ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXXIII.

An Act for enlarging, deepening, cleanſing, improving, and regulating the Harbour of *Carnarvon*, in the County of *Carnarvon*.

[17th *June* 1793.]

Preamble.

WHEREAS the Harbour of Carnarvon, in the County of Carnarvon, and the ſeveral Channels leading thereto, have of late Years by the Flux and Reflux of the Tides, and from various other Cauſes, been greatly choaked and filled up with Mud, Sand, and Dirt, and Veſſels of Burthen are thereby prevented from getting up to the Quays, Wharfs, and Landing Places within the ſaid Harbour, and the Shipping lying in the ſaid Harbour are expoſed to Inconvenience and Danger: And whereas the Quays and Piers already made and conſtructed within the ſaid Harbour are not ſufficient for the Preſervation thereof, and the Reception and convenient lying of the Ships and Veſſels reſorting thereto, and for the requiſite

and convenient Diſpatch in loading and unloading; and it would be of great Benefit and Advantage to the Merchants and others living in, or trading to and from the Town and Port of Carnarvon, and of publick Utility, if the ſaid Harbour, and the ſeveral Channels leading thereto, were properly enlarged, deepened, cleanſed, improved, and regulated, and if new and additional Piers and Quays were conſtructed and built for the Preſervation and Protection of the Harbour, and the Accommodation of the Trade thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the Juſtices acting in the Commiſſion of the Peace for the County of Carnarvon, the Mayor, Deputy Mayor, and Bailiffs of the Town and Liberty of Carnarvon for the Time being; the Collector, Comptroller, and Surveyor of the Cuſtoms of the Port of Carnarvon for the Time being; together with the Right Honourable Lord Viſcount Newborough in the Kingdom of Ireland, the Right Honourable Henry Paget commonly called Lord Paget, the Right Honourable Lord Penrhyn in the Kingdom of Ireland, Sir Hugh Williams Baronet, Sir Roger Moſtyn Baronet, John Byrne, Edmund Crawley, Robert Currie, Charles Evans, William Evans, Hugh Ellis, Hugh Griffith, John Griffith, Richard Garnons, William Wynn Garnons, Edward Griffith, John Griffith of Tryfan, John Griffith, Richard Griffith, Edward Hughes Clerk, John Hughes, Robert Meyrick Humphreys Clerk, Thomas Howard, Owen Jones, William Jones, Henry Jones Clerk, Humphrey Jones Clerk, Thomas Jones, Thomas Jones, John Jones, Colin Jones, Edward Jones, Evan Lloyd, Thomas Lewis, Humphrey Lloyd, Richard Nanney Clerk, Maurice Owen, Robert Owen Clerk, Hugh Owen M. D. Richard Parry, Samuel Price, John Price, William Price, Owen Anthony Poole, John Roberts Clerk, William Robert Clerk, John Rowlands, Richard Roberts, Robert Roberts, Thomas Aſheton Smith, Rice Thomas, Rice Thomas junior, Robert Williams, John Wynn, Glynn Wynn, Thomas Williams, Owen Williams, John Williams, Henry Williams Clerk, Benjamin Wyatt, William Wynn, Thomas Wright, and Edward Williams, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby conſtituted and appointed Truſtees for putting this Act in Execution.

Truſtees.

Qualification of Trustees.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be possessed of Landed Property of the Annual Value of Twenty-five Pounds, or shall be possessed of Personal Property of the Value of Five hundred Pounds (except such Persons as shall for the Time being act in the Commission of the Peace for the County of Carnarvon; the Mayor, Deputy Mayor, and Bailiffs of the Town and Liberty of Carnarvon, and the Collector, Comptroller, and Surveyor for the Time being for the Port of Carnarvon); nor shall any Person be capable of acting as a Trustee who shall take or accept any Place of Profit under this Act, or who shall be concerned or interested in any Contract or Bargain made or to be made in pursuance thereof, during the Time he shall hold or enjoy such Place, or shall be concerned or interested in any Contract or Bargain as aforesaid; and if any Person shall presume to act as a Trustee, without being qualified as aforesaid, or during such Time as he shall be rendered incapable of acting as aforesaid, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified, or is not rendered incapable to act as aforesaid, or otherwise shall pay the said Penalty without any other Proof on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Meeting of Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby required to meet together at the Town Hall in Carnarvon aforesaid, on the Fifth Day of July One thousand seven hundred and ninety-three, and proceed to the Execution of the Powers hereby granted, and then and from Time to Time afterwards to meet together on the First Tuesday in every Month; and the Trustees present at any Meeting may adjourn such Meeting to any future Time, to be held at the said Town Hall, or at any other suitable or convenient Place, in the said Town of Carnarvon, as they or the major Part of them at such Meeting shall appoint; and in case there shall not be a sufficient Number of Trustees present to act at any such adjourned or other Meeting, it shall be lawful for the Trustee or Trustees present, or their Clerk,

