



# Cinque Ports Act 1821

## 1821 CHAPTER 76

An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports; and also for remedying certain Defects relative to the Adjustment of Salvage, under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen *Anne*. [2d July 1821]

WHEREAS by an Act passed in the Forty-eighth Year of His late Majesty King *George* the Third, intituled *An Act for preventing Frauds and Depredations committed on Merchants, Ship Owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports; and also for remedying certain Defects relative to the Adjustment of Salvage, under a Statute made in the Twelfth Year of Her late Majesty Queen Anne*; which Act was to continue in force for Seven Years, and from thence to the End of the next Session of Parliament: And whereas by an Act passed in the Fifty-third Year of His late Majesty King *George* the Third, the said above recited Act, except so far as the same was altered, was further continued in force for Seven Years from the passing of the said Act, and from thence to the End of the next Session of Parliament, and no longer: And whereas it is expedient that the said recited Acts should be further continued, except so far as the same are altered by this Act;

be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

### **Lord Warden to appoint Commissioner to determine Differences relative to Salvage.**

That it shall and may be lawful for the Lord Warden of the Cinque Ports for the Time being to nominate and appoint, by any Instrument or Instruments under his Hand and Seal, Three or more substantial Persons in each of the Cinque Ports, Two ancient Towns, and their Members, to adjust and determine any Difference relative to Salvage (which may arise) between the Master of any Vessel and the Person or Persons bringing such Cables and Anchors ashore; and in case any Ship or Vessel shall be either forced or cut from her Cables and Anchors, by Extremity of Weather, or by any other Accident whatever, and leave the same in any Roadstead, or other Place within the Jurisdiction of the Cinque Ports, Two ancient Towns, and their Members, and the Salvage cannot be

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*Status: This is the original version (as it was originally enacted).*

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adjusted between the Persons concerned, then the same shall be determined by any Three or more of the said Persons so to be appointed as aforesaid, within the Space of Twenty-four Hours after such Difference shall be referred to them for their Determination thereof, any Usage or Custom to the contrary in anywise notwithstanding:

**Commissioners to appoint a Secretary or Register, subject to the Approbation of the Lord Warden.**

Provided always, that such Commissioners shall, immediately after their Nomination, proceed to elect some fit and proper Person, who shall be a Notary or Master Extraordinary in Chancery, as their Secretary or Register, except to the Port of *Dover*, where the Register for the Time being of the Court of Admiralty of the Cinque Ports shall be the Register ;

**Proceedings to be entered.**

and which Secretary or Register, shall enter in a Book, to be kept for that Purpose, all the Proceedings of such Commissioners; and also a Copy of the Awards which they shall from Time to Time make; but such Election of Secretaries, or Registers, shall be subject to the Approbation of the Lord Warden for the Time being.

**II Power to Commissioners to settle all Differences which may arise.**

And be it further enacted, That it shall Be lawful for the said Commissioners to be appointed as aforesaid, to decide on all Claims and demands whatever, which shall or may be made by Pilots, Hovellers, Boatman, and other Persons, for Services of any Sort or Description rendered to any Ship or Vessel, as well for carrying off from the Shore to such Ship or. Vessel, any Anchors,, Cables, or other Stores from any Part or Port if the Coast of *Kent, Sussex, Essex*, or the Isle of *Thanet*, within the jurisdiction aforesaid, as for the conduction and conveying such Ships and Vessels from the *Downs*, and other Bays and Roadsteads on the Coast of *Kent, Sussex, and Essex* and the Island of *Thanet*, or from the Sea or any other Place, to *Ramsgate, Dover*, or any other Harbour, Port, or Place, on the said Coasts, within the Jurisdiction aforesaid, or for the saving and preserving , within the Jurisdiction aforesaid, and Goods or Merchandize wrecked, stranded, or cast away from and Ship or Vessel, the Master or Owners thereof, or their Agents, being present at the Place where the Commissioners shall be sitting, and that the said Commissioners shall have full Power and Authority to hear and determine on all Cases whatever of Services rendered by Pilots, Boatman, and others, to Shipping within the Jurisdiction aforesaid, where Ships or Vessels shall be in Distress or not; and that it shall be lawful for the said Commissioners, whenever they see Occasion, to examine the Parties or their Witnesses upon their Oath, which Oaths shall and may be administered by the said Secretary or Register.

