ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

## *Cap.* 91.

### An Act to regulate the loading of Ships with Coals in the Port of *Newcastle upon-Tyne*. [18th *May* 1810.]

WHEREAS an Act passed in the Sixth Year of the Reign of His present Majesty, intituled, *An Act to regulate the loading of Ships with Coals in the Ports of* Newcastle *and* Sunderland, which was continued by another Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to continue an Act made in the Sixth Year of His present Majesty, intituled,* '*An Act to regulate the loading of Ships with Coals in the Ports of* Newcastle *and* Sunderland,' for the Term of Seven Years; and also continued by another Act passed in the Twenty-second Year of the Reign of His present Majesty, intituled, *An Act to revive and continue an Act passed in the Sixth Year of the Reign of His present Majesty, intituled,* '*An Act to regulate the loading of Ships with Coals in the Ports of* Newcastle *and* Sunderland,' for the further Term of Seven Years, and which was further continued by another Act passed in the Thirtieth Year of the Reign of His said Majesty, intituled, *An Act to continue an Act made in the Sixth Year of the Reign of His present Majesty, intituled,* '*An Act to regulate the loading of Ships with Coals in the Ports of* Newcastle *and* Sunderland,' until the Twenty-fifth Day of *March*, which was in the Year of our Lord One thousand seven hundred and ninety-seven, and from thence to the End of the then Session of Parliament, but which has since expired: And whereas the Provisions of the said first recited

6 G. 3. c. 22.

13 G. 3. c. 22.

22 G. 3. c. 32.

30 G. 3. c. 78.

cited Act were highly beneficial in regulating the Coal Trade of the said Port of *Newcastle*, and preventing undue Preferences in the loading of Coals at the said Port, and thereby securing a more regular Supply of Coals to *London*, and other Places supplied from the said Port of *Newcastle*, and it will therefore be attended with great publick Benefit if the Provisions of the said first recited Act are revived and amended so far as relates to the said Port of *Newcastle*, and other and more effectual Provisions are made for the Purposes aforesaid: 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 Sir *Cuthbert Heron* Baronet, *Quintin Blackburn* the elder, *John Bell*, *Nehemiah Blagden* the younger, *Quintin Blackburn* the younger, *Alexander Bartleman*, *William Browne*, *Thomas Bell*, *Henry Bone*, *Thomas Curry*, *George Moore Cleugh*, *William Dodds*, *Joshua Donkin*, *Thomas Dryden*, *Thomas Fenwick*, *John Fenwick* (of *Milburn Place*), *Thomas Forsyth*, *Richard Fell*, *Thomas Gibson*, *Patrick Holland*, *James Kirton*, *Robert Laing*, *William Harle*, *John Jopling*, *James Luke*, *Charles Magnay*, *George Marshall*, *Mark Marshall*, *Matthew Wilson*, *Thomas Nicholson*, *Robert Nicholson*, *William Pearson*, *John Reay*, *John Roxby*, *Robert Benton Roxby*, *William Richardson*, *George Straker*, *Robert Scotland*, *George Tate*, and *John Walker*, shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act and the several Powers therein contained into Execution.

Commissioners.

II. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be the Owner or Part Owner of a Ship or Vessel registered in and belonging to the Port of *Newcastle-upon-Tyne*; and if any Person not being so qualified, shall presume to act as a Commissioner, every such Person 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 by Action of Debt, or on the Case, or by Bill, Suit, or Information in any Court of Record.

Qualification of Commissioners.

Meetings of Commissioners.

III. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the Town Hall in *South Shields*, in the County of *Durham*, on the First Day of *June* One thousand eight hundred and Ten, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed to put this Act into Execution, and shall at such Meeting adjourn themselves, and afterwards meet from Time to Time at the Place aforesaid, or some other convenient Place within the said Port, as the said Commissioners, or any Seven or more of them, shall from Time to Time appoint; and that all Proceedings of the Commissioners under this Act shall be had and determined at public Meetings to be holden by virtue of this Act, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon on each Day of the Meeting, and not otherwise; and that not less than Seven Days previous Notice in Writing signed by the Clerk to the said Commissioners, shall be given of every such Meeting, such Notice

to be advertiſed in ſome One of the Newſpapers publiſhed in *Newcaſtle-upon-Tyne* aforeſaid, and if it ſhall happen that there ſhall not be Seven Commiſſioners preſent at any ſuch Meeting, then, and in that Caſe, the Clerk to the ſaid Commiſſioners ſhall appoint the ſaid Commiſſioners to meet at the ſame Place where the laſt Meeting was appointed to have been holden as aforeſaid at the End of Two Weeks then next following, or on any other Day before the Expiration of the laſt Seven Days of the ſaid Two Weeks, and that the ſaid Commiſſioners ſhall at all their ſaid Meetings pay their own Expences, and that no Commiſſioner ſhall be capable of being appointed or employed as an Officer under the ſaid Commiſſioners, or of holding, or enjoying, or of acting in any Office under them, either by himſelf or any other Perſon in Truſt for him; and all Matters and Things to be done at any of the Meetings in purſuance of this Act, ſhall from Time to Time be ordered and determined according to the Vote of the Majority of the Commiſſioners then preſent and actually voting, and that the ſame ſhall be entered in a Book by the Clerk of the ſaid Commiſſioners to be appointed as herein after mentioned; and that no Commiſſioner ſhall be capable of acting or voting in any Caſe wherein he is accuſed before the ſaid Commiſſioners at any public Meeting to be holden in purſuance of this Act of any Offence againſt this Act, or where his Intereſt is concerned.