Adjournment of Meeting.

to adjourn the same, and so from Time to Time as often as there shall be Occasion, and in Defect of such Adjournment, or on any urgent Occasion, the Treasurer or Clerk may call a Meeting of the Trustees, to be holden at the Place where the last Meeting was held or appointed to have been held, on Three Days previous Notice thereof being affixed upon the usual Part of the said Town Hall, and upon the Custom House and Market Place in Carnarvon aforesaid, by Writing under his Hand; and that the said Trustees shall at all their Meetings defray their own Expences; and all and every Justice or Justices of the Peace of the County of Carnarvon may act as a Justice or Justices in the Execution of this Act, notwithstanding his or their being a Trustee or Trustees, except only in such Cases where he or they may be personally concerned.

Trustees to defray their Expences.

No Acts to be valid unless done at Meetings.

IV. And be it further enacted, That all Acts, Matters, and Things hereby authorized or required to be done by the said Trustees in Execution of any of the Powers and Authorities herein contained, shall be done at Meetings held in pursuance of this Act, and not otherwise.

For appointing new Trustees.

V. And be it further enacted, That in case any of the Trustees herein-before named, or who shall be elected or appointed in pursuance of this Act, shall die, resign, or become disqualified to act, then, and in such Case, it shall be lawful for the surviving or remaining Trustees, within the Space of One Year next after any such Death, Resignation, or Disqualification shall happen or be known to have happened, and they, or any Seven or more of them, are hereby required to elect and appoint some other Person to be a Trustee in the Room of each Trustee so dying, resigning, or becoming incapable to act as aforesaid; and every Trustee so elected and appointed, being qualified according to the Directions of this Act, shall have the like Power to act in the Execution thereof as the Person in whose Place he shall be so elected or appointed was invested with.

Trustees to appoint Officers.

VI. And be it further enacted, That the said Trustees, at their First or any subsequent Meeting, or any Seven or more of them, by Writing under their Hands, shall and may choose and appoint such Person or Persons as they shall think proper to be Collector or Collectors of the Rates or Duties granted by this Act, and also One or more fit Person or Persons to be Surveyor or Surveyors of the Harbour and Works erected for rendering the same safe and commodious for the Reception of Ships and Vessels, and also a Clerk, a Treasurer, or

Receiver of the said Rates or Duties, and such other Officer or Officers as they shall think necessary to employ in the Execution of this Act, taking from such respective Officers such Security for the due Execution of their respective Offices as they shall think proper; and the said Trustees shall allow to such Collector or Collectors, Clerk, Treasurer, or Receiver, Surveyor or Surveyors, and other Officer or Officers so appointed, such Salaries or Rewards as to the said Trustees, or any Seven or more of them, shall appear reasonable; and the said Trustees or any Seven or more of them, shall and may, and they are hereby impowered from Time to Time to remove or displace any such Collector, Clerk, Treasurer, or Receiver, Surveyor, or other Officer or Officers by them appointed in pursuance of this Act, and in the Room and Stead of the Person or Persons so removed and displaced to nominate and appoint such other Person or Persons as they shall think proper.

Officers to account.

VII. And be it further enacted, That all such Officers so to be appointed as aforesaid shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Seven or more of them, shall order and direct, deliver to such Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint; and all the said Officers so accounting as aforesaid shall, upon Oath, if thereunto required (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) verify the said Accounts; and if any Officer or Person, Officers or Persons, shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or shall not deliver to the said Trustees, or to such Person or Persons as they, or any Seven or more of them, shall appoint, within Ten Days after being thereunto required, by Notice in Writing signed by the said Trustees, or any Seven or more of them, given to or left at the last or usual Place of Abode of any such Officer or Person, all Books, Papers, and Writings in his or their Custody or Power relating to

Penalty on Default.

the

the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands to the said Trustees, or to the Person or Persons by them authorized to receive the same as aforesaid, then, and in either of the Cases aforesaid, the said Trustees, or any Seven or more of them, may, and they are hereby authorized and impowered to bring or cause to be brought any Action or Actions, in the Names of such Trustees, or of any Person or Persons they may choose to appoint, in any of His Majesty's Courts of Record at Westminster, or within the County of Carnarvon, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies or other Things as aforesaid, that shall be in the Hands of such Officer or Officers, Person or Persons respectively, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by any Two or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and if upon the Confession of the Party or Parties, or upon the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered to administer) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons offending in the Premises respectively, and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining, and selling the Distress, or in case it shall appear to such Justice or Justices, by

Actions to be brought.