**III Commissioners to be paid by the Owners, &c. for their Trouble such Fees as shall be allowed by the Lord Warden. No Commissioner shall act out of the Place where he is resident. Commissioners to take the following Oath.**

And be it further enacted, That it shall be lawful for the Commissioners to be appointed, and their Secretary or Register as aforesaid, who shall decide on any such Claims or Demands as aforesaid, to demand and receive of and from, the Owners of such Ships or Vessels, or the Proprietors of any such Goods or Merchandizes, against whom any Pilot, Boatman, or other Person shall make any Claim or Demand for Services of any Sort rendered to such Ships of Vessels, or for the sole saving arid preserving any Goods or Merchandizes wrecked, stranded, or cast away within the Jurisdiction aforesaid; and such Owners and Proprietors are hereby required to pay to

them such Fee or Reward for deciding on every such Claim and Demand, as shall be adjudged to them in that Behalf by the Lord Warden of the Cinque Ports for the Time being: Provided always, that no Person to be appointed a Commissioner by virtue of this Act shall have Power or Authority to act in any other Port or Place than that in which he is resident, or from which his usual Place of Residence is not distant more than One Mile; and that before such Commissioners shall in any Case proceed to act, they shall severally take the following Oath before a Magistrate or a Commissioner of the Court of King's Bench or Common Pleas, or a Master Extraordinary in Chancery; (*videlicet,*)

“I *A.B.* do swear, That I have riot, neither will I in any way, directly or indirectly, take or receive any Fee; Emolument, or Reward, from any of the Parties whose Interests are referred to my Decision (save and except such Fee Or Reward as shall be allowed by the Lord Warden to be paid to the by the Ship Owners of Proprietors of the Cargo, of their Agents); arid that I will not accept of receive any Fee whatever from the Persons claiming Reward of Salvage but that I will decide according to the best of my Judgment, on the Evidence to be brought before me, without Favour or Affection to either Party.  
So help me GOD.”

**IV Parties dissatisfied may appeal to the High Court of Admiralty, or the Admiralty of the Cinque Ports; but the Ship to be liberated, on giving Bail m Double the Amount of the Award. Bail to be taken and certified according to Schedule annexed.**

And be it further enacted, That in case the Party or Parties so claiming to be entitled to Salvage of Compensation for Services rendered as aforesaid, or the Party or Parties who are to pay the same, of their Agents, shall be dissatisfied with such Award and Decision of the Commissioners, it shall and may be lawful for either of them respectively; within Eight Days after such Award is made, but not afterwards, to declare to the Commissioners his or their Desire of obtaining the Judgment of some competent Court of Admiralty respecting the said Salvage or Compensation as aforesaid, and thereupon such Party or Parties shall forthwith be required the Commissioners to declare whether he or they will proceed in the Court of Admiralty of the Cinque Ports, or the High Court of Admiralty of *England* and he or they shall so proceed within Twenty Days from the Date of such Award, by taking out a Monition against the adverse Party; but in such Case the said Commissioners are hereby empowered and required to permit the said Ship and her Cargo, notwithstanding such Declaration and Proceeding, to depart on her Voyage, or to deliver to the Owners and Proprietors, or their Agents, any Goods or Merchandizes respecting which any Claim for Salvage shall be made upon the Owners or Proprietors of the same, or their Agents, giving good and sufficient Bail in Double the Amount of the Sum awarded, and which Bail the said Commissioners, or any of them, are and is hereby authorized to take and certify according to the Form contained in the Schedule hereunto annexed, and to transmit the same without Delay to the Court of Admiralty, in which the Intention of proceeding shall be so declared, together with a true Certificate in Writing of the gross Value of the whole Ship and Cargo, or other Goods and Merchandizes respecting which Salvage shall be claimed, and also an official Copy of such Proceedings and Awards, certified by the said Secretary or Register, and the same shall be admitted by such Court of Admiralty as Evidence in the Cause.

**V The Appeal to be conclusive.**

Provided always, and be it further enacted, That on an Appeal so as aforesaid being made to the Court of Admiralty of the Cinque Ports, or to the High Court of Admiralty, the same shall be taken and held to be final, and no ulterior Appeal from Sentence of the Court of Admiralty of the Cinque Ports, or from the High Court of Admiralty, shall He to the King in Chancery.