Election of Commiſſioners.

IV. And be it further enacted, That at any Time after the Death of any of the ſaid Commiſſioners, or Notice of his or their Diſqualification, Incapacity, or Refuſal to act in the Execution of the Powers and Authorities hereby in them veſted, it ſhall be lawful for the other of the ſaid Commiſſioners, or any Seven or more of them, from Time to Time to elect and appoint ſuch other Perſon or Perſons, duly qualified as aforeſaid, to be a Commiſſioner or Commiſſioners in the Place or Places of ſuch Commiſſioner or Commiſſioners, ſo dying or becoming diſqualified or incapable, or refuſing to act as aforeſaid, as they ſhall think fit, ſuch Election to be entered in a Book to be kept for that Purpoſe; and that every ſuch Commiſſioner ſo from Time to Time elected and appointed, ſhall have the ſame Powers and Authorities in all Reſpects as if he had been originally nominated and appointed a Commiſſioner in and by this Act.

Commiſſioners not to vote on Election unleſs they have acted within Six Calendar Months.

V. Provided always, and be it further enacted, That no Commiſſioner ſhall vote for or join in the Removal or Appointment of the Treaſurer and Clerk, or any other Perſon or Perſons to be appointed or employed by virtue of this Act, who hath not acted as a Commiſſioner at any one public Meeting of the ſaid Commiſſioners, at leaſt within Six Calendar Months next before ſuch Removal, or next before ſuch Office or Offices ſhall have become vacant.

Commiſſioners who are Juſtices of the Peace may act.

VI. Provided alſo, and be it further enacted, That it ſhall and may be lawful for ſuch of the Commiſſioners for the Purpoſes of this Act, as ſhall be in the Commiſſion of the Peace for the Counties of *Durham*, *Northumberland*, or of the Town and County of the Town of *Newcaſtle-upon-Tyne*, to act as Juſtices in the Execution of this Act, in the ſame Manner as if he or they had not been nominated or appointed a Commiſſioner or Commiſſioners by virtue thereof.

VII. And

Commissioners to appoint a Treasurer and Clerk.

VII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, and they are hereby empowered, by Writing under their respective Hands, to appoint a Treasurer and Clerk, and also such other Officer and Officers as they the said Commissioners, or any Seven or more of them, shall think proper for carrying into Execution and Effect the Purposes of this Act; and that they the said Commissioners, or any Seven or more of them, shall and may, and they are hereby empowered from Time to Time to remove such Treasurer and Clerk, and other Officers so to be appointed, or any of them, every such Treasurer and Clerk so to be removed, having Four Weeks Notice, and every such other Officer Fourteen Days Notice duly given him, or left at his usual Place of Abode before the Time of voting for his Removal, and to appoint any other Person or Persons in the Room of such of them as shall be removed, or shall die, or relinquish or discontinue such Office, and out of the Money to be raised by virtue of this Act to make such Allowance to the said Officers so to be appointed and employed in the Execution of this Act, as they the said Commissioners, or any Seven or more of them shall think reasonable; and the said Commissioners, or any Seven or more of them, shall and may, and they are hereby directed and required to take sufficient Security from their Treasurer and Clerk and other Officers, if they think fit, for the due Execution of their respective Offices.

Fitters, Venders, or Agents having separate Offices to keep Lists in their Offices.

VIII. And be it further enacted, That from and after the First Day of *June* One thousand eight hundred and ten, all Fitters and other Persons vending Sea Coals or loading Ships and Vessels with the same in the Port of *Newcastle*; and all Agents of Fitters or Venders of Coals having separate Offices for transacting the Business of fitting or vending of Coals, or loading of Vessels with Coals, shall keep regular and correct Lists of all Ships and Vessels entered at their respective Offices for the loading of Coals usually vended by such Fitters, Agents, and Venders; which Lists shall be hung up or placed in some conspicuous Part of their respective Offices, in order that the same may be inspected by any Owner of, or by the Agent of any Owner of, or by the Master, Mate, or any One of the Crew belonging to any Ship or Vessel, upon Application made for that Purpose, at any Time between the Hours of Nine of the Clock in the Morning and Seven of the Clock at Night (*Sundays* excepted); and every Fitter or Vender aforesaid, and every Agent aforesaid having a separate Office, who shall wilfully or knowingly neglect or omit to keep any such Lists as are required by this Act, shall forfeit and pay on every Cargo loaded or sold without such Lists being so kept as aforesaid the Sum of One hundred Pounds; and every Fitter, Vender, and Agent aforesaid, who shall refuse, or whose Clerk shall refuse Inspection of his Lists, shall forfeit and pay the Sum of One hundred Pounds for every such Refusal.

