ipswich, and for constructing a Wet Dock there: And whereas an Act was
passed in the Session of Parliament held in the Fourth and Fifth Years
of the Reign of Her present Majesty, intituled *An Act to enable the Ips-* 4 & 5 Vict.
wich Dock Commissioners to raise a further Sum of Money: And whereas c. 52.
an Act was passed in the Sixth Year of the Reign of Her present
Majesty, intituled *An Act to enlarge the Powers of the Ipswich Dock* 6 & 7 Vict.
Commissioners: And whereas the Commissioners acting in execution c. 20.
of the recited Acts are thereby authorized to levy certain Rates and
Duties upon Coal and Coke, and it is expedient that they should be
authorized to allow a Drawback on such Rates or Duties, under certain
Circumstances: And whereas it is expedient that Provision should be
made for reducing the Amount of the Reserve Fund which the said
Commissioners are required to set apart under the first-recited Act,
and also that the said Commissioners should be incorporated, and that
the Provisions of the said recited Acts should be consolidated and
amended: And whereas the Objects aforesaid cannot be effected
[*Local.*] 19 L without

The Ipswich Dock Act, 1852.

without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Interpreta-
tion of
Terms.

I. In construing this Act the Words and Expressions following shall have the Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Dock Commissioners" shall mean the Dock Commissioners acting in execution of the repealed Acts:

The Expression "the Commissioners" shall mean the *Ipswich* Dock Commissioners incorporated by this Act:

The Expression "the Dock" shall mean the Dock authorized to be made by the first-recited Act, and by this Act vested in the Commissioners:

The Expression "Harbour Master" shall include Dock Master, and shall extend and be applicable to any Number of Dock Masters in Office at One and the same Time.

Interpreta-
tion of cer-
tain Terms
in 10 & 11
Vict. c. 27.
as applied
to this Act.

II. The Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Construction of that Act and any Act incorporated therewith shall be incorporated with this Act: Provided always, that the Expression "the Special Act" in such Act shall mean this Act, and the Expression "the Harbour, Dock, or Pier" in such Act shall mean the Harbour or Port of *Ipswich*, and the Dock and other Works by this Act vested in the Commissioners, and which they are authorized to make under the Provisions of this Act; and the Expression "the Harbour Master" in such Act shall mean, with reference to the Harbour, the Harbour Master, and with reference to the Dock, the Dock Master, continued in Office or from Time to Time appointed by virtue of this Act; and the Expression "the Undertaking" in such Act shall mean the Dock and other Works by this Act vested in the Commissioners, and which they are authorized to make under the Provisions of this Act: Provided also, that no Person shall be disqualified by reason of his being a Commissioner from acting as a Justice in any Matter in which a Justice or Justices are required or empowered to act under the Provisions of this Act.

Commis-
sioners not
disqualified
from acting
as Justices.

Recited
Acts re-
pealed.

III. The recited Acts (except such Provisions of them as are hereinafter expressly continued) are hereby repealed: Provided always, that the Repeal of the said Acts shall not prejudice or affect any Purchase, Sale, Conveyance, Grant, Gift, Covenant, Contract, Act, Matter, or Thing whatsoever made, executed, or done by virtue or in pursuance

The Ipswich Dock Act, 1852.

suance thereof, or of any Act by the said Acts or any of them repealed, but every such Purchase, Sale, Conveyance, Grant, Gift, Contract, Act, Matter, and Thing shall continue in full Force, and be as valid and effectual, to all Intents and Purposes, as they would have been if this Act had not been passed, the Commissioners being for all such Purposes considered the same as the Dock Commissioners acting in execution of the said repealed Acts.

IV. The Dock, and all Cuts, Quays, Wharfs, Houses, Warehouses, Roadways, Embankments, Locks, Sluices, Sewers, Drains, and other Works and Buildings, Tenements, Rights, Privileges, Exemptions, Easements, Hereditaments, and Real Estate, and all Stocks, Funds, Monies, Tools, Implements, and Personal Estate and Effects whatsoever, which were vested in or belonging to the Dock Commissioners immediately before the passing of this Act, or would have become vested in or have belonged to them if this Act had not been passed, and all the Estate, Right, Title, Interest, Property, Claim, and Demand of the said Dock Commissioners in, to, upon, or over the same, and all their Rights and Remedies in respect thereof, shall from and after the passing of this Act be and become in like Manner and Degree vested in and belong to and be available for the Commissioners.

Docks, &c.
vested in
Commis-
sioners.

V. No Action, Suit, Prosecution, or other Proceeding shall abate or be discontinued or prejudicially affected by the Repeal of the said Acts; and all Penalties incurred by or for any Offence against the Provisions of the repealed Acts or any of them, or any Byelaw of the Dock Commissioners, may be recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the repealed Acts or any of them, or any such Byelaw, may be prosecuted, in such Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if the said Acts had not been hereby repealed, the Commissioners being with reference to all such Matters considered identical with the Dock Commissioners.

Actions not
to abate.

VI. Nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit or any Remedy which the Dock Commissioners had against any Person, or which any Person had against the Dock Commissioners, at the Time of the passing of this Act, but all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Commissioners in like Manner and within the same Periods of Time as the same might have been enforced or prosecuted by or against the Dock Commissioners if this Act had not been passed.

Rights of
Action
saved.

VII. All

The Ipswich Dock Act, 1852.

Books, &c.
to be Evi-
ence

VII. All Books and other Documents whatsoever which by the repealed Acts or any of them, or any Acts thereby repealed, were made Evidence or authorized to be given in Evidence, shall, notwithstanding the Repeal of the said Acts, be admitted as Evidence in all Courts of Law and Equity and elsewhere, as fully and effectually as the same would or might have been admitted as Evidence if the said Acts had not been repealed.

Officers to
continue till
removed.

VIII. All Officers and Servants of the Dock Commissioners acting in execution of the repealed Acts shall, notwithstanding the Repeal of such Acts, continue in the Discharge of their respective Offices and Duties, and be paid their accustomed Salaries and Wages by the Commissioners, and be Officers and Servants of the Commissioners, until they shall retire, or be removed or discharged by the Commissioners.

Existing
Byelaws
to continue
in force until
altered.

IX. All Byelaws made by the Dock Commissioners before the passing of this Act, and which shall be in force immediately before the passing of this Act, shall, notwithstanding the Repeal of the recited Acts, continue in full Force until new Byelaws shall be made under the Provisions of this Act.

Appoint-
ment and
Incorporation of Com-
missioners.

X. The Mayor, Aldermen, and Burgesses of the Borough of *Ipswich*, together with the Seventy-two other Persons herein-after mentioned or referred to, shall be the Commissioners for the Purpose of carrying this Act into execution, and they and their Successors shall be incorporated by the Name of "*The Ipswich Dock Commissioners*," and shall be a Body Corporate, with perpetual Succession, a Common Seal, and Powers to sue and be sued, and to purchase and hold Lands, subject to the Provisions of this Act; and the said Mayor, Aldermen, and Burgesses shall be deemed Official Commissioners.

First Com-
missioners.

XI. The said Mayor, Aldermen, and Burgesses, and the several other Persons who immediately before the passing of this Act were the Dock Commissioners, shall be the First Commissioners acting in execution of this Act, and such several other Persons shall continue in Office until others are elected in their Stead as herein-after mentioned.

One Third
of the Com-
missioners
to go out
of Office
annually.

XII. The Number of Commissioners (exclusive of Official Commissioners) shall be Seventy-two, and the Provisions of the first-recited Act with respect to the Commissioners going out of Office by Rotation, and to the Election of Commissioners, and to the supplying of occasional Vacancies, shall, notwithstanding the Repeal of the said Act, continue in full Force until the Second *Friday* in *August* One thousand eight hundred and fifty-two; and upon the Second *Friday* in *August* One

The Ipswich Dock Act, 1852.

One thousand eight hundred and fifty-three and in every succeeding Year Twenty-four of such Seventy-two Commissioners, being the Twenty-four who have been the longest Time in Office without Re-election, shall go out of Office.

XIII. At a Meeting of Commissioners which shall be holden on the Second *Friday* in *August* One thousand eight hundred and fifty-three, and on the Second *Friday* in *August* in every Third succeeding Year, and of which no previous Notice to Commissioners shall be necessary, the Owners and Masters of Vessels belonging to the Port of *Ipswich* shall assemble at the Town Hall of *Ipswich*, or at such other Place within the Town of *Ipswich* as the Commissioners shall determine, between the Hours of Eleven and Four of the Clock of the Day; and such Owners and Masters, or the greater Part of such of them as shall be then and there assembled, shall elect Twenty-four Persons to be Commissioners in the Room of the Twenty-four who shall then go out of Office.

Election of Commissioners by Owners and Masters of Vessels.

XIV. At a Meeting of the Commissioners which shall be holden on the Second *Friday* in *August* One thousand eight hundred and fifty-four, and on the Second *Friday* in *August* in every Third succeeding Year, and of which no previous Notice to Commissioners shall be necessary, the Burgesses enrolled on the Burgess Roll for the Time being of the Town and Borough of *Ipswich* shall assemble at the Town Hall aforesaid, or such other Place, and between the Hours and in manner aforesaid, and then and there elect Twenty-four Commissioners in the Room and Stead of the Twenty-four Dock Commissioners who shall then go out of Office.

Election of Commissioners by Burgesses.

XV. At the *Trinity* Sessions held by Adjournment for the County of *Suffolk* at *Ipswich* in the Year One thousand eight hundred and fifty-five, and at the *Trinity* Sessions in every Third succeeding Year, Her Majesty's Justices of the Peace for the said County of *Suffolk* shall elect Eight Persons to be Commissioners in the Room of Eight of the Twenty-four Commissioners who will go out of Office on the Second *Friday* in *August* in the Year One thousand eight hundred and fifty-five, and on the Second *Friday* in *August* in every Third succeeding Year, to serve from such last-mentioned Day; and the Burgesses aforesaid, at a Meeting of Commissioners which shall be holden on the Second *Friday* in *August* One thousand eight hundred and fifty-five, and on the Second *Friday* in *August* in every Third succeeding Year, of which no previous Notice to Commissioners shall be necessary, shall in manner aforesaid elect Six of the said last-mentioned Twenty-four Commissioners; and in the Month of *July* in the Year One thousand eight hundred and fifty-five, and in the Month of *July* in every Third succeeding Year, Ten other Persons shall be elected in the Room of

Election of Commissioners by Magistrates and others.

[*Local.*]

19 M

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The Ipswich Dock Act, 1852.

the remaining Ten of the Twenty-four Commissioners who will then go out of Office, to serve from the Second *Friday* in *August* then next following in each of such last-mentioned Years, in manner, and at the Places, and by the Persons or Bodies Corporate respectively next herein-after mentioned; (that is to say,) Two of such Ten by the Mayor, Aldermen, and Councillors of the Town and Borough of *Bury Saint Edmund's*; Two other of such Ten by the Mayor, Aldermen, and Councillors of the Town and Borough of *Eye*; Two other of such Ten by the Ratepayers of the Town and Parish of *Stowmarket* in Vestry assembled; Two other of such Ten by the Ratepayers of the Town and Parish of *Hadleigh* in Vestry assembled (all which last-mentioned Places are in the County of *Suffolk*); and the remaining Two of such Ten Persons by the Ratepayers of the Town and Parish of *Diss* in the County of *Norfolk* in Vestry assembled.

Qualification
of Masters
and Owners
of Vessels
entitled to
vote.

XVI. No Master of any Vessel shall be entitled to vote as such in the Election of Commissioners unless the Vessel under his Command shall be of the Burden of Forty Tons or upwards, registered at *Ipswich*, nor unless his Name shall have been on the Register of such Vessel as Master Twelve Months at least before voting at any such Election, nor unless he shall, at the Time of such Election, be the registered Master of such Vessel; and no Owner of any Vessel shall be allowed to vote as such in the Election of Commissioners unless the Vessel in respect of which he may claim to vote shall have been registered in his Name in the Port of *Ipswich* Twelve Months at least before the Time of such Election, nor unless he shall be the Owner or Part Owner to the extent of One Eighth at least of any One Vessel of not less than Forty Tons Burden, or to the Extent of a Sixteenth of Two Vessels each of not less than Forty Tons Burden.

Regulations
as to the
Method of
voting.

XVII. Every Election of Commissioners by the Owners and Masters of Vessels and by the Burgesses of the Borough of *Ipswich* shall be held before a Chairman to be appointed by the Commissioners at the Meetings for such Elections respectively, and the Assessors for the Time being of the Ward in which the Mayor of the said Borough for the Time being shall be enrolled a Burgess, or before such Chairman and Two Deputy Assessors, to be appointed by such Assessors respectively, such Deputies being Commissioners; and the Votes at every such Election shall be taken by Ballot, under and according to such Regulations as the Commissioners shall by any Byelaw prescribe, determine, and make public, in case Notice shall be given in Writing by any Ten or more of the Commissioners at their monthly Meeting next preceding the Meeting at which such Election is to be held that they require such Election to be by Ballot; and in case no such Notice shall be given then the voting at such Election shall be conducted in manner following; (that is to say,) every Person claiming
and

The Ipswich Dock Act, 1852.

and having a Right to vote at the Election shall, between the Hours of Eleven in the Forenoon and Four in the Afternoon of the Day and at the Place of Election, deliver to the Chairman and Assessors or Deputy Assessors, or One of them, or some Person or Persons authorized by them or any Two of them, a Voting Paper containing the Name or Names of the Person or Persons for whom such Person shall vote, such Paper being previously signed with the Name of the Person voting, and with the Name of the Vessel as Owner or Master whereof he claims to vote, in case the Election be by the Owners or Masters of Vessels, or with the Name of the Person voting, and the Name of the Street or Place in which the Property for which he appears rated in the Burgess Roll is situated, in case the Election be by the Burgesses of the said Borough; and so many of such Persons, being equal to the Number of Persons then to be chosen, as shall have the greatest Number of Votes, shall be deemed to be elected; and in case of Equality in the Number of Votes between any Two or more Persons between whom it may be necessary to decide which shall be elected, the said Chairman, or in case of his Neglect the Clerk to the Commissioners, shall decide by Lot which shall be elected, and the Person in whose Favour such Decision shall be given shall be deemed duly elected a Commissioner.

