

CHAP. X.

General Statement of the various Authorities, entitled to exercise Jurisdiction on or near the River Thames.

—1st. *The King.*—2d. *The Lord Mayor and Corporation of London, as Conservators of the River, &c.*—3d. *The Corporation of the Trinity-house.*—4th. *The West-India Dock Company.*—5th. *The Boards of Custom and Excise.*—6th. *The Lord Mayor and Aldermen as Magistrates, and the other Justices of the Peace, in the several Counties and Cities on, and near the River; in taking cognizance of Offences punishable by the Statute Law of this Kingdom.*—*The power of the Crown considered separately.*—*Most of its Rights in the River Thames, granted to the Corporation of London by various Charters, and confirmed by Acts of Parliament.*—*The inconvenience attending such grants.*—*The privilege of Mooring-Chains reserved by the Crown.*—*The Grantee thereof compelled to sell his interest by the Wet-Dock Act, 39 Geo. III.(n)*—*The provisions of the Act on that subject explained.*—*The Tonnage Duties granted to the Crown by that Act, and their application also detailed and explained.*

(n) Cap. Ixix of the Series of *public local and personal Acts*; which are distinguished, in the quarto edition of the Statutes, by being placed after the *public general Acts*; and, in citation, by the Chapters being thus marked by Roman numerals.

HAVING now completed the various details respecting the rise and progress of the Commerce of the River Thames;—the depredations to which that Commerce is liable; and the Preventive System of Police already existing, and proposed, in future, to be enlarged, for the protection and security of the immense mass of floating property; the Author conceives, that it must become a matter of great curiosity and interest, with every Reader, to learn under what powers and authorities the whole of so extensive a System has been, and is to be, conducted and regulated.

An investigation of this nature cannot fail also to prove useful, inasmuch as the facts which it develops may tend, in an eminent degree, to explain the causes which have produced those excesses, irregularities and crimes, which have been already brought under the review of the Reader.

If other evils, highly injurious to the Navigation and Commerce of the River, can be traced to a source which has proved inefficient and even noxious in its ultimate effects; a general view of whatever may have been productive of benefit or injury, in regulating the Police of the Port of London, and River Thames, cannot fail to be important; and it is not to be doubted, that further improvements may suggest themselves for the general interests of the River
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and the Port, by means of a clear and comprehensive view of its existing Regulations.

Six distinct authorities may now be said to exist, all of them exercising, or about to exercise, certain Powers and Jurisdictions with respect to the River Thames; and forming together the general Police of this great Commercial Port.

I. HIS MAJESTY, as Lord of the soil of the River, has exercised jurisdiction with respect to mooring-chains; by grants to individuals, and also by the right exercised of fixing Mooring Chains in the River, for Ships of War. His Majesty in Council, appears also to have exercised a certain jurisdiction respecting the birthing or placing of Vessels; as in the case of foreign Ships in 1797, which were ordered not to approach the Metropolis nearer than Limehouse.

II. THE LORD MAYOR OF LONDON, as Conservator of the River, and THE CORPORATION, and their Officers, by Virtue of certain Charters and Franchises, exercise various privileges and jurisdictions respecting the Fishery, Encroachments and Nuisances on the River; and as to the lading, unlading, and measuring, selling and transporting of Merchandise; to these are now added other powers and privileges under the *Wet-Dock Act*.

III. The CORPORATION OF THE TRINITY-HOUSE, of Deptford Strond, exercise certain functions and duties under the authority of Royal Charters, and Acts of Parliament, relative to Seamen, Pilots, fur-

nishing Ballast, erecting Light-houses, and carrying into execution the provisions of the Wet-Dock Act, and other Acts for the improvement of the Navigation of the River.

IV. The WEST-INDIA DOCK COMPANY, have certain powers and jurisdiction conferred upon them, by the Wet-Dock Act, for the erection and preservation of Wet-Docks in the Isle of Dogs, for the accommodation and protection of the *West-India Trade*.

V. The COMMISSIONERS of His Majesty's CUSTOMS and EXCISE, by themselves and their Officers, under the authority of Parliament, make and enforce Regulations respecting the security, and the collection of the Public Revenue.