Justices to issue Warrants of Distress, &c. on Refusal of Payment;

on Failure of Distress, Offenders to be committed.

the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (to be adminiſtered as aforeſaid) that any Book or Books, Papers or Writings relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall refuſe to deliver the ſame as aforeſaid, then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol of the County or Place, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make), and until he or they ſhall deliver up ſuch Books, Papers and Writings as aforeſaid, or give Satisfaction in reſpect thereof: Provided always, that no Perſon ſhall be committed for Want of ſufficient Diſtreſs, for any longer Space of Time than Six Calendar Months.

Truſtees may place Buoys.

VIII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby authorized to lay and fix Buoys and Beacons in proper Places upon the Bar, and other Banks and Shores leading to and in the Port of Carnarvon, and may from Time to Time remove, alter, diſplace, and replace the ſame, as they ſhall find neceſſary and proper, for the Safety of Ships and Veſſels.

Power to erect Light Houſes at *Llandwyn* Point.

IX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and impowered to erect or cauſe to be erected, and from Time to Time to remove and alter, as Occaſion may require, One or more Pier or Piers, and One or more Light Houſe or Light Houſes, with neceſſary Buildings to the ſame, upon a certain Point called Llandwyn Point; and that when and as ſoon as ſuch Pier or Piers, Light Houſe or Light Houſes, ſhall be erected as aforeſaid, the ſaid Truſtees ſhall from Time to Time keep and maintain the ſame, and all the Buildings and Premiſes thereunto belonging, in good and ſufficient Repair, and ſhall keep and maintain One conſtant bright and ſufficient Fire or other Light in or upon each ſuch Light Houſe or Light Houſes every Night from the Time of Sun-ſetting in the Evening to the Time of Sun-riſing every ſucceeding Morning.

Fire to be kept from Sun-ſet to Sun-riſe.

Power to deepen and enlarge the Harbour;

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby impowered and required to order and direct the said Harbour of Carnarvon to be scoured and cleansed from Gravel, Sand, Dirt, Mud, and all other Obstructions whatever, and also to raise and make, or cause to be raised and made, sufficient Works from Time to Time for improving, enlarging, preserving, and securing the said Harbour, and to cleanse, scour, deepen, and improve the Channels leading thereto, by blasting the Rocks, or otherwise, as they, or any Seven or more of them, shall think proper, and also to erect such Quays, Piers, Wharfs, Breastworks or other Works, as shall from Time to Time be adjudged necessary by the said Trustees, or any Seven or more of them, as well for improving, enlarging, preserving, and securing the said Harbour, as for the safe and commodious Entrance and Reception of all Ships and Vessels resorting thereto, and the convenient lading and unlading thereof.

and to erect Quays, Piers, &c.

Trustees may contract for erecting Works, &c.

XI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with any Person or Persons for the making and doing all or any Part of the Work or Business necessary to be done in pursuance of this Act, and all Contracts so made shall be binding and conclusive to and upon all Parties and Persons whomsoever.

The Rates and Piers, Quays, &c. vested in Trustees.

XII. And be it further enacted, That the several and respective Rates or Duties imposed by this Act, and also the Right and Property of all and every the Piers, Quays, Wharfs, Docks, Locks, and other Works to be erected, made, or done, in pursuance of this Act, and the Ground whereon such Works shall be erected, shall be and the same are hereby severally vested in the said Trustees and their Successors for ever, for the Purposes of this Act, and they, or any Seven or more of them, are hereby authorized and impowered to bring or cause Actions to be brought, and prefer or cause to be preferred Bills of Indictment against any Person or Persons who shall steal, break down, take away, or spoil any Works or Materials used or to be used in completing and maintaining the said Harbour, or who shall do any Act, Matter, or Thing, whereby any Damage may happen to the same.

Ballast or Rubbish not to be emptied into the Harbour.

