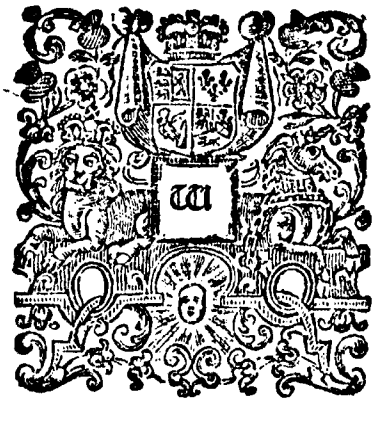
Anno tertio

Georgii III. Regis.

An Act for continuing the Duties, and enlarging the Powers, granted by Two Acts made in the Fifth and Twenty fifth Years of His late Majesty's Reign, for enlarging the Pier and Harbour of *Scarborough* in the County of *York*.



WHEREAS by an Act made in the Fifth Year of the Reign of King George the Second, intituled, An Act to enlarge the Pier and Harbour of *Scarborough* in the County of *York*, there was given and granted a Duty of One Halfpenny for every Chaldron of Coals laden on Board any Vessel, at or in the Port of Newcastle upon Tyne, or at Sunderland, or any other Port or Place, reputed a Member of the said Port of Newcastle upon Tyne, to be payable until the Twenty fourth Day of June, One thousand seven hundred and sixty three; and also several other Duties in the said Act mentioned, upon certain Goods, Wares, and Merchandize, landed in, or shipped off, from the said Port of Scarborough, which are to have Continuance until the Twenty fourth Day of June, One thousand seven hundred and eighty three; all which Duties the said Act directed to be paid to the Bailiffs and Burgesses of Scarborough, to be applied for the Purpose.

Preamble.

Duty on Coals recited.

Harbour Duties recited.

of enlarging, extending, improving, and repairing, the said Pier and Harbour: And whereas by an Act made in the Twenty fifth Year of the Reign of His said Majesty, to explain, amend, and render more effectual, the said former Act, Provision was made for taking the Powers created by the said former Act out of the Hands of the said Bailiffs and Burgesses, and vesting the same in Trustees named therein, and to be appointed in pursuance thereof, and several other Regulations were made for the Purpose of improving the said Harbour: And whereas the said Harbour has, in Consequence of the said Acts, been much enlarged, and otherwise improved, to the very great Advantage and Security of Trade; but Part of the new Works begun, in order to make the said Harbour extensively useful, cannot be completed without an additional large Expence: And whereas, from the Situation of the said Harbour, several material Works must be frequently necessary to be done, in order to keep the same in sufficient Repair, which will be attended with a large annual Expence: And whereas the said new Works cannot be completed, nor any other Works that shall at any Time be found necessary be done, and the said Harbour kept in sufficient Repair for the future, unless the said Duty upon Coals, which will otherwise expire on the said Twenty fourth Day of June, One thousand seven hundred and sixty three, save as herein after-mentioned, be further continued, and the said Acts made more effectual; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Duty on Coals further continued.

That the said last-mentioned Duty shall be, and the same is hereby declared to be, save as herein after-mentioned, continued from and after the Expiration thereof, for and during the further Term of Twenty Years; and that the said Duty shall and may be collected, levied, recovered, managed, and disposed of, by such Ways and Means, and under such Regulations, Directions, Restrictions, Penalties, and Proviſoes, and with such Powers and Authorities during the said extended Term, as the same is, may, or can be now done or performed by virtue of the said former Acts, or either of them, for the Purpose of enlarging and improving the said Harbour of Scarborough, and of keeping the same in good and sufficient Repair for the future.