VI. *The Lord Mayor and Aldermen*, as MAGISTRATES, in the City, together with His Majesty's other JUSTICES OF THE PEACE, acting for the Cities and Counties adjoining the River Thames, take cognizance of Felonies, Larcenies and Misdemeanors committed within their respective jurisdictions; not only within the limits and under the circumstances prescribed by the Bumboat Act, 2d Geo. III. cap. 28, but also according to the powers and provisions of various Acts of Parliament, inflicting punishment on a vast variety of Nautical Offences.

As it is by the general operation of all these authorities, that the Government and Police of the Port of London, are now to be considered as carried on; it will of course, be necessary to enter into an explanation of the nature and extent of

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the powers exercised by every department. In so doing, an attempt will be made to trace out, as precisely as possible, the nature and extent of each separate jurisdiction: to detail the manifold Regulations and Provisions of the Stat. 39 Geo. III. c. lxix. "for rendering more commodious, and regulating the Port of London," generally called *The Wet-Dock Act*; so as to shew, in the most clear and distinct manner the several purposes to which that Act is applied: And lastly, to give a view or abstract of the punishments inflicted by a great number of Statutes, on Maritime Offences of every description;—of the duties prescribed to Captains of Merchant Ships, and their Officers,—and of the *Rules and Regulations of the Port*, which it becomes requisite for them punctually to observe and obey.

RESPECTING THE CROWN.

It appears, that the successive Sovereigns of England, by a variety of Charters (48 in number) from Richard I. to Charles II. granted the Conservation of the River Thames, and certain other privileges to, and imposed corresponding duties on, the Mayor and Commonalty of London; all these (except nine Charters of Henry the IV. made void) were ultimately established, after the Revolution, by the Statute 2d William and Mary, Stat. 1. c. 8; vacating the judgment on *Quo Warranto*, given

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against,

against the City, in the 35th of Charles II. and confirming all the privileges of the Corporation.

Thus did the Crown relinquish the powers which, in similar cases, are exercised by Government, and which, therefore admit, from time to time, of beneficial arrangements, and Legislative ameliorations. It would appear, that the River Thames, under the peculiar circumstances in which it was placed, suffered considerably in its improvements, from the relinquishment of that paramount authority which, while it remains unimpaired, has been found best calculated under the direction of Parliament, when unrestrained and unshackled by corporate privileges, to accommodate the public at large, by Regulations adapted to the progressive improvements in civil society.

To this, among other causes, may be attributed the difficulties which have occurred in carrying into effect several excellent improvements, which had been in contemplation during more than two centuries, for the purpose of removing many of those temptations which have generated habits ruinous to the morals of the labouring classes upon the River, and hostile to those general accommodations which were imperiously called for by the rapid increase of Commerce and Navigation.

Since the grant and confirmation of the Charters already alluded to, it does not appear, that the Crown has attempted to exercise any right or power

over the River Thames, excepting with respect to the Lordship of the Soil or Surface, under low-water mark.⁽ⁿ⁾

This right was exercised in the instance of the Lease or Patent, granted of the privilege of placing Mooring Chains in tiers, in the bed of the River, for the accommodation of Shipping; which was recently enjoyed by Lord Gwydir, and from which a considerable annual emolument was derived.

By the *Wet-Dock Act*, (§ 35, 36) Lord Gwydir is required within six months, on receiving an adequate compensation, to surrender to His Majesty the rights and interests possessed by him, respecting the whole of the Mooring Chains; for the purpose of transferring such rights and interests for the use, benefit, and convenience of the Public, free from all rents and dues thereon; for which a compensation is to be made to the Crown.

By § 119 of the Act, the compensation to Lord Gwydir is to be made by the direction of certain Commissioners of compensation; and by § 152, the

(n) The following transcript, found among the MSS. of Lord Treasurer Burleigh, in Queen Elizabeth's reign, has been quoted, to shew how far the soil and ground, under the River, belongs to the City. "Also, for proof of the Prince's interest, in Rivers flowing from the Sea, the Thames and Conservation thereof was not only given to the City of London, but, by their especial suit, the King gave therewith all the ground and soil under the same: Whereupon, if any that hath a house, or land adjoining, do make a Strand, Stairs, or such like, they pay forthwith a rent to the City of London, how high soever they be above the low-water mark."