XIII. And be it further enacted, That no Person or Persons whomsoever shall throw or empty any Ballast, Earth,

Earth, Dust, Ashes, Rubbish, or Stones, into the said Harbour, or into any of the Channels leading thereto, or take away any Ballast, Stones, or other Things, the Removal or taking away of which may be prejudicial thereto, or to the Works erected, or to be erected, for the Security of the same, or do any Act, Matter, or Thing to prejudice or annoy the same; and if any such Prejudice or Annoyance shall be done, the Matter thereof shall be examined into by the said Trustees, or any Seven or more of them, who are hereby impowered, for every such Offence, to impose any Fine or Fines upon every Person so offending, not exceeding the Sum of Ten Pounds, which the said Trustees, or any Seven or more of them, by Warrant under their Hands and Seals, directed to such Person or Persons as they shall appoint, are hereby impowered to levy and raise by Distress and Sale of the respective Goods and Chattels of every or any such Offender or Offenders, rendering to him, her, or them the Overplus, if any there be, and he, she, or they shall demand the same; and the said Fine or Fines, when levied, shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall direct and appoint to receive the same, to be applied as herein-after directed. Penalty.

XIV. Provided always, That if at any Time or Times hereafter any Person or Persons shall have Occasion to throw or cast any Ballast out of any Ship or other Vessel upon any Quay, or other the Works made in pursuance of this Act, the same shall not be suffered to be or remain there for any longer Space of Time than Three Days after Notice given for the Removal thereof, under the Penalty of Five Pounds for every Offence, but the same shall be removed and carried away as the said Trustees, or any Seven or more of them, or any Person or Persons by them, or any Seven or more of them, appointed, shall order and direct. Ballast not to be left upon the Quay, &c.

XV. And, for the more orderly Government of the said Harbour, and for the better preserving the same, and the Works to be erected there, from Prejudice or Damage, as well as for the Accommodation of Ships or Vessels coming into and going out of the said Harbour; be it enacted, That the said Trustees, or any Seven or more of them, shall have Power and Authority, and they are hereby authorized and impowered to nominate and appoint such Person or Persons as they shall think proper, with such annual Allowance or Salary out of the Rates or Duties by this Act granted and made payable, as they shall think fit, not exceeding Fifty Pounds per Annum, Power to regulate Vessels lying in the Harbour.

num, and such Person or Persons so appointed shall order and require any Person or Persons having the Rule or Command of any Ship or other Vessel entering into, lying, being, or abiding within the said Harbour, to lie, anchor, moor, and ballast such Ship or other Vessel in such proper Place or Places within the same as the said Person or Persons so appointed shall order, assign, or direct for those Purposes, provided that the Person or Persons so appointed shall, to the best of his or their Skill and Knowledge, order or require such Ship or other Vessel to lie, anchor, moor, or ballast in a Place of Safety; and in case any Person or Persons then having the Rule or Command of such Ship or other Vessel shall neglect or refuse so to do, he and they, and each of them, for such Neglect or Refusal, shall forfeit and pay any Sum not exceeding Ten Pounds.

Trustees impowered to take certain Duties.

XVI. And be it further enacted, That for the better effecting the several Matters and Things to be done in pursuance of this Act, and supporting the same for the future, there shall, from and after the said Fifth Day of July, be paid to the said Trustees and their Successors, at such Place or Places within the said Town of Carnarvon as they, or any Seven or more of them, shall appoint, or to such Person or Persons as they, or any Seven or more of them, shall from Time to Time appoint to collect and receive the same, and they the said Trustees and their Successors, and such Person or Persons as they, or any Seven or more of them, shall from Time to Time appoint as aforesaid, are hereby authorized and impowered to demand, collect, receive, and take, of and from the Master or Owner, Masters or Owners, or other Person or Persons having the Rule or Command of every Ship or other Vessel, the several Rates or Duties following; (that is to say),

For all Ships or Vessels belonging to Foreign Subjects, coming from Foreign Parts, and unloading their Cargoes within the Limits of the said Port of Carnarvon, any Sum not exceeding Twelve-pence per Ton:

For all Ships or Vessels belonging to Foreign Subjects, passing or sailing through the Straits of Menai, or arriving in the said Port by Stress of Weather, or otherwise, without unloading all or any Part of their Cargoes within the Limits of the said Port, any Sum not exceeding Sixpence per Ton:

For all Ships or Vessels belonging to his Majesty's Subjects, coming from Foreign Parts (Ireland excepted)

unloading their Cargoes within the Limits of the said Port, any Sum not exceeding Sixpence per Ton; but if only coming to the said Port by Stress of Weather, or otherwise, or sailing through the said Straits, not exceeding Three-pence per Ton:

For all Coasting Vessels unloading within the Limits of the said Port, any Sum not exceeding Three-pence per Ton; but if only unloading Part of their Cargoes, and proceeding to another Port with the Remainder, not exceeding Two-pence per Ton:

For all Coasting Vessels unloading within the Limits of the said Port, having above One Half of their Cargoes of Coals, and the Remainder of any other Goods, Wares, or Merchandize, any Sum not exceeding Two-pence per Ton; but if with Coals only, not exceeding One Penny per Ton:

For all Ships or Vessels loading within the Limits of the said Port with Slates, Copper Ore, Corn, or any other Merchandize, bound to any Foreign Parts, Ireland, or Coastways, any Sum not exceeding Three-pence per Ton:

For all Coasting Vessels laden or Part laden with Goods except Limestone, Sand, and Manure) passing through the said Straits, any Sum not exceeding One Penny Halfpenny per Ton; if laden with Limestone, or in Ballast, not exceeding a Halfpenny per Ton.

Exemption from Rates.

XVII. Provided always, That no Ship or Vessel of War belonging to His Majesty, His Heirs and Successors, nor any Ship or Vessel employed in fishing only, nor any Vessel or Boat of a Burthen not exceeding Fifteen Tons, and laden with Limestone or Ballast only, shall be liable or subject to any of the Rates or Duties hereby granted.

Manner of recovering Rates.

XVIII. And, to the Intent the Rates or Duties imposed by this Act may be more effectually collected and levied, be it further enacted, That in case any Owner or Master, or other Person having the Rule or Command of any Ship or other Vessel, or any other Person to whom any Goods, Wares, or Merchandize landed or shipped within the said Harbour, and charged or chargeable with the Rates or Duties granted by this Act, shall belong, or shall be delivered unto, or by whose Order the same shall be landed or shipped, shall refuse or neglect to pay the same, then, and in such Case, it shall from Time to Time be lawful for the Collector or Collectors to be appointed in pursuance of this Act to go on Board such Ship or other Vessel to demand, collect, and receive the

said Rates or Duties, and on Nonpayment thereof to take and distrain every such Ship or other Vessel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, or all or any Part of the Goods, Wares, or Merchandize chargeable therewith, or in respect whereof such Rates or Duties shall be payable, and Default made as aforesaid, either on Board such Ship or other Vessel, or on Land, and the same to detain until the respective Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment of the said Rates or Duties for the Space of Six Days after any Distress or Distresses so made or taken, that then it shall be lawful for the said Collector or Collectors to cause the same to be appraised by Two or more Sworn Appraisers, or other sufficient Persons, and afterwards to sell the said Distress or Distresses, and therewith to satisfy himself or themselves, as well for and in respect of the Rates or Duties so neglected or refused to be paid, and for which such Distress or Distresses shall have been made or taken as aforesaid, as also for and in respect of his or their reasonable Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any there be) to the Owner, upon Demand.

Persons eluding the Payment to continue chargeable.

XIX. And be it further enacted, That if any Master, Owner, or other Person having the Rule or Command of any Ship or other Vessel, or the Owner of any Goods, Wares, or Merchandize, shall by any Method whatsoever, at any Time or Times, elude or avoid the Payment of the Rates or Duties hereby made payable, or any Part thereof, each and every Person eluding or avoiding Payment as aforesaid shall stand charged with and be liable to the Payment of the same, and the same shall and may be recovered from such Master or Owner respectively by the same Method, and in such Manner as is herein-after directed for levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act.

How Tonnage Duties shall be ascertained.

XX. And be it further enacted, That every Ton of the Burthen or Tonnage by Admeasurement of such Ship or Vessel shall be ascertained by the Custom House Register thereof, which the Master, or other Person having the Rule or Command of any such Ship or Vessel, is hereby required to produce and shew to such Collector or other Person employed or appointed for that Purpose; but in case the Master, or other Person having the Rule or Command of such Ship or Vessel, shall refuse or neglect to produce or shew such Register,

and

and the Person appointed to collect the Rates or Duties hereby made payable, cannot otherwise ascertain the Tonnage of such Ship or Vessel, that then and so often it shall be lawful for such Collector, or any other Person employed or appointed for that Purpose, to enter into such Ship or Vessel at any seasonable Time, and admeasure the same in Manner following; (that is to say), By taking the Length of the Keel of every such Ship or other Vessel, so much as she treads on the Ground, and the Breadth within Board by the Midship Beam, from Plank to Plank, half of which Breadth shall be accounted for the Depth, and the Length so taken being multiplied by the Breadth, and the Product thereof by the said accounted Depth, and the Whole divided by Ninety-four, the Quotient shall give and be deemed to give the true Contents of the Tonnage, according to which Rule and Method all Ships and Vessels shall be measured for computing, ascertaining, and collecting the said Rates or Duties of Tonnage, any Custom, Practice, or Usage to the contrary notwithstanding.