**VI Persons cutting away or defacing Buoy Ropes, &c. deemed guilty of Felony.**

And be it further enacted, That if any Person or Persons shall wilfully cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall do or commit any Act with Intent and Design to cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any Buoy, Buoy Rope, or Mark, belonging to any Ship or Vessel, or which may be attached to any Anchor or Cable belonging to any Ship or Vessel whatever, within the Jurisdiction aforesaid, with Intent thereby to defraud or injure any Person or Persons whatsoever, or Body Corporate, such Person or Persons so offending shall, on being convicted of such Offence, be deemed and adjudged guilty of Felony, and shall be liable to be transported for any Period not exceeding Fourteen Years.

**VII Anchors, &c. found within the Jurisdiction, to be deposited in either of the Places herein mentioned, &c. or the Persons having them in Possession shall be adjudged guilty of receiving stolen Goods.**

And be it further enacted, That all Anchors, Cables, Buoys, Ropes, or other Ships' Stores or Materials, or any Goods or Merchandizes of any Sort or Description whatever, which may have been parted with, cut from, or left by any Ship or Vessel in the *Downs*, or elsewhere, within the Jurisdiction aforesaid, whether the same shall be in Distress or otherwise, and which shall have been weighed, swept for, or taken Possession of by any Pilots, Boatmen, Hovellers, or other Person or Persons, shall be by them delivered either at *Ramsgate, Deal or Dover, Harwich, Brightlersea, or Wivenhoe*, Six public Places of Deposit declared by this Act for the Reception of all such Articles, or such other Places as shall be declared by the Lord Warden, in the same State in which they are found, to the Serjeant or Serjeants of the Admiralty of the Cinque Ports aforesaid, their Deputy or Deputies, or such other Person as he shall authorize to receive the same ; but if any such Articles so found, weighed, swept for, or taken Possession of, shall not be so delivered immediately, or duly reported to such Serjeant or Serjeants, or their Deputies, on the finding thereof, and shall afterwards be discovered in the Possession, Custody, or Power of such Pilots, Boatmen, Hovellers, or other Person or Persons, he, she, or they shall on Conviction, be adjudged and deemed guilty of receiving Goods knowing them to have been stolen, and shall suffer the like Punishment as if the same had been stolen on Shore.

**VIII All wrecked Merchandize and Ships Stores to be also deposited in like Manner. If sold or Marks defaced by the Salvors, they shall be adjudged guilty of Felony.**

And be it further enacted, That all Merchandize, Materials of any Sort, or Marine Stores of every Description, whether belonging to His Majesty, or to any *British* Subjects, or Foreigners, which may be preserved from any Ship or Vessel stranded, deserted by her Crew, or wrecked, either on Shore, or on the Goodwin or any other Sand or Shoal, of any Part of the main Land, or any Port or Place within the Jurisdiction aforesaid, shall be landed and delivered at one of the Six Places of Deposit, belonging

to the Lord Warden's Deputies at *Ramsgate*, or *Deal*, or *Dover*, *Harwich*, *Brightlersea*, or *Wivenhoe*, or such other Place as shall be declared and appointed by the said Lord Warden for that Purpose, which ever shall be most convenient or contiguous to the Place where the Loss occurs; and that if any Person or Persons who shall have preserved or taken possession of any such Merchandize or Marine Stores within the Jurisdiction aforesaid, shall sell, dispose of, or otherwise make away with the same, or shall in any Manner conceal, deface, take out, or obliterate the Marks or Numbers thereon, or alter the same in any Manner, with Intent thereby directly or indirectly to prevent the Discovery and Identity of such Articles by the Owner or Owners thereof, such Person or Persons shall be deemed and adjudged guilty of Felony.

**IX Officers of the Lord Warden may seize Anchors, Stores, &c. concealed within their Jurisdiction, &c.**

Provided always, and it is hereby enacted and declared, That nothing herein contained shall extend, or be construed to extend, to the preventing or restraining the Serjeant's Deputies, or any other Officer of the Lord Warden, from seizing all such Anchors, Gables, Buoys, Buoy Ropes, or other Ships' Stores or Materials as aforesaid, and likewise all such Merchandize and Marine Stores as aforesaid, which he or they shall find concealed, or attempted to be concealed, within the Jurisdiction aforesaid, or which he or they shall find in the Possession of any Person or Persons who shall be conveying, or in the Act of preparing to convey the same out of the said Jurisdiction, or from any Place where the same shall have been landed within the said Jurisdiction, to any other Place within the same, other than to one of the said public Places of Deposit aforesaid; but it shall be lawful in all such Cases, for all and singular the Officers aforesaid, to seize the same as well on Shore as at Sea, within the said Jurisdiction, and to take and carry the same to one of the said public Places of Deposit, any thing in this or in any other Act, Law, Custom, or Usage to the contrary notwithstanding.