See Stow's *Survey of London*; vol. i. p. 35-

amount of this compensation, is to be, in the first instance, advanced out of the Consolidated Fund; and repaid thereto out of the rates raised by virtue of the Act. The appointment of these Commissioners, their Oath of Office, &c. are regulated by § 130, 131 and 132 of the Act

By § 120, the compensation to be made to his Majesty, for relinquishing the rents and profits of the Mooring-Chains, as settled by the same Commissioners and the Treasury, and to be also advanced out of, and repaid to the Consolidated Fund, is to be paid into the Bank, on account of the Treasury, and applied in the same manner as money paid for the redemption of the Land-tax.

By § 37, After the surrender is thus made, the Lord Mayor and Corporation of London, or such person as they shall appoint, under the inspection and approbation of the Members of the Trinity-house, are authorised and required, to repair and remove all or any of the Mooring Chains between *London-bridge* and *Bugbey's-hole*, and to cause others to be placed in their stead, in such situations, within the same limits, as shall appear to them and to the Trinity-house to be most advantageous for the Trade and Navigation of the River. With power also, (under the same inspection and approbation) to remove other Mooring Chains, on first making compensation to the Owners and Lessees for the injury they may by that means sustain.

By. § 134, "In consideration of the great accommodation and Advantage, which the several Works and Regulations, which the Act authorises to be made, will afford the Shipping and Trade of the Port, and in consideration of the great charges and expences, which will be occasioned by making, building, erecting, and providing the Canal, Cuts, Sluices, Bridges, Roads, and other Works authorised by the Act to be made by the Corporation of London," the following Tonnage Duties are granted to the Crown, for the term of Fourteen Years, from August 1, 1799; payable by every Master, Owner, or Person having the charge of Ships and Vessels, trading to, frequenting, and using the Port of London, of which the intended Canal, Docks, and Works are to be part.

	<i>per Ton.</i>
1st. CLASS.— <i>Coasting Vessels, to or from any part of Great Britain, for every Voyage, both in and out inclusive</i>	<i>d.</i>
2d. CLASS.— <i>Vessels entering inwards from Denmark, Norway, or Lapland, (on this side of the North Cape) or from Holstein, Hamburgh, Bremen, or any other port in Germany, bordering on or near the Germanic Ocean, or from Holland, or any other of the United Provinces, or the Netherlands, France, (within Ushant) Guernsey, Jersey, Sark, Ireland, or the Isle of Man</i>	<i>1½</i>
	<i>Vessels</i>

	<i>per Ton.</i>
<i>Vessels clearing outwards to the above</i>	<i>d.</i>
Countries	$1\frac{1}{2}$
3d. CLASS.— <i>Vessels entering inwards from Lapland</i>	
(beyond the North Cape) Finland,	
Russia (without or within the Baltic	
Sea) Livonia, Courland, Poland, Prus-	
sia, Sweden, or any other Country	
within the Baltic	2
<i>Vessels clearing outwards to the above</i>	
Countries	2
4th. CLASS.— <i>Vessels entering inwards from France</i>	
(between Ushant and Spain) Portugal,	
Spain (without the Mediterranean) or	
any of the Azores, Madeira, or the	
Canary Islands, or any of the United	
States of America, or any of the British	
Colonies, or Provinces in North Ame-	
rica, or from Florida	$2\frac{1}{2}$
<i>Vessels clearing outwards to the above</i>	
Countries	$2\frac{1}{2}$
5th. CLASS.— <i>Vessels entering inwards from Green-</i>	
land, Gibraltar, France or Spain	
(within the Mediterranean) or any	
Country, Island, or Place, within or	
bordering on or near the <i>Mediterra-</i>	
<i>nean</i> or <i>Adriatic Sea</i> , or from the	
<i>West-Indies</i> , Louisiana, Mexico, South	
America, Africa, East-Indies, China,	
or any other Country, Island, or	
Place, within or bordering on or near	
the <i>Pacific Ocean</i> , or from any Coun-	
try or Place whatsoever, to the South-	
ward of 25 degrees of North latitude .	$3\frac{1}{2}$
<i>Vessels</i>	

	<i>per Ton.</i>
<i>Vessels clearing outwards to the above</i>	<i>d.</i>
Countries	3½

EXEMPTIONS.—(By § 135.) Ships of War; or Ships and Vessels belonging to his Majesty or any of the Royal Family: Coasting Vessels under 45 Tons, registered Tonnage; Coasting Vessels, the principal part of whose Cargo shall be Corn; Fishing Smacks, Lobster and Oyster Boats; Vessels for Passengers; and Vessels or Craft navigating the River Thames, above and below London Bridge, as far as Gravesend only.