Penalty on Persons obstructing the Measure of Vessels.

XXI. And be it further enacted, That in case the Master or other Person having the Rule or Command of any Ship or other Vessel, or any other Person whomsoever, shall obstruct or hinder the Person appointed to collect the Rates or Duties hereby made payable, or any other Person employed or appointed by the said Trustees, or any Seven or more of them, to admeasure Ships or other Vessels in pursuance of this Act, in entering on Board such Ship or Vessel, or in taking the Admeasurement thereof, such Master or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Officers appointed to be sworn.

XXII. And be it further enacted, That the Officers and Servants to be appointed by virtue of this Act shall, when thereunto required by any One of the said Trustees, swear that he or they will duly perform and execute his or their respective Office or Offices, and all and every Person or Persons who shall be employed to take the Tonnage of any Ship or other Vessel coming into or going out of the said Harbour shall, when required, in like Manner swear that he or they will duly take the Tonnage of such Ship or Vessel, which Oath any One or more of the said Trustees is or are hereby authorized and impowered to administer.

Power to vary the Duties.

XXIII. And be it further enacted, That when the Works intended to be done under the Authority of this Act shall have been completed, and the Expence thereof satisfied, and every Debt and Incumbrance thereby raised,

raiſed, diſcharged, or fully provided for, and it ſhall appear that a leſs Rate or Duty per Ton on Shipping ſhall be ſufficient for and adequate to the Maintenance and Preſervation of the ſaid Works and Improvements, and the Continuation of the Purpoſes of this Act, it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, after Thirty Days Notice given of ſuch their Intention, in the Manner herein-before mentioned for giving Notice of Meetings, to reduce or leſſen the ſaid Rate or Duty on the ſaid Tonnage to ſuch Payments as they ſhall think equal to ſecure and maintain the Purpoſes herein mentioned, and alſo at any Time or Times to advance and cauſe them to be returned and levied to their full Payment, if in caſe from Accident to the Works, or any Cauſe whatſoever, it may be judged by the ſaid Truſtees, or any Seven or more of them, neceſſary and expedient to be done, and ſo from Time to Time as Occaſion ſhall require.

Power to borrow Money,

XXIV. And, to the End that a ſufficient Sum of Money may be ſpeedily raiſed for the Purpoſes of this Act, and in order to ſecure the Repayment of the ſame; be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby impowered, by Indenture or Writing under their Hands and Seals, to mortgage or aſſign the Rates or Duties granted by this Act as a Security for any Sum or Sums of Money by them to be borrowed, not exceeding in the Whole the Sum of Ten thouſand Pounds, for the Ends and Purpoſes of this Act, to any Perſon or Perſons, or Bodies Politick or Corporate, that ſhall or will lend or advance the ſame, for ſecuring the Repayment thereof, with Intereſt for the ſame (Copies of all which Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe), and all and every Sum and Sums of Money ſo to be borrowed ſhall be paid into the Hands of the ſaid Truſtees, or any Seven or more of them, or of the Clerk or Clerks, Treaſurer or Treaſurers to be by them appointed, the Coſts and Charges of all which Mortgages or Aſſignments ſhall be borne and paid out of the Rates or Duties hereby granted, and all and every Sum and Sums of Money advanced and paid by Way of Loan as aforeſaid, and the Intereſt payable for the ſame reſpectively, ſhall be charged and chargeable upon the Rates or Duties hereby granted.

and aſſign the Rates as a Security.

XXV. And be it further enacted, That the ſeveral and reſpective Mortgages or Aſſignments hereby directed to be made, as a Security for any Sum or Sums of Money

to be borrowed on the Credit of the Rates or Duties by this Act granted, shall be in the Words, or to the Effect following:

Form of Assignment.