XVIII. The Chairman and Assessors may close the voting or Poll at any Time before Four of the Clock, if One Hour have elapsed during which no Vote or Voting Paper has been tendered at the Place of Voting.

Poll may be closed if no Vote, &c. tendered for One Hour.

XIX. At the Close of the Poll the Chairman and Assessors or Deputy Assessors, or in case of their Neglect or Refusal the Clerk to the Commissioners, shall examine the Votes, and, if necessary, shall continue the Examination by Adjournment from Day to Day, not exceeding Two Days, until they or he shall have decided the Election.

How Election to be decided.

XX. If any Person do in any way falsify any Name or Writing in any Paper or List purporting to contain the Vote or Votes of any Person so voting as aforesaid, or do personate or attempt to personate any other Person having a Right so to vote, or do obstruct or prevent, or by any Contrivance attempt to obstruct or prevent, any Person having a Right to vote at any such Election from voting thereat, or do obstruct or prevent the Person or Persons taking or assisting in taking the Votes, the Person so offending shall, upon Information and Conviction before any Two or more Justices of the Peace for the Borough of *Ipswich*, be liable to a Penalty not exceeding Twenty Pounds, and in default of Payment thereof shall be imprisoned for a Time not exceeding Three Months.

Penalty for falsifying Voting Paper.

XXI. In

The Ipswich Dock Act, 1852.

In case of no Election had, the old Commissioners to continue as if they had been re-elected.

XXI. In case the Persons or Bodies Corporate respectively, or any of them, authorized or empowered in that Behalf, shall at any Time neglect or refuse to elect such Commissioners as they are hereby authorized and empowered from Time to Time to elect, at or within the Times herein-before respectively mentioned, then and in every such Case it shall be lawful for such of the Commissioners as would have gone out of Office in case new Commissioners had been elected in their Places to continue and act as Commissioners in all respects and for all Purposes as if they had been re-elected Commissioners under the Powers of this Act; and if and whenever in any Year a Part only of the Commissioners who ought to be then elected shall be duly elected, it shall be lawful for the Commissioners for the Time being to select and appoint which of the Commissioners who would have gone out of Office in such Year shall go out of Office to make Room for the new Commissioners who shall be duly elected, and which of the Commissioners who would have gone out of Office if the whole Number of Twenty-four had been duly elected shall continue and act and be deemed re-elected in manner herein-before mentioned.

Occasional Vacancies to be filled up by the remaining Commissioners.

XXII. When and so often as any of the Seventy-two Commissioners shall die or resign, or become disqualified to act as a Commissioner, or shall cease to be a Commissioner by other Means than by going out of Office in Rotation, it shall be lawful for the remaining Commissioners to elect another Person to be a Commissioner; and every such Person so elected to fill up a Vacancy shall continue in Office so long as the Person in whose Place or Stead he may be elected would have been entitled to continue in Office had he lived and remained in Office for his full Term.

Commissioners going out to be re-eligible.

XXIII. Any Commissioner who shall go out of Office may immediately or at any future Time be re-elected a Commissioner, and after such Re-election he shall, with reference to going out of Office by Rotation, be deemed and considered as a newly elected Commissioner.

Qualification of Commissioners.

XXIV. No Person (except the Official Commissioners, and the Twenty-four Commissioners who are to be elected to act from the Second *Friday* in *August* in the Year One thousand eight hundred and fifty-five, and in every Third succeeding Year thereafter,) shall be qualified or capable of acting as a Commissioner in the Execution of this Act unless he shall be a Housekeeper in the Town of *Ipswich*, and have paid towards the Parochial Rates of the same before he shall begin to act as such Commissioner in the Execution of this Act; and no Person (except the Official Commissioners) shall act or be qualified to act or be capable of acting as a Commissioner in the Execution of this Act unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands,

The Ipswich Dock Act, 1852.

Lands, Tenements, and Hereditaments of the clear yearly Value of Fifty Pounds, arising within the said Town or the Liberties thereof, or shall be possessed of Real and Personal Estate, or One of them, to the Amount or Value of One thousand Pounds; and no Person (except the Official Commissioners) shall be capable of acting as a Commissioner in the Execution of this Act until he shall have made and signed a Declaration to the following Effect, which Declaration the Commissioners or any One of them are or is hereby empowered to take at any General or Special Meeting :

‘ I DO solemnly declare, That I am duly qualified to act as One of the
 ‘ Ipswich Dock Commissioners, and that, according to the best
 ‘ of my Skill and Knowledge, I will faithfully and impartially and truly
 ‘ execute the several Powers and Authorities vested in me by “The
 ‘ Ipswich Dock Act, 1852,” as such Commissioner, according to the
 ‘ Tenor and Purport of the Act in such Case made and provided.’

Form of Declaration.

And if any Person not authorized or qualified according to the Provisions of this Act to act as a Commissioner in the Execution of this Act shall act in such Capacity, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of Her Majesty’s Courts of Record at *Westminster* by Action of Debt or on the Case; and the Person so sued shall prove that he was qualified at the Time he acted, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff than that such Person acted as a Commissioner in the Execution of this Act.

XXV. The Commissioners shall meet together at the Town Hall or at any other convenient Place in *Ipswich* upon the *Friday* in the Week next after the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven of the Clock of the Forenoon and One of the Clock of the Afternoon of the same Day, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves, and meet at the Town Hall aforesaid, by Leave of the Mayor for the Time being first had and obtained for that Purpose, or at any other convenient Place within the Town of *Ipswich*, as they or the major Part of them at such Meeting shall appoint; and if it shall happen that there shall not be a Quorum at any such Meeting to act or to adjourn, or if the Commissioners, when met, shall neglect or refuse to make an Adjournment, then and in every such Case the Meeting shall *ipso facto* stand adjourned until the same Day in the following Week, and due Notice thereof shall be given to the Commissioners by their Clerk; and no Act of the Commissioners, other than that of the Adjournment, except where it is by this Act expressly otherwise directed, shall be valid unless made or done at some public Meeting of Commissioners; and the Commissioners

First and other Meetings of the Commissioners.

[Local.]

19 N

shall

The Ipswich Dock Act, 1852.

Appoint-
ment of
Chairman.

shall at their Meetings bear and pay their own Charges and Expenses ; and at every Meeting of the Commissioners One of such Commissioners, to be chosen by the Commissioners present at such Meeting, shall preside, and be called Chairman, and such Chairman shall not only have a Vote as a Commissioner, but in case of Equality of Votes shall have the decisive or Casting Vote.

Quorum.

XXVI. The Quorum of a Meeting of Commissioners for all Purposes, except for Adjournment, shall be Ten, and the Quorum for the Purpose of Adjournment shall be Three.

Special
Meeting of
Commis-
sioners.

XXVII. The Clerk to the Commissioners, whenever required by Three or more Commissioners, shall, by Circular addressed and sent to each Commissioner, convene a Special Meeting of Commissioners, and such Circular shall state the Time and Place for holding such Meeting (such Time not being earlier than Three Days after the issuing of the Circular), and the Business to be transacted thereat, and such Meeting may be held accordingly, and may be adjourned from Time to Time and from Place to Place in like Manner as any Ordinary Meeting may be adjourned, but shall not stand *ipso facto* adjourned in case of Non-attendance of a sufficient Number of Commissioners to adjourn, or of Neglect or Refusal to adjourn ; and no Business, except such as shall be specified in the Circular convening the same, shall be transacted at any such Special Meeting or any Adjournment thereof.

Power to
appoint
Committees.

XXVIII. It shall be lawful for the Commissioners, at any of their Meetings, to nominate and appoint a Committee for the general Management of the Affairs of the Commissioners, and such other Committee or Committees of their own Body as they may think proper ; and such a Committee or Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever in and about the Dock, Port, and Harbour of *Ipswich* and River *Orwell*, and otherwise, which the said Commissioners shall from Time to Time intrust to the Management of such Committees ; and such Committees shall meet at such Times and Places as they shall think proper ; and all Powers hereby vested or which shall be vested in such Committees by the Commissioners shall be exercised by the major Part present at their respective Meetings ; and such Committees shall from Time to Time make Reports of their Proceedings to the Commissioners, if required, which shall at all Times be subject to the Approval of the Commissioners.

Acts of
Commis-
sioners, &c.

XXIX. No Proceeding of the Commissioners or of any Committee shall be invalidated or be illegal in consequence only of there being
any

The Ipswich Dock Act, 1852.

any Vacancy in the Number of Commissioners at the Time of such Proceeding.

not invalid-
dated by
reason of
Vacancies.

XXX. The Commissioners shall cause One or more Book or Books to be provided and kept, and shall cause fair and regular Entries to be made therein of the several Meetings, and Names of the Commissioners attending such Meetings, and of the Nomination of all Officers and Persons, and of all Acts, Orders, or Proceedings relative to the Execution of this Act; and the Chairman for the Time being, and the Clerk attending such Meeting, shall subscribe their Names to the Proceedings of every such Meeting; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted to be read in Evidence in all Causes, Suits, and Actions touching anything to be done in pursuance and by virtue of this Act, and which Book shall be kept by the Clerk to the Commissioners as the Commissioners shall from Time to Time direct, and shall, at every Meeting of the Commissioners and at all other reasonable Times, be open and liable to the Inspection of the Commissioners, and of any Mortgagee of the Rates or Property of the Commissioners.

Proceedings
to be en-
tered in a
Book.

XXXI. The "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, but nothing therein contained shall be held or construed to authorize the Commissioners to purchase any Lands otherwise than by Agreement.

Provisions of
8 & 9 Vict.
c. 18. incor-
porated.

XXXII. Whereas it was by the first-recited Act enacted, that it should be lawful for the Dock Commissioners appointed or elected by or under the Authority of the said Act to design, lay out, excavate, build, erect, make complete, repair, and maintain, in, over, under, through, and upon that Part of the River *Orwell* and Harbour of *Ipswich* which was described in the Plan therein-after mentioned, as well as the Lands, Tenements, and Hereditaments which should be purchased by or vested in the said Dock Commissioners under the Authority of the said Act, or any Part or Parts thereof, according to such Plan or Plans and in such Manner as they should approve of, a navigable Dock or Basin, with an Entrance Lock or Locks, Embankments, Cuts, with Entrances into and from the same, and also a new Cut, Channel, or River, with Roadways on each Side thereof of the Width of Forty Feet, or such other Width as the said Dock Commissioners should think fit, and into and through the said Cut or Channel to turn and divert the Waters of the River *Gipping* and the Flow of the Tide of the River *Orwell*, and also to construct all and every Quay or Quays, Wharf or Wharfs, Inclined Planes or Slips, Graving Docks, Cranes, Sheds, Engines, Bridges, Buildings, Works, and other Matters and Things necessary or proper for carrying into effect the Purposes of the said Act, and that the said Dock Commissioners should and might

Power to
make Wet
Dock ac-
cording to
Plan de-
posited
under the
Provisions of
7 W. 4. &
1 Vict. c. 74.,
with a new
Cut, Quays,
Sewers, and
Approaches.

The Ipswich Dock Act, 1852.

might also build and construct, or cause to be built and constructed, a Quay or Wharf of the Width of Thirty Feet or thereabouts, for the Trade and Business of the said Town and Port, and for giving convenient Access to the said Dock, which should range along the North and East Sides of the said Dock next the Town, and project into the present Channel of the River there in front of the present Line of Quays and Warehouses, with proper Sewers and Culverts under and beneath the same for carrying off the Drainage of the Town, and with a proper Outfall or Outfalls into the River beyond the Ends of the said Dock, and all necessary Doors, Flats, Gratings, and Sluices, and which new Quay to be so constructed should be an open and public Roadway for all Persons, Cattle, and Carriages: Provided always, that the Frontage and Front Wall of the said Quay, and the Right of shipping and landing Goods thereon or thereat, should be deemed to be the Property and Right exclusively of the Owners of the Quays and Wharfs respectively in front of which the same was or were built respectively, or their respective Heirs or Assigns, and should be kept in repair by them respectively, after the Completion thereof by the said Dock Commissioners, and should be of the same Tenure, and subject to the like Uses, Trusts, Powers, Provisoes, Charges, Incumbrances, and Conditions, as such last-mentioned Quays and Wharfs respectively, and so that nothing therein contained should authorize or empower any Person or Persons to lay their Vessels or Ships in front of or alongside such Quay or Wharf Walls as were thereby declared to be private Property respectively, or to land or ship any Goods, Wares, and Merchandise from or across the same Quays, without the Consent of the respective Owners thereof, other than and except so far as they might have been entitled to do prior to the passing of the said Act: And whereas, after reciting that Maps or Plans describing the Limits within which the said Dock and Works by the said Act authorized were proposed to be made, and the Premises comprised therein, together with Books of Reference containing a List of the Names of the Owners and Occupiers of such Lands, had been deposited in the Office of the respective Clerks of the Peace for the County of *Suffolk* and for the Town of *Ipswich*, it was by the said Act further enacted, that such Maps or Plans and Books of Reference should remain in the Custody of such Clerks of the Peace, to the end that all Persons interested in any Manner in such Lands should at all seasonable Times have Liberty to inspect the said Maps or Plans and Books of Reference so deposited, and to have Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace in whose Custody the same might be the Sum of One Shilling for every such Inspection, and for furnishing Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Books of Reference, or either of them, or any Copy thereof

or

The Ipswich Dock Act, 1852.