**X Receivers to be subject to the same Punishment as though the Goods had been stolen on Shore.**

And be it further enacted, That if any Person or Persons, within the Jurisdiction aforesaid, shall knowingly and with Intent to defraud .and injure the true Owner or Owners thereof, purchase or receive any Anchors, Cables, Ropes, or other Ships' Stores or Materials of any Description whatever, or any Merchandize or Lading which may have been taken up, weighed, swept for, or taken Possession of, Whether the same shall have belonged to any Ship or Vessel in Distress or otherwise, or whether the same shall have been preserved front any Wreck within the Jurisdiction aforesaid, such Person or Persons shall on Conviction thereof be deemed guilty of receiving Stolen Goods, knowing the same to be stolen, as if the same had been stolen on Shore, and suffer the like Punishment as for a Misdemeanor at the Common Law, and be also liable to be transported for Seven Years, in the Discretion of the Court before which he, she, or they Shall be tried.

**XI Lord Warden's Officers authorized to seize Anchors, &c. taken up within the Limits of the Cinque Ports, though removed out of such Limits.**

And whereas it frequently happens, that Anchors, Cables, and other Marine Stores, or Merchandize, which have been weighed, swept for, or taken Possession of, within the Jurisdiction aforesaid, are, for fraudulent Purposes, carried away to *Rochester*, *London*, *Portsmouth*, and other Places not within the Jurisdiction aforesaid, and the

Officers of the Lord Warden cannot, by reason of such Removal, recover the same ; be it enacted and declared, That from and after the passing of this Act, it shall be lawful for the Serjeant or Serjeants of the Admiralty of the Cinque Ports, Deputies, or any other Officer of the Lord Warden, whenever the Case shall happen, to seize such Anchor, Cable, or other Marine Stores or Merchandize, out of the Jurisdiction aforesaid, and there to take and carry away the same to some one of the aforesaid public Places of Deposit, or to place the same in a Place of Security, till Proceedings shall be instituted against the Same, either in the Court of Admiralty of the Cinque Ports;-or in the High Court of Admiralty.

**XII. Dealers in Ship's Stores to have their Names painted on their Storehouses. Penalty. No Cables, &c. to be cut up without a Permit from one of Lord Warden's Deputies.**

And be it further enacted, That all Persons who shall trade or deal in buying and selling Anchors, Cables, Sails, old Junk or Paper Stuff, old Iron, or Marine Stores of any Kind or Description, within the Jurisdiction aforesaid, shall have their Names, with the Words, " Dealer in Marine Stores," painted distinctly in Letters of not less than Six Inches in Length, upon the Front of all their Storehouses, Warehouses, and other Depots for such Goods; and in default of their so doing they shall, on Conviction before any Person or Persons duly authorized to act as a Magistrate or Magistrates within the Limits aforesaid, forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Ten Pounds, One Half of which Penalties shall be paid to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed ; and further, that it shall not be lawful for such Dealers or Traders to cut up any Cables or Part of the same, or to uncant, untwine, or unlay the same, or Cordage of any Description into Junk or Paper Stuff, nor any wounding, wounding, or worming, on any Cable Matting on the same, or on ;Rigging, on any Pretence whatsoever, without first obtaining a Permit from the Lord Warden's Deputies, or one of them, which Permit shall not be granted unless an Affidavit shall have been first made before some one of the Persons duly authorized to act as Magistrates within the Limits of the Cinque Ports, Two ancient Towns, and their Members, and shall have been delivered to and left with the Person granting such Permit, in which Affidavit there shall be sworn that the Cable and Cordage, so intended to be cut up, had been purchased fairly and without Fraud by the Party so intending to cut up the same, and without any Knowledge or Suspicion on his or her Part that the same had been or were dishonestly come by; and in which Affidavit shall also be specified the particular Quality and Description of such Cable or Cordage, and the Name or Names of the Seller or Sellers thereof, which Affidavit shall be recited and set forth at Length in the Permit thereupon granted.