BY virtue of an Act made in the Thirty-third Year of the Reign of His Majesty King *George* the Third, *for enlarging, deepening, cleansing, improving, and regulating the Harbour of* Carnarvon, *in the County of* Carnarvon, we whose Names are hereunto set, being of the Trustees appointed by the said Act, in Consideration of the Sum of to us in Hand paid by *A. B.* of do assign unto the said *A. B.* his [*or* her] Executors, Administrators, and Assigns, all and singular the Rates or Duties by the said Act granted, to hold unto the said *A. B.* his [*or* her] Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Hands and Seals, the Day of

Assignments may be transferred.

And all and every Person and Persons to whom any Mortgage or Assignment of the aforesaid Rates or Duties shall be made as a Security or Securities for any Sum or Sums of Money, by him, her, or them lent on the Credit thereof, and his, her, or their Assignee or Assignees, may, and is and are hereby impowered from Time to Time to transfer or assign over such Security or Securities, and the Principal and Interest due thereon, to any other Person or Persons, by Indorsement thereon, or by any separate Instrument, in the following Words, or Words to the like Effect:

Form of Transfer.

I DO transfer this Assignment, with all my Right, Title, and Interest in and to the same, unto of his [*or* her] Executors, Administrators, and Assigns. Dated this Day of

A. B.

Remedy for recovering Arrears of Interest.

XXVI. Provided always, and be it further enacted, That in case the Interest upon any Sum or Sums of Money advanced by Way of Loan as aforesaid shall be in Arrear and unpaid for the Space of Thirty Days next after any of the Times when the same is, are, or shall become due and payable, and be demanded, the aforesaid

Rates or Duties shall from thenceforth vest in the Person or Persons to whom such Interest shall be so in Arrear, until the same shall be fully paid and satisfied, together with all Costs and Charges occasioned by the Nonpayment of the same, and all and every such Person or Persons shall have, and is hereby vested with the like Powers, Rights, and Privileges of collecting, receiving, and levying the said Rates or Duties hereby made payable, as the said Trustees, or the Collectors or Receivers by them appointed, could have had in case the said Interest had been regularly and fully paid and satisfied.

Application of the Money.

XXVII. And be it further enacted, That the several Sums of Money which shall be collected, received, levied, and borrowed, by virtue of this Act, shall be applied, in the First Place, in paying the Charges and Expences incident to, and incurred in the obtaining and passing this Act, and afterwards in defraying the necessary Expences of completing and maintaining the several Works aforesaid, and in executing the Purposes of this Act, and to no other Use or Purpose whatsoever.

Bye Laws may be made at General Meetings.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Twelve or more of them, at any Time or Times hereafter, at any Quarterly Meeting assembled, to make, ordain, and establish such Rules, Orders, and Bye Laws, for the keeping in Repair, improving, and securing the said Harbour, and the Works to be erected, made, or set up in pursuance of this Act, and for regulating the Ships and Vessels coming into or lying within the said Harbour, and also for ascertaining the Rates and Duties payable in pursuance of this Act, and may also from Time to Time, at any succeeding Quarterly Meeting, repeal, add to, amend, or alter such Rules, Orders, or Bye Laws as to them shall appear requisite and necessary, and fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings for each and every Non-observance or Breach of such Rules, Orders, or Bye Laws, or any of them, which said Penalties shall be recovered and applied in such Manner as the Fines and Penalties imposed by this Act are directed to be recovered and applied; and the said Trustees, or any Twelve or more of them, shall cause the said Rules, Orders, and Bye Laws to be printed, and fixed or hung up at the most publick and conspicuous Places, as well within the said Harbour as within the said Town of Carnarvon, within Six Days after the same shall be made, amended, altered, or repealed as aforesaid; and that no Person shall be liable to the Payment of any Penalty for the Non-observance or Breach

of

of any such Rule, Order, or Bye Law, until after the same shall have been so hung up or fixed.

Penalties how to be recovered and applied.

XXIX. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act authorized to be imposed or levied, the Manner of levying and recovering whereof is not otherwise hereby particularly directed, shall, upon Conviction, be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the County of Carnarvon, which Warrant or Warrants the said Justices are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath, which Oath the said Justices are hereby impowered and required to administer without Fee or Reward; and such Fines, Penalties, and Forfeitures, when recovered (after rendering the Overplus, if any, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted) shall go, be applied, and disposed of for and towards the several Purposes of this Act, if not otherwise directed to be applied; and for Want of sufficient Distress, the said Justices, or any Two of them, are hereby impowered and required to commit the Person or Persons so convicted to the Common Gaol, or other publick Prison, of or within the said County, there to remain for any Time not exceeding Two Calendar Months, unless Payment of the respective Fine, Penalty, or Forfeiture shall be sooner made.