or Extract therefrom (such Copy or Extract being certified to be a true Copy or Extract by the said Clerks of the Peace or either of them), should be good Evidence in all Courts of Law and elsewhere: And whereas by the first-recited Act it was further enacted, that the Dock Commissioners should and might make or cause to be made such public Wharfs and Quays for the Trade and Business of the said Port, by building a Quay Wall along the East and West Sides of the said Dock, commencing at the South-west Corner of the then present Ballast Wharf, and in a Line with the Quay to be made in front thereof where private Quays did not then exist, and along the North-east and South-west Sides of the then intended Cut or Channel, and which Wharfs and Quays should thereupon be free and public Quays, under such Regulations as the said Dock Commissioners should determine; provided that the Owners or Occupiers of any Warehouses, Buildings, Lands, or Hereditaments next adjoining to and abutting on the said Dock, or such public Quay or Roadway, as should be the Boundary thereof, should have a Right of landing and shipping all Goods, Wares, and Merchandise to and from such respective Warehouses, Buildings, Lands, or Hereditaments, without Payment of any Wharfage for the same, and that the said Dock Commissioners might also erect and make a Ballast Wharf at the South End or Embankment of the said Dock: Provided also, and it was further enacted, that if the said Dock Commissioners should not build and complete a Quay or Wharf, or Quays or Wharfs, along such Part of the East or West Sides of the said Dock, or along the Sides of the said intended Cut or Channel, in the Manner lastly therein-before described, within the Period of Seven Years from the passing of the said Act, it should and might be lawful for the Owners of any Warehouses, Buildings, Lands, or Hereditaments next adjoining to or abutting on the said Dock, or public Roadway bounding the same, immediately after the Expiration of the said Seven Years, or earlier with the Consent of the said Dock Commissioners or the major Part of such of them as should be assembled at a Meeting duly holden, to build a Quay or Walls to the Extent of the Frontage of the Hereditaments respectively along the said last-mentioned Sides of the said Dock and Cut or Channel, or such Part thereof as the said Dock Commissioners should not have built against, under the Direction of the said Dock Commissioners or their Engineer, and so as that the Face of such new Quays should range evenly along the said Dock and Channel according to the Lines or Curves thereof respectively, and to, over, and upon the Frontage and Front Wall of which said new Quays the Owners of the Hereditaments respectively entitled to build, and building or constructing the same, should thereupon have the like exclusive Right, Ownership, and Property, and be subject to keep the same in repair, as the Owners of the then existing private Quays and Wharfs would have been subject to as to the Frontage and Front

[*Local.*]

19 O

Walls

The Ipswich Dock Act, 1852.

Walls of the new Quays or Wharfs to be erected or constructed by the said Dock Commissioners in front of the private Quays then abutting on the Channel of the River which would form the North Side and the North End of the East Side of the said intended Dock; and it was by the said Act further enacted and provided, that nothing therein contained should extend or be construed to extend to authorize the making, constructing, or erecting any Work below the ordinary High-water Mark at Spring Tides, without the Assent of the Lord High Admiral or of the Commissioners for the Time being for executing the Office of Lord High Admiral having been first obtained for that Purpose, such Assent to be signified in Writing under the Hand of the Secretary of the Admiralty; and it was by the said Act further enacted, that the said Dock Commissioners should and they were thereby required to make or cause to be made a Road of the Width of Forty Feet at the least, proper for the Passage of Cattle, Carriages, and Foot Passengers, from the End of the then present Ballast Wharf, along the East Side of the said Dock, and thence along the South End of the said Dock, to the Entrance Lock or Outer Dock Gates, and from the said Entrance Lock or Dock Gates, along the North Side of the intended new Cut or Channel, and across the Head or West End of the said Dock to *St. Peter's Dock*, and should make an Opening of the Width of Twenty Feet at the least into *College Street*, through the Way or Opening now leading to the said Street from *St. Peter's Dock*, if (as is the Case) the said proposed Dock should there terminate, and if and in case the said Dock Commissioners should at any Time erect or construct a Bridge across the Lock Pit or Entrance Lock or Channel leading from the said new Cut into the Dock, the same Bridge should at all reasonable Times and Hours be passable by Foot Passengers without Payment of any Tolls, Dues, or Duties whatsoever, and the said Dock Commissioners should in like Manner make another like Roadway on the South or South-west Side of the said intended Cut or Channel, from the East or South-east End of the said new Cut, and thence in such Direction as they should deem most advisable, into *Great Whip Street*, so that all Persons with Cattle and Carriages might thereby have free Access to the Dock and Quays and the Sides of the said new Cut and Channel, and a free Circulation of Air might be preserved and continued, and the same might not only be rendered convenient for Business, but contribute to the Health and Recreation of the Inhabitants of the said Town; and it was by the said Act further enacted, that the said Dock Commissioners should and they were thereby required to set out and leave a sufficient Opening and make a like Road of the Width of Forty Feet from the Road near or adjoining to the West End of *Albion Street* to the Eastern Quay, Bank, or Boundary Road of the said Dock, so as to form a convenient Communication from the Street and Road contiguous thereto, and such other Openings, Roads, and Communications to the said Dock as they might think necessary, and such

The Ipswich Dock Act, 1852.

such of the said Roads last mentioned as abut on or bound the said Dock or new Cut or Channel as well as the Roadway over and along the new Quay on the North Side of the proposed Dock, and the Sewers under the same, and thence to its Outfall or Outfalls, should from Time to Time and at all Times thereafter be kept in repair by and at the Costs of the said Dock Commissioners; but such other public Streets or Roads and Avenues as lead from any parallel or contiguous Roads to the Roads or Quays around the said Dock, or along the Sides of the said new Channel, when so made and put into repair by the said Dock Commissioners, should from thenceforth be deemed and taken to be public Streets, Highways, and Roads respectively, and should be repaired and kept in repair as the other public Streets or Roads respectively within the Parishes in which the same were or might be respectively situate were then or might be repaired: Provided always, and it was thereby further enacted, that it should not be lawful for the said Dock Commissioners or any other Person or Persons to erect any House, Warehouse, Shed, or Building on the North, West, or East Sides, or at the South End of the said Dock, nearer than Thirty Feet to the Edge of the said Dock, nor on either Side of the intended Cut or Channel nearer than Forty Feet to High-water Mark at ordinary Spring Tides, except any Building which might be required for the Use and Service of the said Dock Commissioners or any of their Officers, so that open Ways might at all Times be preserved for the Public of those Widths respectively, and so that the sailing of Vessels should not be impeded thereby: Provided always, and it was further enacted, that nothing therein contained should prevent the Proprietor of any Warehouses, Lands, or Hereditaments abutting upon or fronting the said Roadways to be made alongside the said Dock as aforesaid from building Warehouses, Houses, Granaries, or other Erections over the said Roadways, leaving Sixteen Feet in Height in the Clear between the said Roadways and the Floor or lowest Parts of such Buildings for the full Width of the said Road, and such Buildings to be supported on Pillars or Arches resting on the Front Wall or Quay Wall of the said Dock, and according to such Plan and Elevation and in pursuance of such Regulations and Rules as the said Dock Commissioners should agree to and sanction; and the said Dock Commissioners were thereby required, as soon as conveniently could be after the passing of the said Act, to agree to and make public, in such Way as they should deem expedient, a certain and defined Plan and certain Regulations and Rules according to which all such Proprietors and Owners might so build: And whereas the said Dock or Basin, and the Quay or Wharf to be of the Width of Thirty Feet or thereabouts, together with the said Roads, Approaches, and the other of the said Works, have been completed and constructed, as near as Circumstances would permit, in accordance with the Provisions of the said Act, except so far as regards the dredging and deepening

The Ipswich Dock Act, 1852.

Works to be
maintained,
and recited
Sections of
7 W. 4. &
1 Vict. c. 74.
to continue
in force.

ening of certain Portions of the said Dock and Basin; and the said Dock Commissioners have not only made the same Works, but have laid out and planted certain Walks and Avenues adjacent to the said Dock and Channel, and the Approaches thereto, on Land belonging to or claimed by them, in order that a free Circulation of Air may be preserved, and the same may not only be rendered convenient for Business, but contribute to the Health and Recreation of the Inhabitants of the Town: Be it enacted, That all the said Works shall be maintained and kept in good Order and Repair, of the Form and Dimensions of which the same have been constructed, and all the Powers of the said Act for dredging and deepening the said Dock and Basin shall continue in full Force, and the recited Provisions shall form Part of this Act, and shall have as full Operation as they would have had if the first-recited Act had continued unrepealed, and the "Lands Clauses Consolidation Act, 1845," as incorporated with this Act, had been incorporated therewith; and the Expression "Dock Commissioners" in the said Provisions shall mean the Commissioners acting in execution of this Act: Provided always, that if the Owners of the Quays and Wharfs by the recited Provisions required to repair the Frontage and Front Wall of the said Quays, their Heirs or Assigns, shall refuse or neglect to repair the same or the Part or Parts thereof which they are respectively required to repair, for the Space of Three Days after receiving Notice from the Commissioners, by Writing under the Hand of their Clerk, to repair the same, or the Part or Parts thereof aforesaid, (and which Notice the said Commissioners are hereby authorized to give whenever the said Frontage or Front Wall shall require Repair,) or if, having commenced the Repair thereof, they shall not diligently proceed with such Repair to the Satisfaction of the Commissioners or their Engineer, it shall be lawful for the Commissioners to execute such Repairs, or to continue and complete the Repairs which shall have been so commenced, and all the Costs, Charges, and Expenses which shall be incurred by them in and about such Repairs shall be a Debt to them from the Owner or Owners respectively liable for such Repairs, his or their respective Executors, Administrators, or Assigns, and shall be recoverable and may be recovered in like Manner as any Penalty may be recovered under the Provisions of this Act, or by Action, with full Costs of Suit, in any Court of competent Jurisdiction.

Commis-
sioners may
enter into
Contracts.

XXXIII. The Commissioners are hereby empowered to enter into Contracts, and make Bargains with any Contractor, Builder, Workmen, or other Persons, for the making and doing of all and every or any Part of the Work or Business in and about constructing the said Dock and other Works, and completing, maintaining, or cleansing the same, or improving the said River, and in or about building or making
Ballast

The Ipswich Dock Act, 1852.

Ballast Quays, Dredging or other Engines, Ballast Barges, Warehouses, Quays, and all other Works in and about the same, and maintaining, repairing, keeping, and enlarging the same, or increasing the Number thereof from Time to Time.

XXXIV. The Provisions of the "Harbours, Docks, and Piers
Clauses Act, 1847," with respect to the Construction of Warehouses, Wharfs, and other Conveniences, shall be incorporated with this Act; and in addition to the Conveniences therein mentioned it shall be lawful for the Commissioners to provide such other Conveniences upon any of the public Quays of the Dock or Channel made or to be made under and by virtue of this Act, and to affix such Mooring Rings to any of the private Quay Walls there (making good all Damage thereby occasioned), as they may consider necessary or proper for the Accommodation of the Trade of *Ipswich*, and of the Merchants and others attending the Discharge or loading of any Vessel lying in the Dock or River aforesaid, or for the marking, taring, or sampling of any Goods, Wares, or Merchandises, and from Time to Time to alter, remove, or replace any Machines or Conveniences by them created or fixed in such Manner as to them shall seem necessary or proper, and also to make and provide Engines for extinguishing Fires, for the better Security of the Vessels in the Dock.

Warehouses,
Cranes, and
other Con-
veniences.

XXXV. It shall also be lawful for the Owners and Occupiers of the private Quays or Wharfs which abut or may abut on the Dock, at their own Expense, to set up and erect any Shades, Cranes, Hoisting and Weighing Machines, and to provide any other Convenience for their own respective Accommodation, provided that the same are not so erected or used as to prevent the free Passage along the Roadway by the Side of the Dock, and so that the same be erected and set up in accordance with the Regulations to be prescribed by the Commissioners or their Engineer in that Behalf, the Plan for the Erection thereof being first submitted to and approved by the Commissioners or their Engineer for the Time being.

Power to
erect private
Cranes on
Quays.

XXXVI. It shall be lawful for the Commissioners from Time to Time to lay down or grant Permission to Persons to lay down any Pipe or Pipes for the Conveyance of Water in, over, under, or through the Land or Ground vested in or which shall be purchased by them by or under the Authority of this Act, and also to supply, or to contract with any Corporation, Company of Proprietors, or other Persons to supply, the Dock or the Vessels therein with Water, and also to light the Dock with Gas or Oil or otherwise.

Power to lay
down Pipes,
to contract
for Supply
of Water
and for
lighting
Docks.

XXXVII. It shall be lawful for the Commissioners, and their Agents, Engineers, Workmen, and Labourers employed in repairing,
[Local.] 19 P dredging,

Power to lay
Materials on
adjoining

The Ipswich Dock Act, 1852.

Lands, making Compensation to Owners.

dredging, or deepening the Dock, or any of the Quays or other Works connected therewith, or in improving the River *Orwell*, or in making Quays, Wharfs, Roads, or other Works, to lay any Stones, Timber, Iron, or any other Materials, Matters, or Things to be used in or about any of the Works, or any of the Soil, Earth, Stones, Mud, Gravel, and Spoil to be excavated or removed out of or from the Dock or any Cut or other Work connected therewith, upon any of the adjoining Lands, Ooze, or Mud situate, lying, and being on the Eastern Side of the River *Orwell* between *Stoke Bridge* in the Town of *Ipswich* and the Brook or Rivulet of Water passing or running through the Farmyard of a certain Messuage and Lands called *Greenwich Farm*, belonging to Sir *Philip Broke*, in the Parish of *Saint Clement* in the Town of *Ipswich*, and falling into the said River, and any Lands, Grounds, Tenements, and Hereditaments situated on the Western Side of the said River between *Stoke Bridge* aforesaid and a certain other Bridge called *Bourne Bridge* in *Ipswich* and *Freston* aforesaid, and to have the same Soil, Earth, Stones, Mud, Gravel, or Spoil, making Satisfaction to the Owners and Occupiers thereof for all Damages done thereto in such Manner as shall be agreed upon between the Commissioners and the respective Owners or Occupiers thereof, and in case of Disagreement therein then in such Manner as is by the "Lands Clauses Consolidation Act, 1845," prescribed for settling Cases of disputed Compensation, but so nevertheless that the Commissioners shall not prevent the Navigation or Approach of Ships or Boats to the adjoining Lands, in like Manner as the same can now approach the said Lands, without the Consent of the Owners or reputed Owners of such adjoining Land respectively.