Persons having actually performed the Voyage to enter Ships for Turns.

IX. And be it further enacted, That upon the Application of any Owner or Agent of any Owner, or of any Master or Mate, or any One of the Crew of any Ship or Vessel who shall have actually performed in such Ship or Vessel the Voyage or Passage from which such Ship or Vessel shall be returning, and which Owner or Agent of any Owner, or any Master, Mate, or any one of the Crew, shall not have quitted such Ship or Vessel until

until the ſame had paſſed, or was within Two Miles of the Bar of *Tynemouth*, at the Office of any ſuch Fitter, Vender of Coals, or Agent, as aforeſaid, the Time of ſuch Application, and alſo the Name of the Perſon applying, ſhall be accurately ſet forth by the Fitter, Vender, or Agent, at whoſe Office ſuch Application ſhall be made, or his Clerk in a Liſt to be kept for that Purpoſe; and if the Maſter, Mate, or any Owner or Agent, or Agents of any Owner, or any Perſon on Behalf of any Owner (whether ſuch Maſter, Mate, Owner or Owners, or his, her, or their Agent or Agents ſhall have performed the Voyage or Paſſage in Manner aforeſaid, in ſuch Ship or not) ſhall within One Hour after ſuch Application as aforeſaid, finally determine from which Office ſuch Ship ſhall be loaded, and ſhall alſo, (if required by the Fitter, Vender, or Agent) within Two Hours after the ſame ſhall be requeſted (if the Banks in *Newcaſtle* ſhall ſo long be opened, and if not within Two Hours after the ſame ſhall be opened on the following Day) make a Tender in Caſh or in Notes of the Governor and Company of the Bank of *England*, expreſſed to be payable to the Bearer on Demand, or in Bank Poſt-Bills, or (in the Option of the Fitter, Vender, or Agent) in Notes of any of the Banking Houſes in *Newcaſtle*, or by a Bill upon *London*, payable Forty Days after the Date thereof, of Ten Pounds *per Centum* upon the Amount of the Value of the Coals at the reſpective Prices at which the ſeveral Sorts of ſuch Coals are then ſold, together with the uſual Charges for carrying the ſame from the Staiths to the Ships, and ſhall alſo (if required by the Fitter, Vender, or Agent) at any Time before Eight of the Clock in the Evening of the ſame Day, pay in like Bills or Notes as aforeſaid, or ſecure to his Satisfaction the Payment of the Remainder of the Value of the Cargo, ſuch Ship or Veſſel ſhall be entitled to the ſame Turn as it would have had if the Depoſit had been paid or tendered on the firſt Application to the ſaid Fitter, Vender, or Agent, and ſhall be entered in ſuch Liſt immediately next after the laſt Ship which ſhall have been entered previous to the firſt Application ſo made as aforeſaid, and required to be entered as aforeſaid; of ſuch Owner, Agent, Maſter, Mate, or other of the Crew as aforeſaid, and ſhall be loaded in its due Turn by ſuch Fitter, Vender, or Agent, at the Port of *Newcaſtle*; and every Fitter, Vender, or Agent aforeſaid, who ſhall refuſe or neglect to enter any ſuch Application when ſo required as aforeſaid, or who ſhall refuſe or neglect to load the Ship or Veſſel, in reſpect of which ſuch Application ſhall be made in due Turn according to the Period of ſuch Application, and the Proviſions and Regulations of this Act, ſhall forfeit and pay for every ſuch Offence the Sum of One hundred Pounds.

Fitters, &c. refuſing or omitting to enter any Ships on Liſt, ſubject to like Penalty as in former Clauſe.

X. And be it further enacted, That an Office ſhall be eſtabliſhed in the Manner herein-after mentioned in ſome convenient Part upon the Quay in *Newcaſtle-upon-Tyne* aforeſaid, which Office ſhall be kept open from the Hours of Seven in the Night till Nine in the Morning of each Day, except during *Sunday*, and a proper Perſon or Perſons ſhall attend therein at the Hours aforeſaid, to regiſter the Names of every Owner or Agent, or Maſter or Mate, or any other of the Crew of a Ship arriving from any Voyage or Paſſage as aforeſaid, and having actually performed in ſuch Ship or Veſſel the Voyage or Paſſage from which ſuch Ship or Veſſel ſhall be returning, and having quitted the Ship or Veſſel within ſuch Limits as aforeſaid,

A Night Office to be appointed in Newcaſtle.

