ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. XXX.

An Act to regulate the loading of Ships with Coals in the Port of *Newcaſtle-upon-Tyne*.

[16th *June* 1817.]

WHEREAS an Act was paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled *An Act to regulate the loading of Ships with Coals in the Port of* Newcaſtle-upon-Tyne: And whereas the ſaid Act was to continue in force for Seven Years from the Eighteenth Day of *May* One thouſand eight hundred and ten, and the Term of the ſaid Act is near expiring: And whereas the Proviſions of the ſaid recited 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 public Benefit if further and more effectual Proviſions were 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 from and after the paſſing of this Act Sir *Cuthbert Heron* Baronet, *Robert Renton Roxby*, *Quintin Blackburn*, *Thomas Bell*, *George Moore Cleugh*, *Thomas Dryden*, *Thomas Gibſon*, *Daniel Heatley*, *James Kirton*, *Thomas Scott*, *John Jopling*, *Charles Magnay*, *George Marſhall*, *Matthew Wilſon*, *Thomas Nicholſon*, *George Straker*, *Robert Scotland*, *Nicholas Fairles*, *George Tate*, *James Thobourn*, *John Fenwick*, *Dockwray Square*, *John*

50 G. 3. c. 91.

Commiſſioners.

John Fenwick, Milburn Place, Errington Bell, Valentine Hutchinſon, Joſeph Anderſon, Joſhua Donkin, Henry Wright, John Glay, James Hickley, George Poad, Richard Bulmer, John Smith, Thomas Tinley junior, *Patrick Holland, John Bell, John Armſtrong, William Burnett, Harrop Pringle, John Hutchinſon, Joſeph Bell, William Reay, William Harle, Thomas Shadforth, William Pearſon, Thomas Fenwick, Thomas Smith, Chriſtopher Jordeſon, Emanuel Walmſley, Stuart Omana, Robert Armſtrong,* and *Hamilton Thompſon*, Gentlemen, 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.

Qualification of 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.

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 Twentieth Day after the paſſing of this Act, 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 Five 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 Five 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 Treaſurer or Clerk, or as an Officer or Servant of any other Deſcription 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,

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; and that at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

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 Five 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 Twelve 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 Twelve 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* or *Northumberland*, or a Magiſtrate 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.

Commiſſioners to appoint a Treaſurer and Clerk.

VII. And be it further enacted, That the ſaid Commiſſioners or any Five 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 Five 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 Five 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,

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 Five or more of them ſhall think reaſonable; and the ſaid Commiſſioners or any Five 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.

Same Perſon not to act as Clerk and Treaſurer.

VIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Commiſſioners to appoint the Perſon who may be appointed to act as their Clerk in the Execution of the ſaid Act and this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of the ſaid Act and this Act; or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer the Clerk to the ſaid Commiſſioners for executing the ſaid Act and this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Act and this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of ſuch Treaſurer ſhall act as Clerk in the Execution of the ſaid Act and this Act, every 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 in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

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

IX. And be it further enacted, That from and after the ſaid Twentieth Day after the paſſing of this Act, 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 Two diſtinct and ſeparate 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; in one of which Liſts ſhall be entered all the Ships or Veſſels intended to be loaded by Keels, and in the other of ſuch Liſts ſhall be entered all Ships or Veſſels intended to load wholly or in part at the Spouts; and ſhall alſo keep ſeparate and diſtinct Liſts for each and every Sort of Coals they uſually vend, and each ſeparate and diſtinct Liſt ſhall be deemed and taken to be a ſeparate Office, and conſtrued as ſuch under the Proviſions of this Act, and for all and each and every of the Purpoſes thereof; and each and every of ſuch reſpective 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 Six 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 and make Entries in any ſuch Liſts in the Manner required by this Act, ſhall forfeit and pay on every Cargo loaded or ſold, which ſhall have not been properly entered in ſuch Liſt or Liſts as aforeſaid,

ſaid, according to the Proviſions of this Act, the Sum of One hundred Pounds; and every Fitter, Vender, and Agent aforeſaid, who ſhall refuſe, or whoſe Clerk ſhall refuſe Inſpection of any Liſt or Liſts kept by or for him under the Proviſions of this Act, within the Hours laſt aforeſaid, ſhall forfeit and pay the Sum of One hundred Pounds for every ſuch Refuſal; and every Fitter, Vender, and Agent aforeſaid who ſhall neglect, or whoſe Clerk ſhall neglect to keep his Office open between the Hours of Nine of the Clock in the Morning and Six of the Clock in the Evening (*Sundays* excepted), ſhall forfeit and pay the Sum of Twenty Pounds for every ſuch Neglect, unleſs he ſhall prove that ſuch Neglect has not been wilful, but has ariſen from ſome Accident or unavoidable Cauſe; and in every Action brought for the Recovery of any ſuch Penalty of Twenty Pounds for any ſuch Neglect, it ſhall be incumbent upon the Plaintiff only to prove the Fact of the Office not having been kept open, and upon the Defendant to prove that the Neglect was not wilful or fraudulent.