Penalty on conveying Washings into Dock or Sewers.

XXXVIII. If any Company or Person shall at any Time cause or suffer to be brought or to flow into the Dock, or into any Drain or Sewer, the Property of the Commissioners, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in such Dock, Drain, or Sewer shall be fouled, the Company or Person so offending shall forfeit for every such Offence the Sum of Two hundred Pounds, to be recovered, with full Costs of Suit, in any of the Superior Courts; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during Continuance of the Offence.

XXXIX. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Company or Person so offending as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or the Act by which such Water shall be fouled shall continue,

The Ipswich Dock Act, 1852.

continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Company or Person by the Commissioners.

XL. From and after the passing of this Act there shall be paid to the Commissioners, by the Persons and the Owners and Masters having the Command of Vessels belonging to or coming to the said Port, between *Stoke Bridge* and *Levington Creek*, for all Vessels coming into the said River within the said Limits (except Wherries or Passage Boats belonging to the said Port passing to and from *Harwich*), the Rates and Duties herein-after mentioned and specified in the Schedule to this Act, and no other Rates or Duties for the same or in respect thereof, under any Denomination whatsoever, except such as are due and payable to the Mayor, Alderman, and Burgesses of the Town and Borough of *Ipswich*, if any.

Power to
levy Rates
specified in
Schedule to
this Act.

XLI. The said Rates and Duties shall be paid under the following Regulations; that is to say,

Regulations
for Payment
of Tonnage
Duties.

For One Arrival together with One Departure of each Vessel at and from the Port of *Ipswich* only One Rate shall be due and payable for each Vessel, whether she shall have traded both Inwards and Outwards, or arrived or departed in Ballast:

All Vessels which shall arrive at the Port of *Ipswich*, trading Inwards, and all Vessels arriving in Ballast and trading Outwards from the Port of *Ipswich*, shall be liable to pay One full Rate:

All Vessels arriving in Ballast at and departing in Ballast from the Port of *Ipswich* shall be liable to pay One Moiety of the Rate:

All Vessels built within the Port of *Ipswich* shall, on first trading Outwards, pay only a Moiety of the Rate, but shall thereafter be liable to pay the full Rates payable by this Act:

All Vessels built within the Port of *Ipswich*, and departing in Ballast, shall on first departing pay no Rate, but thereafter shall be liable to pay the full Rate:

All Vessels trading Inwards from Foreign Parts, and discharging less than Half a Cargo in the Port of *Ipswich*, and not taking in Goods in the said Port exceeding Half a Cargo, and trading from the said Port therewith, shall be liable to pay One Moiety of the Rate.

XLII. All Vessels coming into the River *Orwell*, and navigating therein above *Levington Creek*, and the Cargoes of which or any Part thereof shall be delivered in any Part of the said River, or brought to the Port of *Ipswich*, shall be deemed to be within the River of the Port of *Ipswich*, in such and the same Manner as if they came into the

Vessels de-
livering their
Cargoes in
any Part of
the River to
be liable to
Duties.

The Ipswich Dock Act, 1852.

the Dock, and shall be subject and are hereby declared to be liable to the Rates or Duties hereby granted, and to such Rules, Byelaws, and Regulations of the Commissioners as shall be in force immediately after the passing of this Act, or shall be hereafter made under the Provisions thereof.

Further Tonnage Rates payable by Vessels remaining in Dock beyond Two Months.

XLIII. Every Vessel going into the Dock may be and remain there for the Space of Two Months, to be computed from the Time of going into the Dock, on paying the Rates or Duties specified in the Schedule to this Act; and if such Vessel shall remain in the Dock more than Two Months there shall be paid and payable to the Commissioners, or their Collectors or Deputies to be from Time to Time appointed, in addition to the Rates or Duties aforesaid, by the Master, Owner, or Consignee of such Vessel, according to the Tonnage Burden thereof, for every Month which such Vessel shall remain in the Dock, the Rate or Duty of One Penny *per Ton per Month*.

Vessels driven into Port by Stress of Weather exempted from Rates, provided they do not enter the Dock.

XLIV. Provided always, That if any Vessel shall be forced into the said Port by Stress of Weather, none of the Rates or Duties hereinbefore authorized to be taken shall be charged or chargeable in respect of such Vessel, notwithstanding that some of the Goods or Merchandises on board thereof shall have been or shall be sold in the said Port, if the same shall be sold merely for the Purpose of refitting and repairing such Vessel, provided that such Vessel does not enter the Dock; but if such Vessel shall enter the said Dock, then the Rates and Duties specified in the said Schedule shall be charged and paid for such Vessel, according to the Provisions of this Act.

Vessels in the Service of Government exempted.

XLV. Provided always, That all Vessels belonging to Her Majesty or employed in Her Majesty's Service, or seized or detained on behalf of Her Majesty, or in the Service or Employ of the Boards of Ordnance, Customs, or Excise, shall be exempted from the Payment of all and every the Rates and Duties hereby granted.

Act not to extend to charge Vessels coming from the River Gipping with the Duties, &c.

XLVI. Provided also, That nothing in this Act contained shall extend or be construed to extend so as to charge any Vessel coming from or going to the River *Gipping*, or any other inland Navigation which may hereafter be made to communicate with the Dock or the River *Orwell*, with the Rates or Duties allowed by this Act, provided the Cargo in such Vessel coming from or going to the said River *Gipping* or other inland Navigation as aforesaid shall be landed or loaded within the Port of *Ipswich*, or put on board or taken out of some Vessel lying in the Dock or the River *Orwell*.

Tonnage to be paid according to

XLVII. All Vessels trading to and from the Port of *Ipswich*, liable to the Duties of Tonnage by this Act imposed, shall pay the said Duties

The Ipswich Dock Act, 1852.

Duties according to the Admeasurement contained in the Certificate of Registry belonging to such Vessel, and the said Duties of Tonnage shall be thereby computed and collected accordingly; and the Tonnage of all Foreign Vessels shall be ascertained according to the Rules of Admeasurement for the Time being established by Law for regulating the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom.

the Certificate of Registry.

XLVIII. The Masters and Owners of all Vessels entering and using the said River, and liable to the Payment of the Rates and Duties by this Act imposed, that shall be unregistered, or who shall refuse or decline to produce their Registers, shall suffer and permit the said Vessels to be measured according to the Rules aforesaid, and shall pay the Rates and Duties aforesaid according to such Measurement; and every Owner or Master who shall refuse to produce such Register, or to have his Vessel measured as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, to the Commissioners.

Vessels, &c. may be measured.

XLIX. It shall be lawful for the Commissioners from Time to Time to compound and agree, by the Year or otherwise, with any Proprietors or Masters of Steam Boats, Pleasure Boats, or other Vessels engaged in transporting Passengers only, and of Vessels under Fifteen Tons Burden Register Tonnage, whether engaged in transporting Passengers or carrying Goods, for the Rates or Duties payable by or in respect of the same, and to accept and take such Sum or Sums of Money in lieu of such Rates or Duties as they the Commissioners shall from Time to Time think proper, every such Sum of Money nevertheless to be paid in advance: Provided always, that in case the Commissioners shall at any Time or Times compound and agree in manner aforesaid with any Proprietor or Master of a Steam Boat or of any Vessel under Fifteen Tons for such Rates or Duties as aforesaid, it shall be lawful for all other Proprietors and Masters of Steam Boats engaged in transporting Passengers, and of other Vessels under Fifteen Tons, to compound for the Rates or Duties payable by them, upon the like Terms as any other Proprietor or Master of a Steam Boat or of any such Vessel under Fifteen Tons Burden shall for the Time being have compounded and agreed, under the Power and Authority herein-before contained, respect being had to the Tonnage of the same Vessel and the proportionate Rates hereby imposed thereon; and the Commissioners are hereby required to accept such Composition as last aforesaid, to the Intent that such Rates or Duties may not be compounded for partially or in favour of any particular Person or Party.

Power to compound for Tolls in respect of Steam Boats.

L. It shall be lawful for the Commissioners at all Times hereafter to lessen and reduce, and again to raise and advance, all and every the

Power to vary Rates.

[*Local.*]

19 Q

Rates

The Ipswich Dock Act, 1852.

Rates or Duties herein-before authorized to be taken, and to order the same to be again raised, levied, and taken, in such Manner as they shall appoint; provided that such Rates or Duties shall not be increased so as to exceed the respective Rates specified in the Schedule to this Act; and any reduced Rates or Duties shall be paid and payable and recoverable in such and the like Manner as the Rates or Duties hereby authorized to be taken.

Rates to be
charged
equally.

LI. The several Rates or Duties by this Act authorized to be taken shall at all Times be charged equally and after the same Rate in respect of Shipping engaged in the same Description of Trade, and no Reduction or Advance in the said Rates or Duties shall either directly or indirectly be made partially or in favour of any particular Person or Party, but every such Reduction or Advance of Rates or Duties upon Shipping engaged in the same Kind or Description of Trade shall extend to all Persons whomsoever engaged in the same Trade, anything to the contrary thereof in anywise notwithstanding.

Duty on
Coals.

LII. Whereas by the first-recited Act the Dock Commissioners were authorized to levy a Duty or Sum of One Shilling for every Ton Weight of Coals, Coke, and Cinders, and so in proportion for any less Quantity, which should be imported or landed within the River *Orwell* or Town of *Ipswich* aforesaid, or the Harbour thereof, or otherwise brought or delivered within the Limits of such Act, and by the same Act and by the secondly-recited Act to borrow Monies on the Credit of such Duty, not exceeding the respective Sums of Seventy thousand Pounds and Twenty thousand Pounds, and by the thirdly-recited Act the Dock Commissioners were authorized to levy a further Duty of Sixpence *per* Ton for every Ton Weight of Coals, Coke, or Cinders, and so in proportion for a less Quantity, imported within the River *Orwell* or Town of *Ipswich*, or otherwise brought or delivered within the Limits of the first-recited Act, and to borrow Money on the Credit of such further Duty, not exceeding the Sum of Twenty thousand Pounds: And whereas the same Powers of levying the same Duties are intended to be reserved to the Commissioners, notwithstanding the Repeal of the said Acts: From and immediately after the passing of this Act there shall be paid to the Commissioners, or to their Collector, or to such Person or Persons as they shall from Time to Time appoint to collect and receive the same, the Duty or Sum of One Shilling, and also the further Duty or Sum of Sixpence, for every Ton Weight of Coals, Coke, and Cinders, and so in proportion for any less Quantity, which shall or may be imported or landed within the River *Orwell* or Town of *Ipswich* aforesaid, or the Harbour thereof, or otherwise brought or delivered within the Limits of this Act, such Rates or Duties to be paid in addition to all other Duties and Impositions payable or to become payable in respect thereof by any Law
or

The Ipswich Dock Act, 1852.

or Statute whatsoever, and a separate Account shall be kept by the Commissioners of the Monies collected or received by them in respect of the said further Duty or Sum of Sixpence *per* Ton.

LIII. Provided always, That it shall be lawful for the Commissioners, from and after the passing of this Act, to allow such Remission or Drawback of the said Rates or Duties to be charged or chargeable upon or in respect of Coal or Coke or Cinders which shall be conveyed by Railway beyond the Liberties of the Town of *Ipswich*, or which shall be transhipped beyond the River *Orwell*, as they shall think fit, not exceeding the Amounts following; (that is to say,) in respect of Coal or Coke or Cinders conveyed by Railway as aforesaid, Twenty-three Twenty-fourths of the said several Duties; and in respect of Coal or Coke or Cinders to be transhipped as aforesaid, Twenty-three Twenty-fourths of the same Duties; and it shall be lawful for the Commissioners from Time to Time to alter or entirely disallow or repeal such Remission or Drawback, either in respect of Coals or Coke or Cinders to be conveyed by Railway as aforesaid, or to be transhipped as aforesaid, or both, and again to allow the same or any other Amount of Remission or Drawback in respect of such Coal or Coke or Cinders, and so from Time to Time: Provided always, that it shall not be lawful for the Commissioners at any Time to allow a greater Amount of Remission or Drawback than herein-before limited; and every such Remission or Drawback shall be allowed equally to all Persons and Companies under the like Circumstances, and having regard, in the Case of Carriage by Railway, to the Distance such Coals or Coke or Cinders may be conveyed from the Town of *Ipswich*; and the Commissioners acting in execution of the repealed Acts or this Act shall not, nor shall any of them, or any Person whomsoever, be in any way chargeable with or for or liable to repay or make good any Allowance by way of Remission or Drawback of the said Rates or Duties in respect of Coal or Coke, or Culm or Cinders, so conveyed by Railway or so transhipped as aforesaid, which may have been allowed prior to the passing of this Act.

Power to
Commis-
sioners to
allow a Draw-
back on
Coals, &c.