ſaid, and applying at ſuch Office, and alſo the Name of his Ship, and the exact Time of ſuch his Application: And the Perſon or Perſons to be appointed to attend at ſuch Office, ſhall deliver to the Owner or Agent, or Maſter or Mate, or any other of the Crew ſo applying, a Ticket ſpecifying the Name of the Ship and of the Maſter thereof, with the Date of the Arrival of ſuch Perſon applying, which Ticket ſhall be marked and delivered out with a progreſſive Number, commencing from the Hour of Seven at Night, when ſuch Office ſhall open, until the Hour of Nine in the Morning, when the ſame Office ſhall ſhut, except on *Saturday*, when the ſame Tickets ſhall be progreſſively numbered from the Hour of Seven of that Evening, until the Hour of Twelve of the ſame Night, when ſuch Office ſhall ſhut, and ſhall be again progreſſively continued from the Hour of Twelve of the *Sunday* Night, when the ſame Office ſhall again be opened, until the Hour of Nine of the Morning of *Monday*, and the Owner or Agent, or Maſter or Mate of the Ship ſo regiſtered at ſuch Night Office, ſhall, upon applying at the Office of any Fitter, Vender, or Agent from whence the Ship is intended to load, within One Hour after the Office ſhall be open, and on delivering at ſuch Office the ſaid Ticket from the Night Office, have a Preference in the Turn under ſuch Reſtrictions as aforeſaid, according to the Priority of his or their Application at the Night Office: And the Sum of One Penny for every Keel of Coals put on Board every Ship or Veſſel loading Coals upon the River *Tyne*, ſhall be paid by the Owner or Maſter to the Fitter, Vender, or Agent with whom he ſhall load on clearing his Ship towards the Expences of providing ſuch Office, which Sum ſhall be paid over by the Fitter, Vender, or Agent, into the Hands of the Perſon to be appointed Treaſurer by the ſaid Commiſſioners, or any Seven or more of them, in the Manner herein-before directed at ſuch Night Office, Once in every Month at leaſt.

XI. Provided always, and be it further enacted, That it ſhall be lawful for the Juſtices of the Peace and Magiſtrates aſſembled at any General Quarter Seſſions of the Peace to be held in and for the Town and County of the Town of *Newcaſtle-upon-Tyne*, upon Application being made to them for this Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, to make an Order that any Sum not exceeding One Penny Halfpenny ſhall be paid for every Keel of Coals, in lieu and in Stead of the Sum of One Penny *per* Keel, to be paid and applied in like Manner as the ſaid Sum of One Penny; and from and after the making of any ſuch Order, the Sum ſo ordered ſhall be demandable and paid as if the ſame had been inſerted in this Act inſtead of the ſaid Sum of One Penny.

Mode of appointing Night Office.

XII. And be it further enacted, That the Place at which ſuch Office ſhall be eſtabliſhed ſhall be choſen and fixed, and the Perſon or Perſons to attend therein appointed, and from Time to Time removed and others appointed, and Rules and Regulations for the Application of ſuch Sums ſo to be paid to him or them as aforeſaid, towards the Expences of keeping and maintaining ſuch Night Office ſhall be made, and from Time to Time altered and amended by the ſaid Commiſſioners, or any Seven or more of them, and ſuch Commiſſioners, or any Seven or more of them, ſhall be a ſufficient Number for tranſacting all ſuch Buſineſs as aforeſaid, and making ſuch

such Rules and Regulations as aforesaid, relative to such Night Office: Provided always, that such Rules and Regulations shall not be inconsistent with or contrary to the Provisions of this Act, or the Laws of that Part of the United Kingdom called *England*.

Fitters, Venders, and Agents to deliver Lists of Ships entered at the Offices to the Night Office.

XIII. And be it further enacted, That every Fitter, Vender, or Agent, shall between the Hours of Seven and Eight o'Clock of the Night of every Day (*Sunday* excepted), deliver or cause to be delivered to the Person or Persons appointed to attend in such Night Office a true and correct List of all Ships or Vessels which shall have been entered for a Loading of Coals at their respective Offices during that Day, which List shall be placed by such Person or Persons in some conspicuous Part of the Night Office; and the Person or Persons so to be appointed in such Night Office, shall, previous to Nine o'Clock of each Morning (*Sunday* excepted), deliver or cause to be delivered the same Lists to the Offices of the Fitters, Venders, or Agents to which they respectively belong, who shall within the Hours of Seven and Eight of that Evening, deliver or cause to be delivered at such Night Office, a true and correct List of all Ships or Vessels which shall have been entered at their respective Offices for a Loading of Coals during that Day, and of all such Ships or Vessels as shall have been fully loaded during that Day, and so from Day to Day such Lists shall be made, delivered, corrected, and amended: And no Fitter or Agent or Vender shall enter any Ship or Vessel upon any List for a Loading of Coals, after the making out and delivering the same Lists at the Night Office as aforesaid.