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

X. 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 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*, to be approved of by the Fitter, Vender, or Agent, 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

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: Provided always, that no Ship or other Vessel shall be entered by any Fitter, Vender, or Agent as aforesaid, upon any List for a Turn of Coals as aforesaid, after the Hour of Six of the Clock in the Evening, and before Ten of the Clock in the Forenoon of each Day (*Sundays* excepted), under the Penalty of One hundred Pounds for each Ship or Vessel so entered between the Hours last herein-before mentioned.

Fitters, &c. refusing or omitting to enter any Ship on List, subject to a Penalty.

XI. And be it further enacted, That it shall be lawful for the Master or other Person having the Charge or Command of every Ship or Vessel actually arriving within the Limits specified in this Act as aforesaid, whilst the Night Office shall be shut, to sign a Certificate, in the Form specified in the Schedule annexed to this Act, in Presence of the Person having Charge of the said Ship as Chief Mate, or being Second in Command thereof; and upon the Production of such Certificate at the Office of the Fitter from whence the Ship is intended to load, the Ship or Vessel shall be entered in like Manner as if such Master or other Person had actually performed the Voyage in the Ship or Vessel, and had not quitted her until she was in the Limits prescribed by this Act, and had personally appeared at the Office of the Fitter; and every such Certificate shall be filed by the Fitter, Vender, or Agent at whose Office the same is delivered: Provided always, that every Person who shall sign or witness a false Certificate, or who shall produce any such Certificate at the Office of any Fitter, Vender, or Agent, knowing the same to be false, shall forfeit for every such Offence the Sum of One hundred Pounds.

Master may sign a Certificate in Presence of Second Officer when Night Office is shut.

XII. And be it further enacted, That an Office shall be established, in the Manner herein-after mentioned, in some convenient Part within the Parish of *Tynemouth* in the said County of *Northumberland*, which Office shall be kept open from the Hours of Six in the Night till Eight 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, 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 Six at Night, when such Office shall open, until the Hour of Eight in the Morning, when the same Office shall shut, except on *Saturday*, when

A Night Office to be appointed.

when the ſame Tickets ſhall be progreſſively numbered from the Hour of Six 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 Eight 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 all ſuch Tickets of the Night Office ſhall be filed in the Office of the Fitter, Vender, or Agent at which the ſame ſhall be preſented and delivered, and all Perſons applying at ſuch Office ſhall have Acceſs thereto to examine the ſame: 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, 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 Five or more of them, in the Manner herein-before directed, once in every Month at leaſt, on Demand made thereof at the Office of ſuch Fitter, Vender, or Agent, between the Hours of Ten and Two of the Clock on any Day (*Sundays* excepted), and ſhall be applied in the Manner hereafter mentioned.

Juſtices may alter Keel Money.

XIII. 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 Five 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 inſtead 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: And every Fitter, Vender, or Agent ſhall deliver to the Treaſurer of the Night Office, on being required ſo to do by the ſaid Treaſurer, a Monthly Liſt of the Monies collected by him on account of the Payments of One Penny or One Penny Halfpenny per Keel, under this Act; and the Monies ſo to be paid ſhall be recoverable by Summons and Diſtreſs, on the Information of the Treaſurer, before any Two Juſtices of the Peace where the Fitter, Vender, or Agent ſhall reſide.

Clerk of the Night Office to make out a Liſt of Ships entered in Night Office.

XIV. And be it further enacted, That the Clerk of the Night Office ſhall every Morning make out and ſend a correct Liſt, ſigned by him, of all Ships entered at the Night Office, in the Order in which they arrived, to the Exchange at *Newcaſtle*, by Ten of the Clock in the Morning, to be there filed for the Inſpection of all Perſons deſirous of examining the ſame.

XV. And

Mode of appointing Night Office.