**XIII Dealers to keep an Account of the Marine Stores bought by them. Notice to be advertized before cutting up Cable or Cordage. Penalty for refusing to produce the Book of Entries, or neglecting to give Notice before cutting up Cable or Cordage. Penalties, how to be levied.**

And for the further and more effectual Prevention of Fraud in this respect, be it enacted, That all Dealers in such Marine Stores as aforesaid, within the Limits of the Cinque Ports, Two ancient Towns, and their Members, shall keep a Book or Books fairly written, in which Entries shall be from Time to Time regularly made of all such Marine Stores as shall be by them from Time to Time bought, containing a true Account and Description of the Times when the same were so respectively bought by them, and of the Names and Places of Abode of the respective Sellers thereof j and also that

before the Party who shall have obtained such Permit for the cutting up of any such Cable or Cordage (as. herein-before required to be obtained) shall proceed to cut Up the same by virtue thereof, there shall be published by the Space of One Week at least before the Time of cutting up of the same, One or more Advertisements in some public Newspaper printed within the Counties of *Kent, Sussex, and Essex*, and near to the usual Residence or Place of Abode! of such Party, notifying that such Party had obtained such Permit for the Purpose of cutting up such Quantity of Cable or Cordage, and of such Kind and Quality as therein described, a true Copy of which Permit shall be inserted in such Advertisement; whereupon it shall be lawful for all and every Person or persons who may have just Cause to suspect, and shall have verified upon Oath the Fact of such his, her, or their Suspicion before any of the Persons duly authorized to act as Magistrates within the Limits aforesaid, by Warrant of such Magistrate to him or them for that Purpose thereupon granted, to; require of and from any such Dealer who shall have so advertised and shall be so sworn to be suspected as aforesaid, the Production and Examination of the Book or Books of Entries hereby required by him to be except, and to inspect and examine the Cable or Cordage described in such Permit ; and in case any such Dealer shall, when so thereunto required as aforesaid, neglect or refuse to produce to the Person named in such Warrant as the Person on whose Oath the same had been obtained, the Book or Books containing the Entries ,of such Dealer so required to be made therein as aforesaid, or shall neglect to keep any such Book or Books in which Entries containing Accounts of the several Particulars herein-before required to be entered shall be made, or to permit such Inspection and Examination as aforesaid, or shall, after obtaining such Permit for the cutting up of any Cable or Cordage, and before the cutting up of the same, neglect to publish such one or more Advertisements relative thereto, as is herein-before directed and required to be published, the Dealer or Dealers so offending in all or any of the Particulars herein-before mentioned, shall forfeit and pay for every such Offence, being his, her, or their First Offence, any Sum not exceeding Twenty Pounds nor less than Ten Pounds ; and for every Second and further Offence, any Sum not exceeding Fifty Pounds, nor less than Thirty Pounds; One Half of which Penalties shall, on Conviction before any of such Magistrates duly authorized to act within the Limits aforesaid, be paid to the Informer, and the other Half to the Poor of the Parish in which such Offence shall be committed; and in case any of the Penalties by this Act imposed shall not be paid, with the Charges incident to the Conviction, immediately upon such Conviction, the same shall and may be levied by the Warrant of such Magistrate as aforesaid, by Distress upon the Goods and Chattels of every such Offender or Offenders; and in case there shall be no sufficient Distress, then every such Offender or Offenders shall and may be committed by such Magistrate as aforesaid, to the Common Gaol within the Limits aforesaid, in the Case of any First Offence, for the Space of Three Months, and in the Case of any Second or further Offence, for the Space of Six Months, unless the said Penalty and Charges shall: be sooner paid.

#### **XIV Inhabitants to be competent Witnesses.**

And be it further enacted, That the Inhabitants of any Parish, Township or Place, within the Jurisdiction aforesaid, shall be deemed and taken to be competent Witnesses, for the Purpose of proving the Commission of any Offence against this Act, within the Limits of such Parish, Township, or Place, notwithstanding the Penalty incurred by such Offence, or any Part thereof, is or may be given. or applicable to the Poor of such Parish, Township, Place, or otherwise for Benefit or Use or in Aid or Exoneration of such Parish, Township, or Place.