Keel and Spout Lists to be kept distinct.

XIV. And be it further enacted, That the Fitters, Venders, and Agents aforesaid, shall keep Two distinct Lists in their respective Offices, one for the Entry of Ships or Vessels to be loaded by Keels, and the other for Ships or Vessels intended to load in part at the Spouts, and in part by Keels, or wholly at the Spouts, and shall also keep distinct Lists for every Sort of Coals they usually vend; and each distinct List shall be taken and considered as a separate Office for all and every the Purposes of this Act.

Any Ship entered on Spout List, taking in Two-thirds at the Spout, to be loaded in preference to all Ships on Keel List.

XV. And be it further enacted, That when any Ship or Vessel entered upon any Spout List shall be at the Turn for Loading, and shall take on Board Two full Third Parts of its Cargo at the Spout, such Ship or Vessel shall be allowed to complete its Loading by Keels, in preference to all other Ships or Vessels that may have been entered on the Keel List of the same Office; but if more than One-third Part shall be required to complete the Loading, then such Ship or Vessel shall wait the Turn with the Ships or Vessels entered upon the Keel Lists, such Turn to be ascertained by the Time of the first Application made on Behalf of such Ship or Vessel at the Office of the Fitter, Vender, or Agent as aforesaid.

Owners or Masters of Ships shall be compelled to load at the Office where entered.

XVI. And be it further enacted, That every Owner or Master who shall have entered any Ship or Vessel in any such List as aforesaid, or be entitled to a Loading of Coals from any Fitter, Vender, or Agent aforesaid, shall load such Ship or Vessel with the Fitter, Vender, or Agent, in whose Office

Office such Ship or Vessel shall have been entered, or such Loading applied for as aforesaid; and every such Owner as aforesaid who shall make Default therein and not load according to his Entry, or shall load with any other Fitter, Vender, or Agent (except in such Cases as are in this Act specified), shall forfeit and pay to such Fitter, Vender, or Agent, the Sum of One hundred Pounds: Provided always, that any Deposit which has been paid shall go in part Payment of such Penalty as aforesaid.

Power for Owners or Masters of Ships to alter Coals for Exportation only.

XVII. Provided also, and be it further enacted, That if any Owner, or the Agent of such Owner or Master shall be desirous of altering the Sort of Coals (such Coals being loaded for Exportation only), it shall be lawful for such Owner, Agent, or Master, notwithstanding so to do; and if any Owner or Agent of any Owner or Master, shall after the executing of any Charter-party of Affreightment for any foreign Voyage of any Ship or Vessel entered in the Office of any Fitter, Vender, or Agent as aforesaid, if the same Charter-party shall be executed before Two o'Clock of the Afternoon, give Notice thereof and of the Date thereof, and (if required by the Fitter, Vender, or Agent) produce the same during that Day to the Fitter, Vender, or Agent, in whose Office such Ship or Vessel shall have been entered, and if the same Charter-party shall be executed after Two o'Clock of the Afternoon, give Notice in like Manner before the Noon of the following Day, the Deposit (if any shall have been paid) shall thereupon be returned by such Fitter, Vender, or Agent to such Owner or Agent or Master or any Person demanding the same on Behalf of such Owner of such Ship or Vessel, and such Ship or Vessel shall be immediately erased from the List of such Fitter, Vender, or Agent as aforesaid.

If Accidents happen to Collieries, the Fitter shall give Notice thereof to the Ship next in Turn, &c.

XVIII. Provided always, and be it further enacted, That if any unforeseen Accident shall happen to any Colliery, by which the loading of any Ship or Vessel shall be delayed, the Fitter, Vender, or Agent having the vending or loading of the Coals of such Colliery, shall within Twenty-four Hours after receiving Intelligence of such Accident, give Notice in Writing to the Master, or some Owner or Owners of the Ship then entitled to the Turn, or his, her, or their Agent of the same Accident, and shall also attach a general Notice of such Accident to the List, so to be kept in his Office as aforesaid, upon pain of forfeiting and paying One hundred Pounds for neglecting to give or attach such Notice as aforesaid; and thereupon the Master, Mate, Owner or Owners of the Ship which may have been entered and be then entitled to the Turn of those Coals, or his, her, or their Agent, shall be at Liberty to take off his or her Vessel from the List within Twenty-four Hours after the Delivery of such Notice, but not afterwards, and the Deposit (if any shall have been paid) shall thereupon be returned to the Master or some Owner or Owners or Agent of such Master or Owner.

If a Ship shall be wrecked after being entered for a Turn, Notice to be sent by the Owner, &c.