And be it further enacted by the Authority aforesaid, That the said Bailiffs and Coroners, or any Three of them,

them, shall, and they are hereby impowered, from time to time, to appoint a proper Person to be Harbour Master to the said Harbour; and also, from time to time, to remove such Harbour Master, and to appoint another in his Place or Stead, as they the said Bailiffs and Coroners, or any Three of them, shall think proper; any thing in the said former Acts, or either of them, to the contrary notwithstanding. Bailiffs, &c. may appoint a Harbour Master.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Ships and Vessels belonging to the Port of Sunderland in the County of Durham, shall, from and after the Twenty fourth Day of June, One thousand seven hundred and sixty three, be free and exempt from the Payment of the said Duty of One Halfpenny per Chalder on Coals, granted by the said Act of the Fifth Year of the Reign of his late Majesty King George the Second, and charged and payable at or in the said Port of Sunderland, towards enlarging the Pier and Harbour of Scarborough, so as the Owner or Master of every such Ship or Vessel, or some other Person on the Behalf of such Owner or Master, do produce to any Person, lawfully authorized to demand the said Duty, a Certificate made upon Oath before the Collector or Comptroller of his Majesty's Customs for the time being, at the said Port of Sunderland, or before their respective lawful Deputy or Deputies (which Oath every such Collector, Comptroller, or their respective Deputy or Deputies, is and are hereby impowered and required to administer without Fee or Reward) that such Ship or Vessel doth belong to the said Port of Sunderland, and doth pay the Duty of Six Pence per Month, for the Relief of disabled Seamen in the Merchants Service, at the said Port of Sunderland, pursuant to an Act made in the Twentieth Year of his said late Majesty's Reign, intituled, An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service; any thing in the said Act of the Fifth Year of his said late Majesty's Reign, or in this present Act contained, to the contrary in any wise notwithstanding. Ships belonging to the Port of *Sunderland*, exempted from the Duties.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners for putting the said Acts and this Act in Execution, or any Five or more of them, and they are hereby impowered to appoint and make such annual Allowance or Salary to the Officer or Person to be, from time to time, appointed to direct the Mooring, Anchoring, and Ballasting of Ships within the said Port or Harbour, as Master's Salary.

they the said Commissioners, or any Five or more of them, shall think proper, not exceeding the Sum of Twenty five Pounds per Annum; any thing in the said former Acts, or either of them, to the contrary in any wise notwithstanding.

Commissioners may punish Persons making Annoyances in the Harbour.

And whereas Penalties are, by the said Acts, laid upon all Persons who shall lay, anchor, moor, or ballast any Ship or Vessel, within the said Harbour, in an improper Manner; or shall empty any Ballast, Dust, Ashes, Earth, Rubbish, or Stones, into the said Harbour, or otherwise incroach upon the said Harbour; or do, or cause, or procure to be done, any other Act, Matter, or Thing whatsoever, to prejudice or annoy the same; all which Matters and Things are, by the last of the said Acts, to be examined into by the Commissioners for putting the said Acts in Execution, or any Two of them, who are thereby impowered to punish Persons offending in the Premisses.

Same Power given to the Bailiffs and Coroners.

And whereas such Offences, Prejudices, Encroachments, or Annoyances, are frequently committed, and pass unpunished, by reason many of the present acting Commissioners live out of the said Town, and cannot easily be assembled for those Purposes, be it therefore further enacted, That the Bailiffs and Coroners of the said Town for the time being, or any Two of them, shall be, and they are hereby vested with all and the like Powers which, by the Act of the Twenty fifth Year of His said late Majesty, are given to the Commissioners, so far only as extends to the directing the Performance of any Works, from time to time, necessary to be done in or about the said Harbour, and to the examining and inquiring into all or any Matters of such Prejudices, Encroachments, or Annoyances, as aforesaid, and for punishing Persons offending therein, as fully and effectually, to all Intents and Purposes, as if they the said Bailiffs and Coroners had been appointed by, or described in, and qualified according to the Directions of the said Act made in the Twenty fifth Year of His late Majesty King George the Second; any thing in the said former Acts, or either of them, or in this Act, to the contrary notwithstanding.

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of procuring and passing this Act, shall, as soon as the same can conveniently be done, be paid out of the Monies arising by virtue of the said former Acts, or either of them.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of the said former Acts, or either of them, or of this Act, until

til Twenty one Days Notice shall be thereof given to the Person or Persons against whom the same is to be brought, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be laid or brought in the County of York, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall and may, at his or their Election, plead specially, or the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of the said former Acts, or either of them, or this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought before Twenty one Days Notice shall be given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. General Issue. Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

FINIS.