How Distresses shall be disposed of.

XXX. Provided always, and be it enacted, That no Part of the Goods or Chattels to be at any Time so distrained by virtue of this Act shall be sold till after the Expiration of Six Days from the Day upon which such Goods or Chattels shall be distrained, but that it shall be lawful for the Person or Persons convicted of any Offence, at any Time before the Expiration of the said Six Days, by Payment of the Money for which such Goods or Chattels shall have been distrained, and the Costs and Charges attending such Distress, to redeem the same.

Distress not to be deemed unlawful for Want of Form.

XXXI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a

Trespasser

Treſpaſſer or Treſpaſſers ab initio, on Account of any Irregularity by him or them done or committed after ſuch Diſtreſs made or taken, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Satisfaction for Special Damage.

Plaintiff not to recover unleſs Notice given.

XXXII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity, or for any Treſpaſs or other wrongful Proceeding, unleſs Notice in Writing, ſigned by his, her, or their Attorney (ſpecifying the Cauſe of Action) ſhall have been given to the Defendant or Defendants, at leaſt Twenty-one Days before the ſame ſhall be brought, nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends ſhall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender of Amends ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants (by Leave of the Court) at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit; whereupon ſuch Proceedings, Orders, and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where Defendants are allowed to pay Money into Court.

Proceedings not to be quaſhed for Want of Form.

XXXIII. And be it further enacted, That no Order, Verdict, Judgement, or other Proceeding, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at Weſtminſter or elſewhere, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXIV. And be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief is hereby otherwiſe provided, it ſhall be lawful for ſuch Perſon to appeal to the Juſtices of the Peace at any General or Quarter Seſſion of the Peace to be holden in and for the ſaid County of Carnarvon, within Six Calendar Months next after the Cauſe of ſuch Appeal ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Fifteen Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the

Clerk or Treasurer of the said Trustees, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order thereof, and pay such Costs as shall be awarded by the Justices at such General or Quarter Session; and the said Justices at such Session, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as the said Justices shall think proper; and the Determination of such Justices thereupon shall be final, binding, and conclusive to all Parties.

Trustees may sue and be sued in the Name of their Treasurer.

XXXV. And be it further enacted, That it shall be lawful for the Trustees appointed under the Authority of this Act to sue and be sued in the Name of their Treasurer, Receiver, or Clerk; and no Suit shall abate by Reason of the Death or Removal of any Treasurer, Receiver, or Clerk, or by the Act of such Treasurer, Receiver, or Clerk only, without the Consent and Direction of the said Trustees, or any Seven or more of them.

Rights of the Corporation of *Carnarvon* saved.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, or take away, any of the Rights, Tolls, Benefits, Privileges, Emoluments, Liberties, Franchises, or any former or other Jurisdictions, which the Mayor, Bailiffs, or Burgesses of the said Town and Borough of Carnarvon were possessed of or had a Right unto by Charter, Prescription, Custom, or otherwise howsoever, before the passing of this Act.

General Saving.

XXXVII. Saving also to all and every other Person and Persons, Bodies Politick and Corporate whatsoever, all such Right, Title, Estate, and Interest whatsoever, as they and every or any of them had and enjoyed, of, in, to, or out of the Premises herein mentioned, or any of them, or any Part thereof, before the passing of this Act, or could or might have enjoyed in case this Act had not been made, any Thing herein contained to the contrary notwithstanding.

Bailiffs of *Carnarvon* to act as Justices.

XXXVIII. And be it further enacted, That the Bailiffs of the said Borough and Town of Carnarvon for the Time being, shall have the same Power and Authority of acting as Justices of the Peace in all Cases respecting

this Act as any Justice of the Peace for the said County of Carnarvon can or may have.

Limitation of Actions. XXXIX. And be it further enacted, That in case any Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, Fourteen Days previous Notice thereof shall be given to the Clerk or Treasurer to the said Trustees; and every such Action or Suit shall be commenced within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid or brought in the County of Carnarvon, and not elsewhere, and the Defendant or Defendants in all Actions or Suits so

General Issue. brought shall and may plead 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 this Act: And if it shall appear to have been so done, or that such Action or Suit was brought before Notice given as aforesaid, or after the Time before limited, or shall be brought in any other County or Place, that then the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of 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, the Defendant or Defendants shall

Treble Costs. and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

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

FINIS.