XIX. Provided also, and be it further enacted, That if any Ship or Vessel shall be wrecked or abandoned within the Limits aforesaid, after the same shall have been entered for a Turn of Coals, the Master, Mate, or Owner, or his, her, or their Agent, shall within Forty-eight Hours after

after such Wreck or Abandonment shall happen, send a Notice in Writing of the Loss to the Office of the Fitter, Vender, or Agent, where the Ship or Vessel shall have been entered, and the same shall be thereupon erased from the List, and the Owners or Owner of every such Ship or Vessel in respect of which such Notice shall not be given as aforesaid, shall forfeit and pay Twenty Pounds: Provided always, that any Deposit which shall have been made shall go as Part or in Payment of such Penalty.

If a Ship receives Injury after being laden, the Owner may contract with another Owner, &c. to take the Coals out.

XX. Provided also, and be it further enacted, That when any Ship or Vessel shall receive any Injury after being laden in Whole or in Part, so as to require the Cargo to be taken out, it shall be lawful for the Master, Owners or Owner, or his, her, or their Agent, to contract with the Master, Owners or Owner, or his, her, or their Agent, of any Ship which may be entered on the same, or on any other List, to take the Coals on board from the Ship so injured; but in any such Case the Master, Owners, or Owner of such Ship or Vessel shall be, continue, and remain accountable to the Fitter, Vender, or Agent, in whose Office such Ship or Vessel was entered (if required by such Fitter, Vender, or Agent) for the Amount of the Value of the Cargo; and if any Deposit shall have been paid, the same may be retained in part Discharge of such Value; and if the Ship or Vessel so taking the Cargo on board from such injured Ship or Vessel as last mentioned, shall require more Coals to complete the Loading, the Fitter, Vender, or Agent, in whose Office the injured Ship shall have been entered, shall complete the Loading of the Ship so taking the Cargo as aforesaid, in preference to all others on the same List, notwithstanding such Ship shall not originally have been entered in the List of such Fitter, Vender or Agent, and if the Ship or Vessel taking such Coals on Board from any injured Ship or Vessel, shall have been entered on any List for a Turn of Coals at any other Office, the Master, Owners or Owner, or his, her, or their Agent shall, within Twenty-four Hours after receiving any Part of the Coals from such injured Ship or Vessel, give Notice in Writing at the Office of the Fitter, Vender, or Agent where the Ship or Vessel taking on board the Cargo shall have been entered, and thereupon such last-mentioned Ship shall be immediately erased from the List, and the Deposit (if any shall have been made) shall be returned to the Master, Owners, or Owner of such last-mentioned Ship, or his, her, or their Agent.

If the Ship requires more Coals to complete the Loading, how to be supplied.

If Ships not ready when at their Turn, the Fitters, &c. may load the next on the List.

XXI. And be it further enacted; That if any Ship or Vessel entered on any List for a Loading under the Provisions of this Act, shall not be ready to take the Coals when entitled thereto by the Provisions of this Act, it shall be lawful for the Fitter, Vender, or Agent, in whose List such Ship or Vessel shall be entered, to begin to load the Ship or Vessel next in Turn; and if such last-mentioned Ship or Vessel shall have taken in One-third Part of its Cargo before the Ship or Vessel so first entitled to the Turn shall be in Readiness to receive Coals, the Fitter, Vender, or Agent shall complete the Loading of the Ship or Vessel so having One-third Part of its Cargo, in Preference to the Ship or Vessel so previously entered, or any other Ship or Vessel previously entered upon the List; and the Ship or Vessel so having lost the Preference, shall be entitled to load next after the

Ship or Veſſel which ſhall be loading at the Time of the Ship or Veſſel firſt entered being ready to load.

If Ships entered on Spout Liſts ſhall not be ready, the Fitter, &c. may load the next in Turn, &c.

XXII. Provided always, and be it further enacted, That in caſe any Ship or Veſſel entered upon any Spout Liſt ſhall not be ready to take the Coals when entitled thereto by the Proviſions of this Act, it ſhall be lawful for the Fitter, Vender, or Agent, upon whoſe Spout Liſt ſuch Ship or Veſſel ſhall be entered, to begin to load the Ship or Veſſel next in Turn upon ſuch Spout Liſt, and if ſuch laſt-mentioned Ship ſhall have taken in any Part of its Cargo before the Ship ſo firſt entitled to the Turn ſhall be in Readineſs to receive Coals, then the Fitter, Vender, or Agent ſhall fully complete the Loading of the Ship or Veſſel ſo having taken in Part of its Cargo, in Preference to the Ship or Veſſel which was ſo previouſly entered and entitled to ſuch Turn as aforeſaid.

Ships prevented from receiving Coals by Froſt, &c. to be at Liberty to be taken off the Liſt.