LIV. Provided always, That no Vessel or Raft loading or unloading or delivering any Coals, Coke, or Cinders, or other Wares or Merchandise, from or on the Eastern Part of the River, upon the Lands, Beach, or Coast now the Estate of the aforesaid Sir *Philip Broke*, beginning at a certain Rivulet or Stream dividing the Parish of *St. Clement* in *Ipswich* from certain Lands, extra-parochial, belonging to the said Sir *Philip Broke*, and passing through the Yard of a certain Messuage or Farm called *Downham Reach Farm* otherwise *Pond Hall Farm*, and extending from thence downwards to *Levington Creek* aforesaid, or on the Western Side upon any Lands, Beach, or Coast late belonging to the Reverend *Henry Denny Berners*, Archdeacon of *Suffolk*,

Vessels land-
ing Goods
on certain
Lands of
Sir Philip
Broke and
others not
liable to
Duties.

The Ipswich Dock Act, 1852.

Suffolk, deceased, or belonging to the Dowager Lady *Harland*, at and between a certain Place called *Pin Mill* in the Parish of *Chelmondiston* and a Place called *Freston Brook* in the Parish of *Freston* inclusive, or on or at the Lands of any other Person lying within the above-mentioned Limits, shall, for any such Amount of Tonnage as shall be laden or discharged on or at any such Lands or Place as aforesaid, be liable to any Rates or Duties imposed by this Act, and no such Coals, Coke, or Cinders landed or discharged shall be liable to the Payment of any Rates or Duties under this Act, but nevertheless all such Vessels or Rafts shall be liable for such Part of their Tonnage as shall be discharged or landed or carried to any other Parts of the said Port within the Limits thereof; and all Coals, Coke, and Cinders which shall be landed or taken on board upon or from the said Lands without Payment of any Rates or Duties under this Act, which shall be afterwards re-shipped and put on board of any Vessel or on any Raft, for the Purpose of being carried or which shall be carried to any Part of the said River or Port between *Stoke Bridge* and *Levington Creek*, other than the Parts before exempted, shall be deemed and be liable and subject to the Payment of the said Rates and Duties, and shall pay such Rates and Duties accordingly, as if the same respectively had not been exempted.

Customary
Wharfage
Rates to be
paid.

LV. All Goods, Wares, and Merchandise which shall be landed, discharged, or shipped upon, at, or from any of the public Quays or Wharfs which shall have been or shall be erected by virtue of the first-recited Act and this Act, or either of them, shall be liable to pay and shall be charged and chargeable with such Rates of Wharfage and Payments as the Commissioners shall from Time to Time appoint, so that the same do not respectively exceed the Rates which have heretofore been usually paid to the Mayor, Aldermen, and Burgesses of the Borough of *Ipswich*, as Owners of the Common Quay, or their Lessee or Lessees thereof, and the same shall be paid to the Commissioners, and be recoverable by them, in like Manner as the Rates and Duties by this Act made payable to them are directed to be paid and made recoverable.

Power for
Dock Com-
missioners
to charge
for the Use
of Weighing
Machines.

LVI. The Commissioners shall be entitled to demand and receive from all Persons using any Weighing Machines by them erected or to be erected, or any Dry Dock, or Graving or Repairing Dock, by the Commissioners constructed or to be constructed under the Powers of the first-recited Act and this Act, or either of them, such reasonable Sums of Money, Tolls, or Rents for the Use thereof as they by any Byelaw in that Behalf shall fix to be paid in respect thereof, and the Persons applying for the Use of such Machines, or Dry Docks, or Graving or Repairing Docks, shall be permitted to use the same in the
Order

The Ipswich Dock Act, 1852.

Order according to which they shall respectively apply, subject to such Regulations as the Commissioners by any Byelaw shall make.

LVII. If the Master or Owner of any Vessel, or the Owner, Consignee, or Person having charge of any Coals, Coke, or Cinders imported into the said Port as aforesaid, shall evade the Payment of the Rates or Duties hereby made payable on Vessels, and Coals, Coke, and Cinders respectively, or any Part thereof, he shall pay to the Commissioners Three Times the Amount of the Rates or Duties of which he shall so have evaded the Payment, and the same shall be recovered from such Master, Owner, Consignee, or Person in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any Court of competent Jurisdiction.

Penalty on
evading
Rates.

LVIII. The said Duty on Coals, Coke, and Cinders shall be paid and payable under and according to the following Regulations; (that is to say,) an Entry of the Quantity of the Coals, Coke, and Cinders imported into the said Port, Town, or Harbour in any Vessel, as stated in the Invoice or Certificate thereof, shall be first exhibited to the Collector of the Coal Duties or his Deputy, and the Duties payable thereon shall be paid according to the Quantity stated in such Entry and Invoice or Certificate, and on such further Quantity as the Master, Owner, or Importer shall think fit, if he have Cause to believe that the Invoice or Certificate does not state the full Quantity thereof; and the Collector of the said Duties or his Deputy shall have Power to demand the Production of the said Invoice, and of a Certificate of the Quantity of Coals shipped in such Vessel; and unless the Master, Owner, or Importer shall produce the same Invoice and Certificate to the said Collector or his Deputy, upon such Demand, for any and every Neglect therein such Master, Owner, or Importer shall forfeit a Sum not exceeding Ten Pounds; and the Commissioners or their Collector are hereby empowered to require that the said Coals, Coke, or Cinders be weighed by One or more of the Meters herein-after mentioned; and in case the Quantity thereof when weighed shall be found to exceed the Quantity on which the Duty shall have been paid by upwards of Five Tons in One hundred Tons, and so in proportion for every or any Quantity less than One hundred Tons, the Master, Owner, and Importer thereof shall be subject and liable to the Payment of all the Expenses attending the weighing the same Coals, Coke, and Cinders, and also shall pay the Penalty or Sum of Twenty Shillings for every Ton by which the Quantity ascertained by Weight shall exceed the Quantity whereon the Duties shall have been paid, as well as the Duties payable on such Excess, which Expenses and Penalty shall and may be recovered and levied in like Manner as any other Penalty is by this Act made recoverable and leviable: Provided always, that the

Regulations
for Payment
of Coal
Duties.

[*Local.*]

19 R

Commis-

The Ipswich Dock Act, 1852.

Commissioners may remit such Expenses of weighing and Penalty in case they are satisfied and determine that no Fraud was intended by or existed on the Part of the Persons liable to or making Payment of such Duties.

Penalty on
Persons de-
livering a
false Invoice,
&c.

LIX. If any Shipper of Coals, Master or Owner of a Vessel, Importer of Coals, or other Person do make out or deliver or exhibit to the Commissioners or their Collector, or his Deputy, a false or incorrect Invoice or Certificate, or a false or incorrect Copy or Extract of or Statement purporting to be a Copy or true Extract of the Invoice or Certificate of any Coals, Coke, or Cinders imported into, brought, or delivered within the said Town or Port or the Harbour thereof, with Intent to defraud the Commissioners of the Duties payable on such Coals or any Part thereof, such Person so offending, and being lawfully convicted thereof, shall be deemed guilty of a Misdemeanor, and shall be punished accordingly.

Power to
Dock Com-
missioners
to appoint
Coal Meters
and Weigh-
ers.

LX. It shall be lawful for the Commissioners from Time to Time to nominate and appoint such Number of Persons as they may think proper to be Coal Meters and Weighers, for the Purposes of this Act, and from Time to Time to remove such Meters and Weighers, and appoint others in their Stead, and also to fill up Vacancies therein as they shall occur, and to make such Regulations and Rules for the weighing and measuring of such Coals, Coke, and Cinders as may be imported into the said Port as they the Commissioners shall think fit, and such Coal Meters and Weighers shall have full Power and Authority, with all necessary Assistants, to go on board all Vessels laden with or having on board any Coals, Coke, or Cinders liable to the aforesaid Duties hereby imposed, to ascertain and measure or weigh the Quantity of such Coals, Coke, or Cinders on board such Vessel or on the Deck thereof, as the Commissioners shall direct, in order that the said Rates or Duties may be duly collected and paid thereon; and every such Coal Meter and Weigher shall deliver to the Commissioners or other Collector a true Account of the Quantity of such Coal, Coke, or Cinders; and every Person so appointed shall, before he shall be capable of acting as such Meter or Weigher, make a Declaration before some Justice of the Peace for the said Town for the due and faithful Performance of his Duty.

Coal Meters
to receive
Meterage
from the
Owners of
Vessels.

LXI. Every Coal Meter and Weigher to be appointed under the Authority of this Act shall take or receive from the Owner or Master or other Person having the Rule, Government, or Command of any Vessel laden with or having on board any Coal, Coke, or Cinders liable to the aforesaid Rates or Duties, such Sum for all Coal, Coke, or Cinders weighed or inspected by him as the Commissioners shall direct,

The Ipswich Dock Act, 1852.

direct, not exceeding the Sum of Twopence for every Ton Weight thereof.

LXII. On any Neglect or Refusal to pay any of the Rates or Duties by this Act granted, it shall be lawful for the Person entitled to collect or receive such Rates or Duties to seize and detain the Vessel or Raft, Coals, Coke, or Cinders, whereon the same shall be payable; and if within Seven Days such Rates or Duties shall not be paid and satisfied, it shall be lawful for such Person to sell such Vessel or Raft, Coals, Coke, or Cinders, or so much thereof as shall be sufficient for the raising such Rates and Duties, and the Expenses of compelling Payment thereof, rendering the Overplus (if any), after deducting the said Rates, Duties, Costs, and Charges of recovering the same, to the Owner or Consignee of such Vessel, Raft, or Coals, Coke, or Cinders respectively.

On Refusal to pay Duties, Collectors may seize Vessels.

LXIII. The Provisions of the "Harbour, Docks, and Piers Clauses Act, 1847," with respect to the Accounts to be kept of the Rates and of the Vessels in respect of which they are payable, shall be incorporated with this Act.

Accounts to be kept of Rates.

LXIV. All Monies which shall be in the Hands of the Commissioners or due to them at the Time of the passing of this Act, together with all Monies which may be borrowed under the Provisions of this Act upon the Credit of the Rates and Duties hereby authorized to be taken, and all other Monies to be collected and received by them under the Authority of this Act, shall be by them applied as follows; that is to say,

Application of Monies.

First, in paying the Costs, Charges, and Expenses of and attending the passing of this Act and incidental thereto:

Secondly, in paying the Interest on the Money borrowed under the said recited Acts or any or either of them, or which may hereafter be borrowed by the Commissioners under the Provisions of this Act:

Thirdly, in making, finishing, and maintaining the Works by this Act authorized to be made, finished, or maintained, and in otherwise carrying into effect the Objects and Purposes of this Act; but no more than Three thousand Pounds shall be applied in such Manner in any One Year out of the said Rates and Duties and annual Income of the Commissioners (except in case of urgent Necessity), until and unless a reserved Fund of Two thousand Pounds Three Pounds *per Centum* Consolidated Bank Annuities shall be accumulated and kept up, as next herein-after mentioned:

Fourthly, in establishing and keeping up such reserved Fund of Two thousand Pounds Three Pounds *per Centum* Consolidated Bank Annuities,

The Ipswich Dock Act, 1852.

Annuities, by the Purchase from Time to Time of such Stock in the Names of Four Trustees, to be nominated by the Commissioners: Fifthly, the Residue or Surplus of all such Monies, Rates, and Duties as aforesaid which shall not be required for any of the preceding Purposes shall be applied in or towards the Repayment of the Principal Monies borrowed under the recited Acts or any or either of them, or which shall have been borrowed under the Provisions of this Act, until all such Principal Monies shall be repaid:

Provided always, that so long as any Money borrowed by the Dock Commissioners on the Credit of the additional Duty of Sixpence *per* Ton on Coals, Coke, and Cinders authorized to be levied by the third-recited Act shall remain unpaid the Money which shall arise from the said further Duty or Sum of Sixpence *per* Ton on Coals, Coke, and Cinders, authorized to be levied by this Act, shall in the first instance be applied in discharging the Interest on the Money so borrowed, anything in this Act contained to the contrary notwithstanding.

Power to
sell Secu-
rities in
which the
reserved
Fund in-
vested.

LXV. It shall be lawful for the Commissioners, from Time to Time, as they shall think proper, to sell and dispose of all or any Part of the said reserved Fund, and to convert the same into Money, for the Purpose of satisfying any Claims or Demands upon the Commissioners arising from Accident to the said Works requiring an Expenditure exceeding Three hundred Pounds, which cannot be met by the ordinary Income of the Commissioners.

Reserved
Fund, when
reduced be-
low 2000*l.*,
may be
again accu-
mulated.

LXVI. When and so often as the Fund to be formed as aforesaid shall by the Means aforesaid or from any other Cause have been reduced below the Sum of Two thousand Pounds Three Pounds *per Centum* Consolidated Bank Annuities, the Surplus of the net annual Income of the Commissioners, after expending any Sum not exceeding the Sum of Three thousand Pounds in any One Year for the Purposes aforesaid, shall again in like Manner be set apart and invested, and the Interest and Dividends thereof in like Manner again be allowed to accumulate at Compound Interest, until such Fund shall again amount to the Sum of Two thousand Pounds Three Pounds *per Centum* Consolidated Bank Annuities, and such reserved Fund shall then thereafter be liable to be again appropriated in manner herein-before authorized, and so from Time to Time.

Power to
borrow
Money on
Credit of the
Rates.

LXVII. Whereas the Dock Commissioners were authorized by the first-recited Act to borrow Money on the Credit of the Rates and Duties thereby granted not exceeding the Sum of Seventy thousand Pounds, and by the secondly-recited Act to borrow Money on the Credit of the said Rates and Duties not exceeding Twenty thousand Pounds,

The Ipswich Dock Act, 1852.