XV. 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 shall be made, and from Time to Time altered and amended by the said Commissioners or any Five or more of them; and such Commissioners or any Five or more of them shall be a sufficient Number for transacting all such Business as aforesaid, and making 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*; and a Copy of such Rules and Regulations shall be affixed in some conspicuous Part within the Night Office to be appointed as aforesaid.

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

XVI. 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.

XVII. 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 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.

XVIII. 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 Charty 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 of the 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 of the 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

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.

XIX. Provided always, and be it further enacted, That if any 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.

XX. 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 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.

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

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

XXII. 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.

XXIII. 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.

XXIV. 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 the 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 com-

plete 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.

XXV. 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), 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 Forty-eight Hours Notice to Office where entered, previous to going in and coming out of Dock.

XXVI. 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 for a Turn of Coals, of her going into Dock, and shall also give Seven Days Notice in Writing at the least 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.

Notice to be given of a Ship's being laid up.

XXVII. And be it further enacted, That previous to any Ship or Vessel being laid up in the Winter, 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 for a Turn of Coals, of his or their Intention to lay up the same Ship, and shall also give Seven Days Notice at the least previous to commencing to fit out such Ship; but if the Ship is likely to be laid up for a longer Period, then such Master, Owner or Owners, shall give a further Notice of Seven Days at the least, so as that full Seven Days Notice shall be given previous to any such Ship being ready to receive her Cargo; or in default thereof shall forfeit the Turn to which such Ship shall be entitled.

Penalty for false Representation to obtain Turns.

XXVIII. 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 and aiding or in any Manner assisting in 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.

XXIX. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace 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

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 Juriſdiction of ſuch Juſtices 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, 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, 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.

XXX. 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.

to wit. } ‘BE it remembered, That on the Day of in the Year ‘of the Reign of His Majeſty King , *A.B.* is [*or* are] con- ‘victed before of His Majeſty's Juſtices of the Peace, by virtue ‘of an Act paſſed in the Fifty-ſeventh Year of the Reign of His Majeſty ‘King *George* the Third, intituled [*here inſert the Title of this Act, ſpeci- ‘fying 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.

XXXI. 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, within the County, or Town and County in which the Conviction ſhall take place, 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

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 Three Days after such Notice entering into a Recognizance before some Justice of the Peace, 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.

XXXII. 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 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.

XXXIII. Provided always, and be it further enacted, That none of the Provisoes of this Act shall apply or 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, so far as respects the Turns of such Vessels, but all such Vessels shall nevertheless be liable to pay the said Duty of One Penny and One Penny Halfpenny herein-before directed to be paid.

Copies of Fitters Lists &c. to be taken in Evidence.

XXXIV. 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.

XXXV. 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.

XXXVI. 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 Three Months.

XXXVII. 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 Three Months next after the Offence committed.

Expences of Act, and Application of Money.

XXXVIII. And be it further enacted, That all the Monies which have been collected by virtue of the ſaid Act of the Fiftieth Year of the Reign of His preſent Majeſty, and now remaining in Hand (after defraying the Expences of the Night Office), ſhall be applied in Diſcharge of the Expences of obtaining the ſaid Act, if any ſuch Expence remain unpaid; and all further Monies which ſhall be collected under this Act ſhall be applied firſt in Payment of the Expences of the Night Office, and other Expences of carrying this Act into Effect, and then in the Diſcharge of the Expences of obtaining this preſent Act; and any Surplus which ſhall remain ſhall be veſted in the Purchaſe of Three *per Centum* Conſolidated Bank Annuities, in the Names of Three or more of the ſaid Commiſſioners, and accumulate as a Fund for the Expence of future Renewals of this Act.

Public Act.

XXXIX. 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, without being ſpecially pleaded.

Continuance of Act.

XL. And be it further enacted, That this Act ſhall continue in force for the Period of Seven Years.

The

The SCHEDULE to which this Act refers.

I being the Maſter, or Perſon having the Command of the Ship or Veſſel called the [*here inſert the Ship's Name*], of the Port of [*here inſert the Name of the Port where the Ship is regiſtered*], do certify that the ſaid Ship or Veſſel, at the Time of my ſigning this Certificate, is actually and *bonâ fide* within the Limits mentioned and preſcribed in and by an Act of Parliament made and paſſed in the Fifty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act* [*here inſert the Title of this Act*].

Witneſs my Hand this Day of

Signed in my Preſence.

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