XXIII. And be it further enacted, That if any Ship or Veſſel ſhall, after the ſame ſhall have been entered, and be entitled to a Turn of Coals, and ready to receive the ſame by the Proviſions of this Act, be prevented from receiving any Part of the Cargo either by Froſt or any other unavoidable Accident, that then and in ſuch Caſe the Owner, Maſter, or Agent of the Owner of ſuch Ship or Veſſel, ſhall be at Liberty to take off his or her Ship or Veſſel from the Liſt, within Twenty-four Hours after he or ſhe ſhall receive Intelligence of the Detention of the Coals, and the Depoſit (if any ſhall have been paid) ſhall be thereupon returned to ſuch Owner, Maſter, or Agent: And if ſuch Ship or Veſſel ſhall have received any Part of its Cargo previous to its Detention, it ſhall be lawful for the Owner or Maſter, or the Agent of ſuch Owner, on Payment to he Fitter, Vender, or Agent of the Amount of the Value of the Coals which ſhall have been put on Board ſuch Ship, with the Expences attending the ſame to complete the Loading of ſuch Ship or Veſſel at the Office of any other Fitter, Vender, or Agent.

Power for Fitter, &c. to ſend ſhifting Keels to two Ships, not exceeding Four Keels for each Ship.

XXIV. Provided always, and be it further enacted, That it ſhall and may be lawful for any Fitter, Vender, or Agent, whilſt any Ship in Turn is actually Loading, to ſend to any other Two Ships (but not more) next entitled to the Turn for loading ſuch Coals, any Number of Keels, not exceeding Four Keels for each Ship or Veſſel, as ſhifting Keels for preparing ſuch Ship or Veſſel for taking in a Cargo, ſo as ſuch Ships ſo actually loading ſhall not otherwiſe than is herein-before provided be delayed or interfered with in receiving the full Cargo.

Owners, &c. to give 48 Hours' Notice to Office where entered, previous to going in and coming out of Dock.

XXV. And be it further enacted, That previous to any Ship or Veſſel going into Dock for Repair, the Maſter, Owners or Owner thereof, or his or their Agent, ſhall give Forty-eight Hours Notice in Writing, at the Office of the Fitter, Vender, or Agent where ſuch Ship ſhall have been entered of her going into Dock, and ſhall alſo give Seven Days Notice in Writing previous to the Ship coming out of the Dock; but if the Ship is likely to be detained a longer Time, then to give a further Notice of Seven Days, ſo as full Seven Days Notice ſhall be given previous to ſuch Ship coming out of Dock, or in Default thereof ſhall forfeit the Turn to which ſuch Ship ſhall be then entitled.

XXVI. And

Penalty for false Representation to obtain Turns.

XXVI. And be it further enacted, That every Person who shall falsely represent himself as having come from a Ship in order to obtain a Turn for Coals; and every Fitter, Vender, or Agent, Master, Mate, or Owner, and other Person who shall be privy to such Deceit, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of One hundred Pounds, One Moiety whereof shall go to the Person who shall inform and prosecute for the same, and the other Moiety thereof to the Treasurer for the Time being of the Infirmary at *Newcastle* aforesaid, to be applied for the Purposes of that Institution.

Penalty recoverable before Magistrates.

XXVII. And be it further enacted, That it shall and may be lawful for any Two or more Justice or Justices of the Peace, or Magistrates for the Town and County of the Town of *Newcastle-upon-Tyne*, to hear and determine any Offence committed by any Person in making any such false Representation as aforesaid, in order to obtain a Turn for Coals, or by any Fitter, Vender, or Agent, Master, Mate, or Owner, or other Person in being privy to any such Deceit, and upon Information exhibited, or Complaint made in that Behalf, to summon the Party or Parties accused, and also the Witness or Witnesses on both Sides, and to examine into the Matter or Matters of Fact, and upon due Proof thereof, either by the voluntary Confession of the said Party or Parties, or by the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justices of the Peace or Magistrates are hereby empowered and required to administer), to give Judgment or Sentence for such Penalty or Forfeiture, as such Justices shall judge proper, not exceeding the Sum of One hundred Pounds, as in and by this Act is directed, and to award reasonable Costs to be paid by the Offender or Offenders, and to issue their Warrant or Warrants under their Hands and Seals for levying such Penalty and Costs so adjudged and awarded by Distress of the Goods and Chattels of such Offender or Offenders, and to cause Sale to be made of such Goods and Chattels in case the same shall not be redeemed within Seven Days after the Distress taken, rendering to the Party or Parties the Overplus (if any), upon Demand, and in case sufficient Goods and Chattels of such Offender or Offenders cannot be found within the said Town and County to answer and pay such pecuniary Penalty and Costs as aforesaid, and the same shall not be paid, it shall be lawful for such Justices of the Peace or Magistrates, or any other Justice or Justices of the Peace, or Magistrate or Magistrates for the said Town and County, and he and they respectively are hereby required by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of and for the said Town and County, there to remain without Bail or Mainprize for any Time not exceeding Six Months, as such Justice or Justices of the Peace, or Magistrate or Magistrates so committing such Offender or Offenders shall judge proper and direct, unless such pecuniary Penalty and all reasonable Costs and Charges shall be sooner paid and satisfied.