Pounds, and by the thirdly-recited Act to borrow the Sum of Twenty thousand Pounds on Security of the additional Rate or Duty of Sixpence *per* Ton thereby granted, and it was by the secondly-recited Act enacted, that if, after having borrowed the Sums by the first-recited Act and that Act authorized to be borrowed, the Commissioners should at any Time pay off the same or any Part thereof, it should be lawful for the Commissioners to reborrow the Sum so paid off, and so from Time to Time; and it was provided and enacted, that all Mortgages theretofore granted under the Powers of the first-recited Act should have Priority over the Security thereby authorized to be given: And whereas the said Sums of Seventy thousand Pounds, Twenty thousand Pounds, and Twenty thousand Pounds, make together the Sum of One hundred and ten thousand Pounds: It shall be lawful for the Commissioners to borrow and take up at Interest, for the Purposes of this Act, any Sum or Sums of Money not exceeding in the whole, and including the Monies already borrowed by virtue of the said recited Acts, and now remaining unpaid, the Sum of One hundred and ten thousand Pounds, on Mortgage of the Rates and Duties by this Act authorized to be levied or taken, and to convey and assure the said Rates and Duties (the Charges of such Conveyance and Assurance to be paid out of the said Duties) as a Security for any Sum or Sums of Money by them to be borrowed for the Purposes of this Act to any Person or Persons, and his, her, or their Executors, Administrators, or Assigns, who shall or may advance the same, together with Interest thereon; and every such Assignment shall be by Deed or Writing duly stamped, in which the Consideration for the same shall be truly stated and set forth, and may be in the Words or to the Effect following; (that is to say,)

‘ **BY** virtue of the “Ipswich Dock Act, 1852,” we, the Ipswich Dock Commissioners, in consideration of the Sum of
‘ Pounds advanced and lent by _____ to _____,
‘ the Treasurer or Treasurers appointed in pursuance of the said Act,
‘ do grant and assign to _____ Executors, Administrators,
‘ and Assigns, such Proportion of the Rates and Duties arising by
‘ virtue of the said Act as the said Sum of _____ Pounds
‘ doth or shall bear to the whole Sum which is or shall be borrowed
‘ upon the Credit of the said Rates and Duties, to be had and holden
‘ from this _____ Day of _____,
‘ until the Sum of _____ with Interest after the Rate of _____
‘ _____ per Centum per Annum for the same, to be paid half-
‘ yearly, shall be repaid and satisfied.
‘ Given under our Common Seal, this _____ Day of _____.’

And every such Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes.

LXVIII. It

The Ipswich Dock Act, 1852.

Power to re-
borrow.

LXVIII. It shall be lawful for the Commissioners to reborrow, on Mortgage of the Rates and Duties by this Act authorized to be levied, any Sum or Sums of Money that may have been previously borrowed and paid off by them, and so from Time to Time, but nothing herein contained shall authorize the Commissioners to borrow or have outstanding on Mortgage of the said Rates and Duties at any One Time more than the said Sum of One hundred and ten thousand Pounds; and when their Mortgage Debt shall be reduced below One hundred thousand Pounds it shall not be lawful for them, by Exercise of such Power of reborrowing, again to increase their Mortgage Debt by more than the Sum of Five thousand Pounds beyond the Amount to which their Mortgage Debt shall have been reduced; and when their Mortgage Debt shall be reduced below Ninety thousand Pounds it shall not be lawful for them, by exercise of such Power of reborrowing, again to increase their Mortgage Debt by more than One Fourth Part of the Difference between the Sum of One hundred and ten thousand Pounds and the Amount to which their Mortgage Debt shall have been reduced; and after their Mortgage Debt shall have been fully paid off it shall not be lawful for them, by Exercise of such Power of reborrowing, to have outstanding upon Mortgage at any One Time more than the Sum of Twenty-seven thousand five hundred Pounds: Provided always, that the Payment of any Mortgage with the View or for the Purpose of granting another Mortgage instead thereof, whether to the Holder of the Mortgage so paid off, or to any other Person, or the Payment of any Mortgage for the Purpose of facilitating any other Arrangement of the Commissioners, shall not constitute a Reduction of the Mortgage Debt within the Meaning of this Section, but such Meaning shall be confined exclusively to the actual and complete Reduction of the said Mortgage Debt by the Payment and Discharge of Mortgages out of the Residue or Surplus of all such Monies, Rates, and Duties as are by this Act expressly made applicable in or towards the Repayment of the Principal Monies borrowed under the recited Acts, or any or either of them, or which shall be borrowed under the Provisions of this Act.

Former
Mortgages
to retain
Priority.

LXIX. Provided always, That all Mortgages or Assignments granted before the passing of this Act of the Rates or Duties authorized to be levied by the first-recited Act shall be deemed and taken to be Mortgages or Assignments of the Rates or Duties authorized to be levied by this Act, other than and except of the Duty or Sum of Sixpence *per* Ton for Coals, Coke, and Cinders imported or landed as aforesaid; and the several Mortgages or Assignments of the further Duty or Sum authorized to be levied by the thirdly-recited Act shall be deemed and taken to be Mortgages or Assignments of the said Duty or Sum of Sixpence *per* Ton for Coals, Coke, and Cinders imported or landed

The Ipswich Dock Act, 1852.

landed as aforesaid, authorized to be raised by this Act; and all such Mortgages and Assignments shall retain the Priorities which attached to them respectively prior to the passing of this Act, anything in this Act contained to the contrary notwithstanding.

LXX. In case the Interest of any Money already borrowed by virtue of the said recited Acts or any of them, or which shall be borrowed by virtue of this Act, shall be behind, in arrear, and unpaid for the Space of Three Calendar Months next after the same shall respectively become due and shall have been demanded, then and in such Case it shall be lawful for the Creditor, upon first giving Ten Days Notice in Writing to the Treasurer for the Time being acting under this Act, to commence an Action in any Court of competent Jurisdiction against the Commissioners for the Recovery of the said Interest of any such Money. Recovery of Interest.

LXXI. It shall be lawful for the Person entitled to any of the Securities for the Money already borrowed or to be borrowed as aforesaid, by Deed or Writing under their Hands, such Deed or Writing being duly stamped, and setting forth the Conditions of the Transfer or Assignment thereby made, to transfer the same to any Person or Persons in the Words or to the Effect following; (that is to say,) Securities may be transferred.

‘ I do hereby transfer the within Mortgage Form of Transfer.
 ‘ (or a certain Mortgage or Mortgages, as the Case may be),
 ‘ and all my Right and Title in and to the Principal Money and
 ‘ Interest, and all Arrears now due thereon, and thereby secured,
 ‘ unto Executors, Administrators, and
 ‘ Assigns.
 ‘ Dated the Day of .’

And Entries or Memorials of all Mortgages or Assignments which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, Places of Abode, and other proper Descriptions of all such Persons as shall from Time to Time be entitled to the Principal and Interest secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the Commissioners, to which Book all Persons interested shall at all seasonable Times have Access, and shall have Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Assignment the said Clerk shall be paid Two Shillings and Sixpence, and no more; and every such Transfer shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security to be thereby transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall Transfer to be entered by the Clerk.

The Ipswich Dock Act, 1852.

shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Duties, one with another, without any Preference (except as herein-before mentioned) in respect of the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments; and all Monies so to be borrowed shall be employed for and towards the Purposes of this Act.

Power to substitute several Mortgages of small Amount for Mortgages of large Amount.

LXXII. Whereas several of the Mortgages or Assignments granted by the Dock Commissioners are of large Amount, and considerable Inconvenience has arisen and may hereafter arise to the Holders thereof from Difficulty in transferring the same: It shall be lawful for the Commissioners to call in all or any of the said Mortgages or Assignments, and to grant in substitution for such Mortgages or Assignments such Number of other Mortgages or Assignments, in Sums not exceeding One hundred Pounds each, as may be necessary for securing respectively the Principal Money secured by such original Mortgages or Assignments, together with Interest after the Rate or not exceeding the Rate payable upon such original Mortgages or Assignments at the Date of such Substitution, the Charges of such substituted Mortgages or Assignments to be paid out of the Duties hereby granted; and thereupon such original Mortgages or Assignments shall be given up to the Commissioners or their Clerk, and shall be forthwith cancelled or destroyed; and the several Mortgages or Assignments granted in lieu thereof shall, with respect to the Rates and Duties charged thereby, and the Date thereof, and the Priority attaching to the same, be considered as identical with the original Mortgages or Assignments.

Power to borrow Money on the Credit of the Property of the Commissioners.

LXXIII. It shall be lawful for the Commissioners from Time to Time to borrow and take up at Interest any further Sums of Money on Mortgage of any of the Buildings, Lands, or Tenements and other the Real and Personal Property of the Commissioners, now or hereafter to be acquired, and by Writing under their Common Seal to assign and transfer the same by way of Mortgage as a Security to any Person who shall advance any such further Sum or Sums of Money, together with Interest thereon; and every such Assignment shall be by Deed in Writing duly stamped, in which the Consideration for the same shall be truly stated.

Appointment and Accountability of Officers.

LXXIV. The Provisions of the "Commissioners Clauses Act, 1847," with respect to the Appointment and Accountability of Officers of the Commissioners, shall be incorporated with this Act; and in construing such Provisions for the Purposes of this Act the Expression "the Commissioners" shall mean the *Ipswich* Dock Commissioners, and the Expression "the Special Act" shall mean this Act.

LXXV. The

The Ipswich Dock Act, 1852.

LXXV. The Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Appointment of Harbour Masters, Dock Masters, and Pier Masters, and their Duties, shall be incorporated with this Act; and the Limits within which the Harbour Master shall be authorized to exercise the Powers conferred upon him shall be the Dock and Premises of the Commissioners, the Harbour or Port of *Ipswich*, and the River *Orwell*.

Appoint-
ment and
Duties of
Harbour
Master.

LXXVI. The Harbour Master and his Assistants shall have full Power and Authority to direct the Time or Times and Manner of any and every Vessel coming into or going out of the Dock, and also the Time and Times of opening or shutting the several Dock Gates; and every Master, Pilot, or other Person having the Care or Command or Charge of any Vessel who shall act contrary to the Directions or neglect to obey the Orders of the Harbour Master or his Assistants in relation to the Manner of coming into or going out of the Dock, or shall obstruct or hinder him or them in the opening or shutting of any such Dock Gates as aforesaid, shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Harbour
Master, &c.
to direct
Vessels
coming into
or going out
of Docks.

Penalty on
Master, &c.
neglecting
to obey
Orders of
Harbour
Masters.

LXXVII. It shall not be lawful for the Harbour Master or any Person who may hereafter be appointed to be Harbour or Dock Master to any Dock or Basin now built or hereafter to be built within the Port of *Ipswich* to exercise the Trade, Calling, or Employment of Ship Chandler, Ropemaker, or Ship Carpenter, or any Business connected with the Outfit of Ships; and every Harbour Master or Person as aforesaid who shall exercise any such Trade or Calling, Employment or Business, contrary to the true Intent and Meaning of this Enactment, shall be liable to a Penalty of One hundred Pounds, to be recoverable by any Person by Action, with full Costs of Suit, in any Court of competent Jurisdiction; and One Half the Penalty recovered in any such Action shall go to the Person suing for such Penalty.

Harbour
Master not
to exercise
certain
Trades, &c.

Penalty for
acting con-
trary to this
Enactment.

LXXVIII. If any Master or other Person having the Command of any Vessel entering or intending to enter the Dock shall give false Information of the Draught of Water of any Vessel to the Harbour Master or Pilot, every Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty on
giving a false
Draught of
Water.

LXXIX. If any Person shall, without the Authority of the Harbour Master, open or shut any Dock Gate, Sluice, or Clew, or Drawbridge of the Dock, then and in every such Case, except that of the Drawbridge, any Person so offending shall forfeit and pay a Sum not exceeding Twenty Pounds, and in case of the Drawbridge a Sum not exceeding Five Pounds.

Penalty on
opening
Dock Gates,
&c.

The Ipswich Dock Act, 1852.

No Ballast,
&c. to be
emptied into
the Dock or
River.

LXXX. If any Person shall throw or empty into the Dock or River *Orwell* any Ballast, or Dust, Ashes, Earth, Rubbish, or Stones, (except such as may be necessary for the Support of the Banks of the said River, or for making a Road or Hardway, so as the same do not injure or affect the Navigation of the said River,) or do any other Act to the Annoyance of the said River, he shall forfeit and pay a Sum not exceeding Five Pounds for each such Offence.

Masters of
Vessels to
provide
Cloths on
landing
Ballast.

LXXXI. The Master, Owner, or other Person having the Care of any Vessel being in any Part of the River *Orwell* shall and is hereby required, before and during all the Time that any Ballast, Coals, Cinders, Stones, Bricks, Tiles, Dung, or any other loose Matter or Thing shall be loading or unloading into or from such Vessel, to cause a Canvas or other Cloth Shoot or Shoots to be nailed, fixed, or otherwise fastened to such Ship, Lighter, or other Vessel, which Canvas or Cloth or Shoot shall extend from such Ship, Lighter, or other Vessel into or upon the Ship or Vessel, Wharf or Quay, to or from which such loading or unloading is or shall be conveying or conveyed, as the Case shall happen to be, so as in such Manner to prevent any Part of the loading or unloading from passing or falling into the Dock or River or any Part thereof; and when and as soon as any such Ballast, Coals, Cinders, Stones, Bricks, Tiles, Dung, or other Matter is or shall be landed from such Vessel, the same shall be, by such Owner, Master, or other Person as aforesaid, laid and placed or caused to be laid and placed at least Six Feet distant from the Edge of such Wharf or Quay; and in case any Master, Owner, or other Person having the Care of any such Vessel shall neglect or refuse to fix such Canvas or Shoot, or to lay and place such Ballast, Coals, Cinders, Stones, Bricks, Tiles, Dung, or other Matter, in manner aforesaid, such Master, Owner, or other Person shall for every Day after which he or they shall so neglect or refuse forfeit and pay any Sum not exceeding Five Pounds.

