ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxxv.

An Act to repeal an Act of the last Session of Parliament, for improving the Harbour of *Fishguard* in the County of *Pembroke*.

[27th *July* 1838.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for improving the Harbour and Port of* Fishguard *otherwise* Abergwain *in the County of* Pembroke: And whereas certain Persons in the said Act named, with others, were by the said Act united into a Company for the Purposes of the said Act: And whereas it was in and by the said Act among other things enacted, that when and so soon as the Sum of Two hundred and fifty thousand Pounds, being the estimated Expence of constructing the said Harbour, should have been expended therein, it should be lawful for the said Company, or such Persons as they should appoint, and they were thereby authorized and empowered, from Time to Time and at all Times to ask, demand, take, receive, collect, recover, and levy, for the Use of the said Company, upon all and every of the Ships, Vessels, and Boats, of whatever Description, which should come into or use the said Harbour, or should ride or be at anchor or navigate within the Limits of the said Act, or within One Mile of the Head of the Breakwater or of the Head of the Pier, any Sums not exceeding the several Rates and Duties specified in the

7 W. 4. & 1 V. c. 124.

Second Schedule to the said Act annexed: And whereas in the List of Tolls and Duties to be levied on Ships and Vessels contained in the said Second Schedule are comprised Tolls and Duties on all Vessels passing and repassing the Port of *Fishguard* otherwise *Abergwain* up or down *Saint George's Channel*, between *Strumble Head* on the *Welsh* Coast and the Port of *Wexford* on the *Irish* Coast, whereby a heavy Burden is imposed on the Shipping Interest of this Country: And whereas it is expedient that the said recited Act, and all Powers and Provisions therein contained, should be repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all Powers and Provisions therein contained, be and the same is and are hereby repealed.

Recited Act repealed.

Commissioners of the Treasury to ascertain the Sums of Money expended by theCompany.

II. And be it enacted, That the Lords Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, shall and they are hereby authorized and empowered to ascertain and determine what Sums of Money the said Company has actually expended or has become liable to pay in obtaining their said Act, or in the Execution of its Powers, up to the Time of the passing of this Act; and the present Directors of the said Company and all other Persons are hereby required to produce all such Books, Papers, and Writings as the said Commissioners of the Treasury shall think necessary for the Purpose aforesaid; and the said Commissioners of the Treasury are hereby authorized to inquire and examine into such Payment and Liabilities by such Ways and Means as they shall think fit, and to allow or disallow any Part or Parts thereof, whereupon the same shall be allowed or disallowed accordingly, and to agree with any of the Parties thereto for compounding or annulling the same, or for compounding or annulling any Contracts or Agreements which the said Company may have entered into: Provided always, that it shall not be lawful for the said Commissioners of the Treasury to inquire into, ascertain, or determine any Claim or Demand as aforesaid, or issue any Warrant for Payment thereof, unless the same shall have been delivered to the said Commissioners within Three Calendar Months after the passing of this Act.

For providing a Fund (not exceeding 5,000*l*). for reimbursing the Company.

III. And in order to provide a Fund for reimbursing the said Company as aforesaid to an Extent not exceeding in the whole the Sum of Five thousand Pounds, and in addition thereto for such Expences as are herein-after mentioned; be it enacted, That when the said Commissioners of the Treasury shall have ascertained and determined the Sum or Sums expended by the said Company, or which they have become liable to pay as aforesaid, not exceeding in the whole the Sum of Five thousand Pounds, and also the Costs, Charges, and Expences incidental to and attending the applying for, obtaining, and passing this Act, and of the Opposition thereto, it shall be lawful for the said Commissioners of the Treasury, by any Warrant under the Hands of any Three or more of them, to authorize and direct the Commissioners of Her Majesty's Customs, from a Day

to

to be appointed by such Warrant, to levy and collect the Sum specified therein, being the Sum or Sums so to be ascertained as aforesaid, not exceeding the said Sum of Five thousand Pounds, and also the Costs, Charges, and Expences incidental to and attending the applying for and obtaining and passing this Act, and of the Opposition thereto as aforesaid, and for that Purpose to demand, levy, and recover the Tolls and Duties following, being a Part of the Tolls and Duties specified and set forth in the Second Schedule to the said Act; that is to say,

Tolls.