**XV The Lord Warden and his Deputies, Judge, &c. to have the like Power as Justices of the Peace or Commissioners under this Act.**

And be it further enacted, That the Lord Warden of the Cinque Ports for the Time being, and the Lieutenant of *Dover* Castle for the Time being, and the Deputy Wardens of the Cinque Ports for the Time being, and the Judge Official and Commissary of the Court of Admiralty of the Cinque Ports, Two ancient Towns, and the Members thereof for the Time being, and any other Officer who shall be specially appointed by the Lord Warden, and all and every of them, shall and may execute, perform, and do, within the Jurisdiction aforesaid, all the Acts, Matters, and Things contained in this Act, in like Manner, to all Intents and Purposes, as any Magistrate or Magistrates, or any Commissioner or Commissioners to be appointed by virtue of this Act, is and are authorized to execute, perform, and do the same.

**XVI Manner of issuing Commissions for the Punishment of Offences, agreeably to 28 H. 8 c. 15. Reservation of the Rights of the Admiralty Court, and of the Admiralty of the Cinque Ports.**

And whereas by a certain Act passed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *For Pirates*, it is among other things enacted to the Effect following, that whenever any Commission for the Punishment of certain Offences therein named; shall be directed or sent to any Place within the jurisdiction of the Five Ports, that then every such Commission shall be directed unto the Lord Warden of the said Port for the Time being, or to his Deputy, or unto Three or Four such Persons as the Lord Chancellor for the Time being shall name and appoint: And whereas by the said Act it is further enacted to the Effect following, that every Inquisition and Trial to be had by virtue of such Commission, shall be made and had by the Inhabitants of the said Five Ports, or the Members of the same: And whereas of a long Time past, no such Commission has been sent to any Place within the Jurisdiction of the Cinque Ports : Be it enacted, for the more certain and speedy Administration of Justice, That as often as His Majesty shall direct a Commission, according to the Provisions of the aforesaid Act, to the Admiral or Admirals, or his or their Lieutenant Deputy and Deputies, it shall and may be lawful for His Majesty, on the Application of the Lord Warden of the Cinque Ports, to direct such Commission jointly to the Admiral or Admirals, or his or their Lieutenant Deputy and Deputies, and also to the Lord Warden of the Cinque Ports for the Time being, and to his Deputy; and the Commissioners who shall sit by virtue of such Commission, so jointly addressed, to whatever Shire or Place in the Realm the same shall be limited, shall have full Power and Authority to inquire into, try, and determine all Offences named in the said Act, or in any other Act relating to Proceedings under such Commission, by the Oaths of Twelve good and lawful Inhabitants in the Shire limited in the said Commission, whether the said Offences shall have been committed within the Jurisdictions of the Lord Admiral of *England*, or of the Lord Warden of the Cinque Ports and all and every Trial, Conviction, Judgment, and Proceeding whatsoever under such Commission, shall be as good and effectual to all Intents and Purposes in Law, and shall be followed by the same Consequences to the Offender or Offenders, as if the same were had by virtue of any separate Commission to be issued under the Provisions of the aforesaid Act of King *Henry* the Eighth : Provided always, and it is hereby further declared, that this Act, or any thing herein contained, shall not extend or be construed to extend to the taking away, abridging, prejudicing or impeaching, in any Manner whatever, the Jurisdiction of the High Court of Admiralty of *England*, or the Jurisdiction of the Admiralty Court of the Cinque Ports, Two ancient Towns, and their Members ; but that it shall and may be lawful for the said Courts respectively, and the Judge or Judges thereof for the Time being, to



have, use, exercise, and enjoy Jurisdiction over all such Matters, Rights, and Offences, as they have heretofore had, used, exercised and enjoyed, as fully and effectually, to all Intents and Purposes whatever, as if this Act had not been made ; any thing herein-before contained to the contrary in anywise notwithstanding.