Ballast to be
purchased
in certain
Cases of the
Commis-
sioners.

LXXXII. Every Owner, Master, Mate, or other Officer of any Vessel navigating above *Levington Creek*, taking in Ballast within the said Port or River, shall purchase the same of and from the Commissioners, if the Commissioners can furnish the same from the Soil arising from the Improvements to be made in the said River between *Stoke Bridge* and *Downham Reach*, paying for the same *per* Ton at such Rate as shall be fixed on by a General Meeting of Commissioners, so as the Charge for the same do not exceed Two Shillings *per* Ton at the Wharf; and the Money to be received for such Ballast shall be applied to and for the Purposes of this Act.

As to dis-
charging of
Vessels and

LXXXIII. The Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the discharging of Vessels and
Removal

The Ipswich Dock Act, 1852.

Removal of Goods, except the Sixty-eighth Section of the said Act, shall be incorporated with this Act. Removal of Goods.

LXXXIV. Every Owner, Consignee, or other Person whatsoever, landing or causing to be landed and laid any Goods or Merchandise, Timber or Wood of any kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Paving Stones, Lime Stones, Dung, or Manure, or any other Thing whatsoever, (other than and except Materials for the necessary Repairs of the Dock and Piers and other Works belonging thereto,) upon any of the public Quays of the Dock, or such other Works as aforesaid, shall, within Twelve Hours next after the Time on which the same shall have been so landed or laid, wholly remove the same from off such Quays, on pain that such Owner, Consignee, or other Person shall forfeit a Sum not exceeding Five Shillings for each and every Hour that such Goods, Merchandise, or other Things, or any Part thereof, shall remain upon any of such Quays beyond the said Twelve Hours; and no such Goods or Merchandise or other Things last aforesaid, and no Waggon, Carts, Carriages, Trucks, Barrows, or other Things, shall be so laid, placed, or left so as to block up the Roadways and Passages herein-before provided, or any of them; and every Person who shall offend by leaving, laying, or placing any Waggon, Cart, Carriage, Truck, or other Thing so as to block up any Roadway or Passage as aforesaid shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds. Penalty on allowing Goods to remain on the Quays, &c.

LXXXV. The Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Protection of the Harbour, Dock, and Pier, and the Vessels therein, from Fire or other Injury, (except the Seventy-third, Seventy-fourth, Seventy-fifth, and Seventy-sixth Sections of the said Act,) shall be incorporated with this Act. Penalty on blocking up Roadways, &c. by Waggon, &c.

LXXXVI. In case any Vessel shall be wilfully or negligently run or be driven against any other Vessel on the said River, or against any of the Locks, Walls, Gates, Bridges, Wharfs, Buildings, Banks, or other Works now erected or to be erected either by the Commissioners or by Individuals, so as to break, damage, or injure the same, the Person having the Government or Charge of such Vessel, or acting as such, so wilfully or negligently offending, shall be liable to answer and make good the Damage or Injury done to the said Vessel, Locks, Walls, Gates, Bridges, Wharfs, Buildings, Banks, or other Works, to be settled and ascertained in a summary Way by any Two of Her Majesty's Justices of the Peace for the Town and Borough of *Ipswich*; and in case the Person so offending shall not have compounded or settled the said Damage or Injury with the Commissioners or other Persons whose Property shall be so injured, which they are hereby For Protection of the Dock and Vessels.

Damages done by Vessels to the Wharfs or other Works to be ascertained by the Justices.

In case of Refusal to pay Damage, Vessel may be seized,

The Ipswich Dock Act, 1852.

and if not
redeemed
may be sold
to pay Ex-
penses.

hereby required to do, or shall refuse to pay the Sum or Sums of Money to be awarded by the said Justices for or in respect of such Damage or Injury, it shall be lawful for the said Justices and they are hereby required, by Warrant under their Hands and Seals, to cause such Vessel to be seized and distrained, together with the Tackle, Furniture, or Apparel thereof, until due Payment thereof, together with the reasonable Charges of such Seizure and Distress; and if such Vessel shall not be redeemed within Seven Days next after the same shall be so seized or distrained, it shall be lawful for the Person or Persons so seizing or distraining the same to sell so much of the Tackle, Furniture, or Apparel of or belonging to such Vessel as shall be sufficient to answer and make good the said Damage or Injury, and all Costs and Charges in consequence thereof, rendering the Overplus to the Owner of such Vessel.

Masters or
Owners of
Vessels an-
swerable for
Damages.

LXXXVII. The Master or Owner of any Vessel frequenting, coming to, or lying or being in the said Port shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Vessel, or by any of the Sailors, Boatmen, Watermen, or others belonging to or employed in or about the same, unto any of the Vessels in the said River, or to any of the Wharfs, Buildings, or other Works abutting upon or adjoining to the said River, or for any Trespass whatsoever, the Amount or Value of such Damage, Spoil, or Mischief, or Trespass, to be ascertained by any Two of the said Justices of the said Town and Borough, if the same shall be under Twenty Pounds, and to be recovered in like Manner as any Penalty is herein mentioned or directed to be recovered, or if above the Value of Twenty Pounds, then to be recovered by Action in any Court of competent Jurisdiction; and in case the Owner of any such Vessel shall be compelled to pay any Penalty or to make Satisfaction for any Damage or Trespass, by reason of any wilful Act or Default done or committed by his Servant, every such Servant shall be liable to repay such Penalty, or the Money paid for any such Damage or Trespass, to such Owner; and in case of Nonpayment thereof, upon Demand, the same, if under Twenty Pounds, shall be recovered by such Owner in like Manner as any Penalty under this Act may be recovered, or if above Twenty Pounds by Action as aforesaid.

Power to
provide Tug
Boats for
towing Ves-
sels into or
out of Dock.

LXXXVIII. It shall be lawful for the Commissioners and they are hereby authorized to build, purchase, or hire any Steam Tugs or Steam Boats for the Purpose of towing any Vessel into or out of the Dock from or to the River *Orwell* or any Part thereof, and to defray the Expenses of building, purchasing, hiring, repairing, maintaining, and working the same out of the Rates, Rents, and Sums hereby authorized to be received and taken.

LXXXIX. The

The Ipswich Dock Act, 1852.

LXXXIX. The Owner or Master of any Vessel coming into the said River or Port for the Purpose of receiving or delivering a Cargo or any Part of a Cargo at the Quays of the Dock or Works, whose Tonnage or Draught of Water, in the Judgment of the Harbour Master, will not prevent such Vessel from being navigated to the Dock at Spring Tides, shall bear and pay and be charged with the Expense of Lighterage of such Goods, Wares, or Merchandise as shall be taken from or carried on board such Vessel, provided the Owner or Master of such Vessel shall have first refused to navigate or cause to be navigated such Vessel up to the Quays or Wharfs appointed by the Importer or Importers, Exporter or Exporters of such Goods, Wares, or Merchandise, without the same Lighterage being deemed or taken as a Port Charge; and in case any Difference shall arise respecting the Decision of the Harbour Master, then the same shall be referred to any Three or more of the Commissioners to determine the same.

Vessels that can be navigated to the Dock at Spring Tides to bear Expense of Lighterage.

XC. The Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Construction of Works for the Accommodation of the Officers of Customs, and with respect to the Police of the Harbour, Dock, or Pier, shall be incorporated with this Act.

Provisions of 10 & 11 Vict. c. 27. as to the Police, &c. incorporated.

XCI. Whereas it is expedient that proper and skilful Persons should be licensed and appointed Pilots of the said Port of *Ipswich* and the adjacent Coast, and Provision was made in the first-recited Act for licensing and appointing such Pilots: It shall be lawful for the Corporation of *Trinity House of Deptford Strond*, and they are hereby required, to appoint from Time to Time (as often and for such Periods as they in their Discretion shall think fit) proper and competent Persons (not to exceed Five nor to be less than Three Persons), resident within the Port of *Ipswich*, to act as Sub-Commissioners of Pilotage for the said Port, and who shall be called Sub-Commissioners of Pilotage, and shall take the Oath prescribed by the Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons*, and set forth in the Schedule marked (C.) to the said Act annexed, for the faithful Discharge of their Duty; and the several Persons who immediately before the passing of this Act were Sub-Commissioners under the Provisions of the first-recited Act shall, notwithstanding the Repeal of such Act, continue Sub-Commissioners, in like Manner as they would have continued if the said Act had not been repealed, and shall examine and they are hereby authorized (so long as their Deputation or Appointment shall not be revoked or superseded) to examine into the Qualification of Persons to act as Pilots for the

Corporation of Trinity House of Deptford Strond to appoint Sub-Commissioners, to examine Pilots, and on their Certificate of Qualification to grant Licences.

Sub-Commissioners to take Oath prescribed by 6 G. 4. c. 125.

[Local.]

19 U

said

The Ipswich Dock Act, 1852.

said Port and the adjoining Coasts ; and it shall be lawful for the said Corporation, upon their receiving a satisfactory Certificate under the Hands of any Three of such Sub-Commissioners if the whole Number shall consist of Four or Five, and of any Two if the whole Number shall consist of Three, that any such Person so examined as aforesaid is duly qualified to act for such Port and the adjoining Coasts, to give a Licence to such Person to act as a Pilot within the particular Limits (describing the same) for which he shall have passed such Examination ; and when and so soon as the said Corporation shall have licensed any Pilot or Pilots for the said Port and the adjoining Coasts, they shall cause such Notice thereof to be given, and in such Manner and Form, and so to be published as a Notice directed to be given by the said Act of Parliament passed in the Sixth Year of His said late Majesty's Reign in the Case of Licences granted by the said Corporation under the Authority of that Act to Pilots for any particular Port or Ports and the Coasts near the same ; and from and after a Time or Times to be limited in the said Notice, (which shall not in any Case, or in relation to any Vessels whatsoever, be less than Six Weeks from the Publication thereof as aforesaid, and shall be proportionably more, at the Discretion of the said Corporation, in relation to Vessels engaged in Foreign Voyages at the Time of such Publication,) all Vessels sailing, navigating, or passing into or out of the said Port or upon the Coasts thereof, save and except under such Circumstances as are saved and excepted in and by the said Act of Parliament, shall be conducted and piloted by such Pilots only as shall be so licensed as aforesaid, and by no other Pilots or Persons whomsoever.

Licences to be granted in same Form as Licences under 6 G. 4. c. 125.

Provisions of that Act to apply to all Pilots, Masters, &c., as if such Pilots had been licensed under the same.

XCII. The Licences to be granted by the said Corporation under the Authority of this Act shall be granted in such Form and for such Period, and subject to such Power of Renewal and Suspension, Amendment or Revocation, as the Licences granted under the said Act of Parliament so passed in the Sixth Year of His said late Majesty's Reign ; and such Pilots, when so licensed as aforesaid under the Authority of this Act, shall for all Purposes and to all Intents whatsoever be deemed and taken to be Pilots licensed under the said Act so passed as last aforesaid ; and all and every the Enactments, Protections, Provisions, Forfeitures, Penalties, Matters, and Things contained in that Act of Parliament, or conferred or imposed thereby, except as herein-after provided, and all Byelaws made by the said Corporation in pursuance thereof, shall be deemed and taken to apply to Pilots so to be licensed as aforesaid under the Authority of this Act, and to all Masters and Owners of Vessels and other Persons whatever, in the same Manner and to the same Extent, and the said Forfeitures and Penalties shall be recovered and applied in the same Way, as if the said last-mentioned Pilots had been duly licensed

The Ipswich Dock Act, 1852.

licensed under the said Act of Parliament so passed as aforesaid in the Sixth Year of the Reign of His said late Majesty.

XCIH. In case the Master of any Vessel, Inward or Outward bound, shall refuse to take on board and employ a Pilot so to be licensed as aforesaid who shall offer his Service (except such Vessel shall be under the Burden of Fifty Tons Register Tonnage), such Master shall pay or cause to be paid to the Pilot who first or who only shall offer his Services and shall be so refused the full Pilotage according to the different Rates and Prices herein-after directed to be paid, as if the said Pilot had been received and employed in conducting or piloting such Vessel into or out of the Port: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to compel such Master to take Pilots further than from the Quays to *Downham Reach* Outward bound, or than from *Downham Reach* to the Quays Inward bound.

Masters of Vessels refusing to take Pilots who offer to be liable to full Pilotage.

XCIV. Provided always, That this Act shall not extend to prevent or hinder the Master of any Vessel, being under the Burden of Fifty Tons by the Certificate of Registry, in the Coasting Trade, from conducting or piloting his Vessel into or out of the said Port, nor to hinder any Person or Persons from assisting any Vessel in Distress, nor to subject any such Person or Persons to any of the Penalties of this Act, anything herein contained to the contrary in anywise notwithstanding.

This Act not to prevent Masters of Vessels under Fifty Tons Burden from piloting their own Vessels.

XCV. Every Pilot so to be licensed as aforesaid who shall take upon himself the Charge of any Vessel sailing in or out of the said Port shall and is hereby required to conduct or pilot any such Vessel Inward bound up to the Dock Entrance, and to conduct every such Vessel Outward bound so far as *Harwich Harbour*, if the Master of such Vessel shall require the same, before such Pilot shall relinquish the Care or Charge of any such Vessel, and upon Refusal in either Case such Pilot shall not be entitled to any of the Rates or Prices hereby directed to be paid for Pilotage, and shall and may forfeit his Licence or Warrant, at the Discretion of the Commissioners.

Limiting the Distance to which Vessels are to be piloted.

XCVI. The Master of every Vessel to be piloted or conducted into or out of the said River shall and is hereby required to declare and give a true Account, to the Pilot employed in conducting or piloting such Vessel, of the Draught of Water such Vessel shall draw; and in case the Pilot so employed shall suspect the Truth of such Declaration, such Pilot is hereby authorized to admeasure or cause such Vessel to be admeasured, in order to find the true Draught of Water such Vessel shall then draw; and if on such Admeasurement it shall appear that such Master gave a false Account, wilfully and fraudulently, such Master shall not only forfeit a Sum equal to double the Amount of Pilotage,

Masters to give Pilots a true Account of the Draught of Water of their Ships. Power to Pilot to admeasure Ship.