On all Vessels passing and repassing the Port of *Fishguard* otherwise *Abergwain* up or down *Saint George's Channel* between *Strumble Head* on the *Welsh* Coast and the Port of *Wexford* on the *Irish* Coast:

Vessels of Foreign Bottoms, *per* Ton, Three-pence:
Vessels of *British* Bottoms trading Foreign, *per* Ton, Two-pence:
British Coasting Vessels, *per* Ton, One Penny:
And Pleasure Boats or Yachts, *per* Ton, yearly, Two-pence:

And from and after such Day, and the Publication of a Notice in the *London* and *Dublin* Gazettes, the said Commissioners, and all other Officers of Her Majesty's Customs, are hereby authorized and required to demand, ascertain, levy, and recover the said Tolls and Duties, and the same shall be demanded, ascertained, paid, levied, and recovered in such and the like Manner as any Duties of Customs may be demanded, ascertained, paid, levied, and recovered; and a separate and distinct Account shall be kept of the Amount of such Tolls and Duties; and when and so soon as the Sum specified in such Warrant, together with the necessary Expences of collecting such Tolls and Duties, shall have been received, the said Tolls and Duties shall wholly cease: Provided always, that in respect of Vessels of Foreign Bottoms, and Vessels of *British* Bottoms trading Foreign, no higher Toll than that chargeable on *British* Coasting Vessels shall be charged or paid in all Cases in which, by virtue of Conventions and Treaties entered into with Foreign Powers, and by Orders of His or Her Majesty in Council, any such Vessels of Foreign Bottoms or Vessels trading Foreign shall be exempted from the Payment of extra Toll.

For ascertaining the Tonnage of Vessels.

IV. And be it enacted, That in case any Dispute shall arise with respect to the Tonnage of any Ship or Vessel liable to the Payment of the said Toll or Duty, then the Tonnage thereof shall be ascertained in the Manner and according to the Directions prescribed by any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

Commissioners of the Treasury may direct Payment of Money collected to the Company.

V. And be it enacted, That the said Commissioners of the Treasury may direct the Payment of the Money so collected to any One or more of the present Directors of the said Company, or their or his Agent duly authorized to receive the same, for Distribution amongst the Parties entitled to receive the same; or the said Commissioners may direct the Payment thereof to such Person or Persons as according to the true Intent and Meaning of this Act they may consider entitled to have and receive the same, and the said Commissioners of the

the Customs are hereby required to pay the same accordingly; and if any Surplus shall remain the same shall form a Part of Her Majesty's Revenue of Customs: Provided always, that in case the total Amount of the Money so expended by the said Company, or which the said Company has become liable to pay as aforesaid, shall exceed the said Sum of Five thousand Pounds, then and in such Case it shall be lawful for the said Commissioners of the Treasury to divide and allot the said Sum of Five thousand Pounds rateably and proportionably among the several Persons who may appear to them entitled thereto, and such Sums, when paid, shall be deemed and taken to be a Payment of so much Money on behalf of the said Company; and the Determination of the said Commissioners of the Treasury on any of the Matters or Things hereby referred to them shall be final, binding, and conclusive on all Parties, and shall not be questioned by them, or avoided by any Court of Law or Equity or otherwise howsoever.

Collectors not to grant any Clearance until Duty is paid.

VI. And be it enacted, That the Collector or other proper Officer of Her Majesty's Customs shall refuse to receive any Report outwards or to grant any Clearance outwards for any Ship or Vessel subject and liable to the Payment of the Duties imposed by this Act, until the said Duties shall have been paid.

Indemnification of Provisional Committee and Directors.

VII. And be it enacted, That the Provisional Committee under whose Directions the said recited Act was obtained, or the Directors since appointed under its Provisions, shall not be personally liable for any Expences which they may have incurred or directed to be incurred as such Provisional Committee or Directors as aforesaid.

Public Act.

VIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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