#### **XVII Reservation of the Rights of the Trinity House.**

Provided also, and it is hereby further enacted and declared, That this Act, or any thing herein contained, shall not extend or be construed to extend to the taking away, abridging, hindering, prejudicing or impeaching of any Grant, Liberties, Franchises, and Privileges heretofore granted to and vested in the Corporation of the Trinity House of *Deptford Strond*; but that the said Corporation shall hold and enjoy the same as fully and effectually, to all Intents and Purposes, as they might have done in case this Act had never been made; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

#### **XVIII Boundaries of the Jurisdiction of the Lord Warden of the Cinque Ports.**

And whereas Doubts have arisen as to the exact Boundaries of the Jurisdiction of the Lord High Admiral and the Lord Warden of the Cinque Ports, and it is highly expedient for the Purposes of this Act that the same should be clearly set forth ; now it is hereby declared and enacted, That the Boundaries of the Jurisdiction of the Lord Warden of the Cinque Ports, in regard to any Matter or Thing contained in this Act, shall be and shall be deemed and taken to be as follows; (that is to say), from a Point to the Westward of Seaford, in the County of *Sussex*, called *Red Cliff*, including the same ; thence passing in a Line One Mile without the Sand or Shoal called *The Horse of Willingdon*, and continuing the same Distance without the Ridge and new Shoals; and thence in a Line within Five Miles of *Cape Grisnez* on the Coast of *France*; thence round the Shoal called *The Overfalls*, Two Miles distant from the same; thence in a Line without, and the same Distance along the Eastern Side of the *Galloper Sand*, until the North End thereof bears West-north-west true Bearing from the West-north-west Bearing of the *Galloper*, it runs in a direct Line across the Shoal called *The Thwart Middle*, till it reaches the Shore underneath the *Maze Tower*; front thence following in a Line of the Shore up to *Saint Orsyth*, in the County of *Essex*, and following the Course of the Shore up to the River Coin to the Landing-place nearest *Brightlingsea*; from thence in a direct Line to *Shoe Bacon*; from thence to the Point of *Shellness*, on the Isle of *Shippey*; and from thence across the Waters to *Feversham*; and from thence following the Line of Coast round the *North* and *South Forelands*, and *Beachy Head*, till it reaches the said *Red Cliff*, including all the Waters, Creeks, and Havens comprehended between them: Provided always, and it is hereby declared, that nothing in this Act contained shall extend, or be construed to extend, to enlarge or abridge the Local Limits of the ancient Jurisdiction, Rights, and Privileges of the Lord High Admiral of *England*, or the Lord Warden or Admiral of the Cinque Ports respectively, or their respective Representatives; but that the same shall remain according to ancient Usage, and that the Description herein-before contained shall only be deemed applicable to the Purposes of this Act; any thing herein contained to the contrary notwithstanding.

#### **XIX For the better Adjustment and Payment of Salvage under 12 Ann. c. 18.**

And whereas it is expedient that the like Means of conclusively adjusting and recovering the Quantum of the Monies or Gratuities to be paid to the several Persons acting or being employed in the Salvage of any Ship, Vessel, or Goods, should subsist

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*Status: This is the original version (as it was originally enacted).*

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and be by Law applicable in Cases where the Salvors shall have acted under and by the mere Employment and Authority of the Commander or other Superior Officer, Mariners, or Owners of any Ship or Vessel in Distress, as are now by Law provided for adjusting the Quantum of such Monies or Gratuities which shall have become due in Case where Application shall have been first made to Officers of the Customs, or other the Officer or Officers in that Behalf named and appointed in and by a certain Statute made in the Twelfth Year of the Reign of our late Sovereign Lady Queen *Anne* intituled *An Act for preserving of all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom or any other of Her Majesty's Dominions*, and where Assistance shall have been thereupon rendered in pursuance of the Provisions of that Statute; be it therefore enacted and declared, That all and every the Means which, in virtue of the Statute last mentioned, subsist; and may now be by Law applied for the conclusively adjusting and for the recovering of the Quantum of the Monies or Gratuities to be paid to the several Persons acting or being employed in the Salvage of any Ship, Vessel, or Goods, in Cases where Application shall have been first made pursuant to that Statute, to Officers of the Customs, or other the Officer or Officers therein in that Behalf mentioned, and Assistance shall have been thereupon rendered and had in pursuance of the Provisions of that Statute, shall be by Law applicable and available, in like Manner to all Intents and Purposes, in Cases where the Salvors shall have acted under and by the mere Employment and Authority of the Commander or other Superior Officers, Mariners, or Owners of any Ship or Vessel in Distress, although no such Application shall have been made to, nor any Authority or Assistance derived from- any Officers of the Customs, or other the Officer or Officers in the said Statute in that behalf mentioned; and that, upon Payment or Tender and Refusal of the Quantum of Monies or Gratuities to be paid to the several Persons who shall have acted or been employed in such Salvage, or in case such Payment or Tender cannot be made, Of Security being given for the due Payment thereof, to the Satisfaction of the Commissioners who shall have adjusted such Quantum of Gratuities, it shall not be lawful for any Officer of the Customs, at other Person or Persons having the Possession or Custody of such Ship, Vessel, or Goods, any longer to retain the Possession or Custody of the same, or any Part thereof, by reason or pretence of any Claim or Right to a Compensation of Gratuity for such Salvage as aforesaid, or for having acted or been employed therein.