The Ipswich Dock Act, 1852.

Pilotage, according to the Rate or Rates hereafter mentioned, but also all the Expenses of the Admeasurement as aforesaid, and be subject to a Fine, at the Discretion of the Commissioners, in any Sum not exceeding Ten Pounds, together with all Expenses incurred in the Recovery thereof.

Masters of Vessels Outward bound to give Security to Pilot for Payment of Pilotage.

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

On Non-payment of the Pilot's Rates, Justices, &c. may distrain Tackle, &c. for Payment of the same, and Expenses.

XCVIII. In case any Owner or Master, or any other Person having or taking upon himself, or appearing to have or take Command, Charge, Agency, or Consignment of any Vessel or Vessels charged or chargeable with the said respective Rates or Prices of Pilotage hereby directed to be paid, shall refuse to pay the same, then and in such Case it shall be lawful for any Two of Her Majesty's Justices of the Peace for the said Borough, on Complaint, and Proof thereof on Oath being made by such Pilot or Pilots, and preferable to and notwithstanding any Right of Hypothecation, Attachment, Arrestment, or other Right whatsoever claimable by or due to any Person or Persons whomsoever, to seize, take, and distrain any of the Goods, Guns, Ropes, Tackle, Furniture, and Apparel of or belonging to any such Vessel, and the same to distrain and keep until the Sum or Sums of Money due for piloting or conducting such Vessels into or out of the said River, according to the said Rates or Prices, and reasonable Charges for taking such Distress, shall be paid and satisfied; and in case of any Neglect or Delay in Payment of such Sum or Sums of Money and Charges for the Space of Seven Days next after such seizing, taking, or distraining, then it shall be lawful for any Two of the said Justices of the Peace of the said Borough to cause the same to be appraised by any Two sufficient Persons or Appraisers of the Borough of *Ipswich*, and afterwards to sell and dispose of the said Goods so taken and appraised, and thereout to satisfy the said Rates or Prices of Pilotage so due and unpaid, with all reasonable Charges of such taking, seizing, distraining, appraising, and selling, rendering the said Rates and Prices so due and unpaid to the Pilot or Pilots entitled thereto, and the Overplus (if any there be after the said Charges deducted),

upon

The Ipswich Dock Act, 1852.

upon Demand, to the Masters or Owners, Agents or Consignees thereof.

XCIX. The following Rates only shall be paid to Pilots for conducting Vessels up and down the River *Orwell*; (that is to say,) Rates payable to Pilots.

From the Dock Entrance to *Downham Reach*, or from *Downham Reach* to the Dock Entrance, for every *British* Vessel with One Mast, One Shilling and Threepence *per* Foot for every Foot of Water such Vessel shall draw :

For every other *British* Vessel, with Two or more Masts, One Shilling and Sixpence *per* Foot for every Foot of Water such Vessel shall draw :

From *Downham Reach* to *Levington Creek*, or from *Levington Creek* to *Downham Reach*, for every *British* Vessel, Ninepence *per* Foot for every Foot of Water such Vessel shall draw :

From *Levington Creek* to *Harwich Harbour*, or from *Harwich Harbour* to *Levington Creek*, for every *British* Vessel, Sixpence *per* Foot for every Foot of Water such Vessel shall draw :

For every *British* Vessel coming Inwards from *Harwich Harbour* to *Downham Reach*, One Shilling and Threepence *per* Foot for every Foot of Water such Vessel shall draw :

For every *British* Vessel Outward bound from *Downham Reach* to *Harwich Harbour*, One Shilling and Threepence *per* Foot for every Foot of Water such Vessel shall draw :

For every Foreign Vessel, double the aforesaid Rates, of and from such Parts of the said River *Orwell* as such Foreign Vessel shall be piloted :

Provided always, that where, under the Provisions of the first-recited Act, the Commissioners, with the Consent of the Corporation of the *Trinity House of Deptford Strond*, shall have fixed a lower Rate than any of the Rates above mentioned, whether with respect to *British* or Foreign Vessels, such lower Rate shall continue in force until the same shall be altered, varied, or reduced under the Provisions next hereinafter contained, anything herein-before contained to the contrary notwithstanding.

C. Provided nevertheless, That it shall be lawful for the Commissioners, with the Consent of the Corporation of the *Trinity House of Deptford Strond*, by Writing under their Common Seal, or under the Hand of their Clerk for the Time being, to alter, vary, or reduce any of the aforesaid Rates of Pilotage, and so often as they shall think proper again to advance the same, so as that such Rates shall not at any Time exceed double the Rates herein-before mentioned ; and such Rates, so altered, varied, reduced, or again advanced, may be recovered as the Rates aforesaid may be recovered : Provided also, that the said

[Local.]

19 X

Rates

Commissioners empowered to alter Rates.

The Ipswich Dock Act, 1852.

Rates shall not be altered, varied, or reduced partially, but shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

Pilots appointed under first-recited Act to continue in Office.

CI. The several Persons who immediately before the passing of this Act were Pilots by virtue of Licences granted under the Provisions of the first-recited Act shall, notwithstanding the Repeal of such Act, continue to be Pilots of the said Port in all respects as if they had been appointed and licensed under the Provisions of this Act, and shall have and exercise all the Powers, Duties, Rights, Authorities, and Privileges, and be subject to the Rules, Regulations, Penalties, Liabilities, and Restrictions, conferred, enacted, and established by or under the Authority of this Act upon or with respect to Pilots to be so appointed and licensed as aforesaid.

Byelaws.

CII. The Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Byelaws to be made by the Undertakers, shall be incorporated with this Act, and shall have Operation within, upon, or in respect of the Dock and Works of the Commissioners, the Port of *Ipswich*, and the River *Orwell*; and in addition to the Purposes for which Byelaws may be made under such Act, it shall be lawful for the Commissioners from Time to Time to make such Byelaws as they may think fit for regulating the Traffic and keeping clear and uninterrupted the Wharfs, Quays, and public Roads and Tramways over the same, and the Roads alongside or contiguous to the new Cut or Channel made by the Commissioners, and for providing for the due Management of the Affairs of the Commissioners, and for regulating all Boats, Wherries, Lighters, and other small Craft kept and used for Hire at the Port of the Town of *Ipswich*, and the Rates and Fares to be taken by the Owners thereof, and also for regulating all Coal and Corn Meters and Weighers, Pilots, Watermen, Tidesmen, Porters, Carmen, and Barrowmen plying or employed in the said Town or Port or on the River *Orwell*, or the Wharfs and Quays of the Commissioners, and the Rates and Fares to be by them taken respectively, and for the weighing or measuring of Coals and Cinders, and the Sale and Delivery thereof, and for removing and preventing Nuisances or Encroachments within the Liberties of the said River or Port; and it shall be lawful for the Commissioners from Time to Time to alter or repeal any such Byelaws, and make others; and all such Byelaws shall be made, altered, or repealed in like Manner and subject to the like Provisions as Byelaws authorized to be made under the Provisions of the said "Harbours, Docks, and Piers Clauses Act" are thereby required to be made, altered, or repealed; and it shall be lawful for the Commissioners, by any Byelaw to be made under the Provisions of this Act as aforesaid, to impose such reasonable Penalties, not exceeding Five Pounds for each Offence, upon all Persons

The Ipswich Dock Act, 1852.

Persons offending against such Byelaws, as they may think fit; and all Byelaws to be made by the Commissioners shall be so framed as to allow the Justice before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justice shall think fit.

CIII. All Byelaws made under the Provisions of this Act, or of the Harbours, Docks, and Piers Clauses Act incorporated herewith, (except such as relate solely to the Commissioners, their Officers or Servants,) shall be confirmed by the Recorder at the Court of Quarter Sessions for the said Town and Borough of *Ipswich*. Confirmation of Byelaws.

CIV. Provided always, That no Byelaw to be made under the Provisions of this Act, or of the "Harbours, Docks, and Piers Clauses Act, 1847," incorporated therewith, shall be prejudicial or derogatory to any Right, Authority, or Jurisdiction belonging to the Office of Lord High Admiral of *Great Britain*, or to any Powers, Provisoos, or Authorities heretofore made, given, or created relating thereto, nor to any Claims for Anchorage or Groundage or any other Rights and Privileges of the said Mayor, Aldermen, and Burgesses of the Borough of *Ipswich*, or of any Lord of a Manor or Manors, or of any Proprietor of Lands adjoining the said River, and shall not in anywise interfere, intermeddle with, interrupt, or injure the Ferry called *Walton Ferry*, the Property of the Most Noble the Duke of *Hamilton*. No Byelaw to prejudice Rights of Lord High Admiral, &c.

CV. The Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the Tender of Amends, and with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, except the One hundred and forty-first and the One hundred and fifty-ninth Sections of the said Act, and also the Provision of the said Act imposing Penalties on Persons giving false Evidence, shall be incorporated with this Act; and in construing such Provisions for the Purposes of this Act the Expression "the Special Act" shall mean this Act, and the Words "Justice" or "Justices" shall mean Justice or Justices of the Peace for the Town and Borough of *Ipswich*, and the Expression "the Company" shall mean the Commissioners, and the Word "Shareholders" shall mean Commissioners, and the Expression "the principal Place of Business of the Company" shall mean the Office of the Clerk to the Commissioners, and the Quarter Sessions therein mentioned shall mean the Quarter Sessions of the Peace to be held in and for the Borough of *Ipswich*. Certain Provisions of 8 & 9 Vict. c. 20. as to Tender of Amends, &c. incorporated with this Act.

CVI. When and so often as any Sum of Money shall be directed or ordered by any Justice of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for In case of Nonpayment of Compensation for Damages, &c.

The Ipswich Dock Act, 1852.

for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the Commissioners, or any Person acting under or by their Authority, and such Sum of Money shall not be paid by the Commissioners to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice, then and in every such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, in case such Treasurer shall refuse or neglect to pay the same out of any Money then in his Hands belonging to the Commissioners, or out of the first Monies of the Commissioners that shall afterwards come into his Hands, if he shall not then have any Money in his Hands belonging to the Commissioners, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application to him made for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expenses of hearing and determining the Matter in dispute, and also the Cost and Expenses of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the Commissioners, or to their Treasurer for the Time being, as the Case may be.

Application
of Penalties.

CVII. All Penalties and Forfeitures, except such as shall be incurred by the Commissioners, shall be paid to the Commissioners, and shall be applied by them to the Purposes of this Act.

Commis-
sioners
Costs, &c.
to be paid
out of Rates.

CVIII. All Costs and Expenses which shall be incurred by or on behalf of the Commissioners, or any Person or Persons employed by them, in prosecuting or defending any Action or Suit or Prosecution touching the Execution of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act.

Form of
Declaration
in lieu of
Oath to be
that pre-
scribed by
5 & 6 W. 4.
c. 62.

CIX. In every Case in which by this Act a Declaration is required to be made, the same shall be made in the Form, or as near thereto as the Circumstances of the Case will admit, prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William the Fourth*, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof,'* and

The Ipswich Dock Act, 1852.

and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and all Declarations required by this Act to be made shall be made in the Form aforesaid, and shall be as valid and effectual as an Oath or Affirmation; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

CX. That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the said Dock Commissioner or Commissioners to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management and Direction of the Land Revenues of the Crown, in the same Premises, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving
Rights of
the Crown.

CXI. Provided always, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, abridge, or take away any Rights, Estates, Powers, Jurisdictions, Immunities, Exemptions from Toll, Wharfage, or Cranage at the Common Quay, or any other Exemptions and Advantages, or Privileges whatsoever, belonging or appertaining to the Mayor, Aldermen, and Burgesses of the said Borough, or the Freemen of the said Town and Borough, and their Successors, or to any other Person or Persons whomsoever, (except such as are hereby expressly taken away or altered,) but that all such Rights, Estates, Powers, and Privileges shall continue in full Force and Effect, and may be exercised and enjoyed in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been made, anything herein contained to the contrary in anywise notwithstanding.

General
Saving of
Rights.

CXII. The Provisions of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to Access to the Special Act, and to the Saving of Rights, shall be incorporated with this Act.

Access to
Special Act,
and Saving
of Rights.

CXIII. The Short Title of this Act shall be "The Ipswich Dock Act, 1852," which shall be a sufficient Description thereof in all Documents and for all Purposes.

Short Title.

The Ipswich Dock Act, 1852.

SCHEDULE (A.)

Rates of Tonnage Duty on Shipping.

IPSWICH VESSELS, Outwards and Inwards, whether Coastwise
or otherwise.

					Per Ton.
Under	50 Tons	-	-	-	One Penny.
From	50 to 60	-	-	-	Three Halfpence.
"	60 to 70	-	-	-	Twopence.
"	70 to 80	-	-	-	Threepence.
"	80 to 90	-	-	-	Fourpence.
"	90 to 100	-	-	-	Fivepence.
"	100 to 110	-	-	-	Sixpence.
"	110 to 130	-	-	-	Sevenpence.
"	130 to 150	-	-	-	Eightpence.
"	150 to 175	-	-	-	Ninepence.
"	175 to 200	-	-	-	Tenpence.
"	200 to 250	-	-	-	Elevenpence.
"	250 and upwards	-	-	-	One Shilling.

Vessels bringing Coals only, and departing in Ballast, to pay only
Half the above-mentioned Tonnage Duties respectively.

Coal Vessels bringing other Goods to be charged full Tonnage Duty
for the Quantity of Goods on board, in the Proportion the same Goods
bear to the Register Tonnage of such Vessels.

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