XXVIII. And, for the more easy Conviction of Offenders, be it further enacted, That the Justices of the Peace or Magistrates before whom any Person or Persons shall be convicted of any Offence against this Act, shall

and may cause the Conviction to be drawn up in the following Form of Words, or in other Words to the same Effect, *videlicet*:

Form of Conviction.

Town of Newcastle-upon-Tyne and County of the same Town, To wit.

'BE it remembered, That on the Day of in the Year of the Reign of the 'His Majesty King *A. B.* is [*or*, are] convicted before 'of His Majesty's Justices of the Peace for the Town of *Newcastle-upon-Tyne*, and County of the same Town, by virtue of an Act passed in the 'Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act, specifying the Offence and the Time and Place when and where the same was committed, as the Case shall be*], 'contrary to the said Act, for which Offence we adjudge the said to have forfeited the Sum of Given 'under our [*or*, my] Hands and Seals [*or*, Hand and Seal], the Day and 'Year above written.'

Allowing an Appeal to the Quarter Sessions.

XXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Conviction in pursuance of this Act, such Person or Persons shall and may appeal to the Justices of the Peace, or Magistrates assembled at any General Quarter Sessions of the Peace to be holden in and for the said Town and County of the Town of *Newcastle-upon-Tyne*, within Four Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Seven Days Notice at least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof to the Justices of the Peace, before whom such Person or Persons shall have been convicted, and to the Person or Persons who is or are intended to be affected by such Appeal, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Town and County, with Two sufficient Sureties conditioned to try such Appeal, and to abide by such Order as shall be made, and to pay such Costs as shall be awarded by such Justices at such Quarter Sessions, and the said Justices at such Quarter Sessions, or at some Adjournment thereof, shall and may summon the Witnesses on both Sides to come before them, and upon due Proof of Notice having been given, and of the entering into Recognizance in Manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing or appealed against, not exceeding the Amount of the Penalty, Charges and Expences which shall have been actually recovered and received by any Person or Persons in pursuance of this Act, together with the reasonable Costs, Charges, and Expences of prosecuting or defending such Appeal as the said Justices shall think proper, and the Determination of the said Justices at such Sessions or Adjournment thereof, shall be final, binding, and conclusive.

Orders not to be quashed or vacated for Want of Form.

XXX. Provided also, and be it further enacted, That no Order or other Proceeding to be had or made before any Justices of the Peace, or any of them, in relation to the Premises aforesaid, shall be quashed or vacated

cated for want of Form only; and 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 or Want of Form in the Summons, Conviction, or Warrant of Diſtreſs, or other Proceedings relative thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover ſpecial Damages in an Action on the Caſe.

This Act not to extend to Ships in His Majeſty's Service, &c.

XXXI. Provided always, and be it further enacted, That none of the Proviſoes of this Act ſhall apply to be put in force as to any Coals taken in for Dunnage in any Ships or Veſſels carrying Stores for His Majeſty's Navy, nor to any Ships or Veſſels in which the Coals taken on board thereof do not exceed One Third Part of the whole Cargo of any ſuch Ship or Veſſel, nor to any Coaſting Veſſel not exceeding the Burthen of Six Keels.

Copies of Fitters Lifts, &c. to be taken in Evidence.

XXXII. And be it further enacted, That Copies of the Fitter's Liſt and of the Regiſter of the Night Office, or of any Parts of Entries in ſuch Liſts or Regiſters, may be produced and read in Evidence in any Action or Conviction under this Statute, or other Suit or Action, in Proof of any Entries in ſuch Liſt and Regiſter, or of any Matter or Thing in which the original Liſt or Regiſter would be admiſſible as Evidence.

Application of Penalties.

XXXIII. And be it further enacted, That the Penalties and Forfeitures incurred by any Fitters, Venders, or Agents, or Keepers of the Night Office under this Act, unleſs otherwiſe directed, ſhall go and be applied One Moiety thereof to the Informer, and the other Moiety in Aid of the Expences of maintaining the ſaid Night Office, and paying the Perſons attending the ſame, and in defraying all incidental Expences relating thereto; and all Penalties and Forfeitures incurred by any Owners and Maſters of Ships under this Act ſhall go and be applied, One Moiety thereof to the Informer, and the other Moiety thereof to the Muſter Roll of the ſaid Port of *Newcaſtle*.

How Penalties ſhall be recovered.

XXXIV. And be it further enacted, That all Penalties and Forfeitures, incurred or inflicted by this Act, if not otherwiſe directed to be recovered by this Act, ſhall and may be proſecuted and recovered by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, Privilege, Wager of Law, or more than One Imparlance ſhall be allowed.

Proceedings to be within Six Months.

XXXV. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences againſt this Act, unleſs ſome Proceeding ſhall be had according to the Directions of this Act reſpecting ſuch Offence or Offences, within Six Months next after the Offence committed.

Publick Act.

XXXVI. And be it further enacted, That this Act shall continue in force for Seven Years, and shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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