**XX Owners or Salvors may sell so much of the Property saved as will defray Salvage.**

And be it further enacted and declared, That in all Cases it shall be lawful for the Owner or Owners, or if the Owner or Owners refuse, for the Salvors, to sell so much of the Property saved, as will be sufficient to defray the Salvage adjudged, and all Expences attending the same, and such other reasonable Charges and Expences respecting the said Property, as shall be allowed by the High Court of Admiralty, or by the Court of Admiralty of the Cinque Ports, or by the Commissioners appointed under this Act; and that on the Production of an Order or Decree from the High Court of Admiralty, or from the Court of Admiralty of the Cinque Ports, or of an Award made by the Commissioners appointed under this Act, the Commissioners of Customs and Excise shall be empowered and required, and they are hereby empowered and required, to allow the Sale of such Goods as aforesaid, free from the Payment of all Duties: Provided: nevertheless, that in all Cases in which they may think it adviseable, it shall be lawful for the Commissioners of the Customs and Excise to refer any such Award which may be produced to them from the Commissioners appointed under this Act, to the Judgment or Revision of the High Court of Admiralty.

**XXI. Jurisdiction of Cinque Ports not to be affected.**

Provided always, That nothing herein in this Behalf contained shall extend, or be construed to extend, to affect or impeach the Jurisdiction to be exercised within the Cinque Ports, or to affect or abridge in any Degree the Jurisdiction or Authority of the High Court of Admiralty.

**XXII. Public Act.**

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

Status: This is the original version (as it was originally enacted).

THE SCHEDULE TO  
 WHICH THIS ACT REFERS

ON the                      Day of                      , in the Year of our  
 Lord                      , before, &c.                      at  
 in the County of

[Ships Names.]

[Masters Names.]

A. B. [here insert the Name of the Salvors] against the said Ship, whereof was Master, her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandizes on board the same; and also against the said Master, and the Owners of the said Ship and Cargo [or, as the Case may be, against certain Goods and Merchandizes lately laden on board the said Ship, whereof was Master; and also against the said Master, and the Owners (or if the Owners alone appear by themselves or Agents, then leave out the Master's Name) of the said Goods and Merchandizes], in a Cause of Salvage.

On which Day appeared personally W. Z. of and Y. Z. of who produced themselves as Sureties for the said the Master, and for the Owners of the said Ship and Cargo, [or, as the Case may be] for the said Master and Owners of the said Goods and Merchandizes, and submitting themselves to the Jurisdiction of the High Court of Admiralty of England, [or, the Court of Admiralty for the Cinque Ports, as the Case may be] bound themselves, their Heirs, Executors and Administrators, for the said Master and Owners of the said Ship and Cargo, [or, as the Case may be] for the said Master and Owners, or, for the Owners of the said Goods and

Merchandizes, in the Sum of Pounds of lawful Money of Great Britain, unto the said A. B. &c. to answer the Salvage and Expences of the said Ship and Cargo, [or, as the Case may be], on the said Goods and Merchandize, as shall hereafter be decreed by the said Court, according to the Tenor of the Act in that Behalf made and provided; and unless they shall so do, they hereby consent that Execution shall issue forth against them, their Heirs, Executors, and Administrators, Goods and Chattels, wheresoever the same shall be found, to the Value of the Sum above mentioned.

This Bail was duly taken, acknowledged, and received at the Time and Place above written, before me the undersigned Commissioner; and I do hereby further certify, that I do believe and consider the Persons above mentioned sufficient Security for the Sum of Pounds.

W. X.  
 Y. Z.