These Rates and Duties are (by § 34) vested in his Majesty, &c. and are directed to be paid, when the Ships and Vessels enter inwards or clear outwards, or before they depart the Port, at the Customhouse of London, to the Collector appointed for that purpose, who shall pay the same into the Exchequer.

On the credit of these Tonnage Duties (and to be repaid by the said Duties) § 151 of the Act authorises 72,000*l.* to be advanced from time to time, out of the Consolidated Fund, to the Chamber of the City of London, to be applied as follows:—

- 1st. In defraying one moiety of the expence of obtaining the Act.
- 2d. In purchasing Houses, Buildings, Lands, &c. and defraying the Costs incident thereto, and in paying the necessary Charges and Expences of designing, laying out, making, and completing the Canal across the Isle of Dogs,
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and the Cuts, and other Works, authorised to be made and done by the Corporation of London.

- 3d. In paying all the necessary expences of attending, managing, regulating, maintaining, repairing, and preserving the same Canal, and other Works, for the term of three years next after notice shall be given, that the Canal is ready for use, and until the transit-rates (mentioned in a subsequent Chapter) shall become payable to the Corporation.
- 4th. In paying, during the said *three years*, such yearly and other sums, as may be payable by the Corporation of London, for compensation for losses and deficiencies of Tythes, Taxes, Sewer Rates, and other Rates and Assessments.

On the credit of these Tonnage Duties, the Act (§ 152) also authorises advances to be made from the Consolidated Fund, to the Commissioners for compensations (to be replaced from the said Duties) of such sums of money as may be necessary to pay the Compensations directed by the Act; including those to the Crown, and *Lord Gwydir*, in respect of the *Mooring Chains*; and for defraying the expence of ascertaining the same.

By § 154 of the Act, the monies raised by the said Tonnage Duties, are directed to be applied and disposed of in the following manner:—

So much thereof shall be paid into the Chamber of London, as shall be sufficient from time to time, not only for defraying the necessary Costs and Charges of maintaining and repairing, altering and renewing the *Mooring*

ing Chains in the River Thames, and laying down new ones when necessary : But also for paying the Salaries and Wages of *Harbour-Masters* and their Assistants, pursuant to the Act : which Expences and Salaries are directed to be paid by the Corporation accordingly.

After the above payments into the Chamber of London, the residue of the monies arising from the said Tonnage Dues is to be applied in repaying to the Consolidated Fund the sums advanced in pursuance of the Act, as already specified, with 5 *per cent.* interest on the same ; and when these advances are fully repaid, the said residue is to be invested in Stock, in the names of the Chamberlain, Town Clerk, and Comptroller of London, for the time being, who shall invest the yearly Dividends in their names in the like manner, for the purpose of accumulation ; until the Dividends of the Stock purchased by such accumulation, shall be sufficient for the payment of the Expences of the Mooring-Chains, and of the Salaries of the said *Harbour-Masters* and their Assistants.—And when the Dividends are sufficient to answer those purposes, the Rates and Duties imposed by the Act are to cease and determine.

Such are the Functions exercised by the Crown, respecting the Police and other Regulations of the River Thames and the Port of London. It is however to be observed, that the chief part are created by the *Wet-Dock Act*, and are of a temporary nature ; so that in consequence of this Act, when the money to be advanced by Government is refunded, every right of interference, on the part of the Crown, except what relates to the Lordship of the Soil under the River, and

and the general rights of Sovereignty, which are reserved, will be totally relinquished.(o)

It remains therefore, to explain at length the Powers and Functions of the respective Public Bodies, and Persons already alluded to, as exercising jurisdiction on or near the River, viz:—*The Lord Mayor, and Corporation of London: The Trinity House: The West-India Dock Company: The Boards of Customs and Excise: And the Justices of Peace, in their respective Jurisdictions, under various Acts of Parliament.*—These will form the subject of the five following Chapters of this Work.

(o) By § 175 of the Act, all the Rights, Interests, Privileges, Franchises, and Authority of his Majesty and his Successors, except as to the Mooring Chains, are reserved.—And by § 176, power is also reserved to the Lords of the Admiralty, to lay Chains, &c. for mooring Ships or Vessels, belonging to his Majesty, in any part of the River below Greenland Dock.