ANNO PRIMO

GEORGII IV. REGIS.

Cap. liii.

An Act for altering and amending an Act of His late Majesty, for establishing a permanent Fund for the Relief and Support of Skippers and Keelmen employed upon the River *Tyne*, their Widows and Children; and for augmenting the said Fund.

[8th *July* 1820.]

WHEREAS by an Act passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing a permanent Fund for the Relief and Support of Skippers and Keelmen employed on the River* Tyne, *who, by Sickness or other accidental Misfortunes, or by old Age, shall not be able to maintain themselves and their Families; and also for the Relief of the Widows and Children of such Skippers and Keelmen;* the said Skippers and Keelmen were formed into a Society for the Purpose of raising and establishing a permanent Fund, to be applied in maintaining and supporting themselves and their Families in Cases of Sickness, old Age or Infirmity, and their Widows and Children, to be called 'The Society of Keelmen on the River *Tyne*;' and Guardians were appointed for the orderly Management of the Affairs and Funds thereof, and such Guardians and their Successors were created a Body Politic and Corporate, under the Name and Description of 'The Guardians of the Society of Keelmen on the River *Tyne*,' with Power to make Bye-Laws and Ordi- 28 G. 3. c. 59.

nances for establishing and carrying on the Affairs of the said Society; and for raising a Fund for the Purposes aforesaid, it was enacted, that the Crew of every Keel employed upon the said River should weekly pay or allow out of their Wages such Sums of Money as the said Guardians should direct, not exceeding One Penny for each Chaldron of Coals and other Articles mentioned in the said Act, conveyed on each such Keel, to be applied to the Purposes of the said Act: And whereas the weekly Payment of One Penny a Chaldron of the said Coals and other Articles has been made under the Directions of the said Guardians for several Years, and the Monies thereby raised have been applied to the Purposes of the said Act, and great Benefit hath resulted therefrom, as well to the said Skippers and Keelmen, their Widows and Children, as to the Parishes and Townships where they are legally settled; but owing to the Pressure of the Times and other Circumstances, such Monies have become inadequate to meet the Payments due and to become due to the several Persons entitled to Relief from the said Fund, and the Owners and Lessees of Collieries and Coal-mines upon or near to the said River, being desirous of aiding the said Fund, and promoting the good Ends and Purposes of the said Society, at a General Meeting of such Owners and Lessees, have proposed that the said Guardians and their Successors shall be empowered and authorized by Law to collect and receive from such Owners and Lessees the Sum of One Farthing *per* Chaldron on all Coals exported from and out of the River *Tyne*: And whereas it is expedient that some of the Powers and Provisions in the said Act contained should be amended, varied, and enlarged for the better effecting the Purposes thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the Purpose of aiding the said Fund, and enabling the Guardians of the said Society of Keelmen and their Successors to make Payment to the several Persons entitled to any Relief or Allowance from or out of the said Fund of the Sums directed to be paid by the said recited Act, and the Bye-Laws and Ordinances made or to be made by the said Guardians under the Authority of the said Act, and for better effecting the Purposes thereof, it shall and may be lawful to and for the said Guardians of the said Society of Keelmen to demand and take of and from the Owners or Lessees or the Owner or Lessee of any Collieries or Coal-mines near the said River *Tyne*, selling or delivering Coals to be exported from and out of the said River, the Sum of One Farthing *per* Chaldron, (reckoning Fifty-three hundred Weight to a Chaldron) for every such Chaldron of Coals so sold or delivered to be exported from and out of the said River, and which shall be so exported; such Sum of One Farthing *per* Chaldron to be rendered and paid, at the respective Times herein-after directed, to the said Guardians of the said Society, or to the Officers or Persons, Officer or Person appointed by them to collect and receive the same, at the Offices or Places respectively where the Contracts for the Sale or Delivery of such Coals are usually made.

Guardians to collect a Farthing a Chaldron on Coals to be exported from the River Tyne, or conveyed on Keels on the said River.

Guardians to appoint Collectors to receive the Duty, who

II. And be it further enacted, That it shall and may be lawful to and for the said Guardians of the said Society, from Time to Time, to appoint one or more fit Person or Persons to receive and collect the said Duty or One Farthing *per* Chaldron, at such respective Offices or Places where

the same is made payable as aforesaid; and such Person or Persons shall duly apply for and collect the same, at Four Times in each Year, (that is to say), on the First *Thursday* in the Months of *January*, *April*, *July*, and *October* respectively, or within Seven Days after each such *Thursday*, and shall from Time to Time and at all Times, upon the Request of the said Guardians, duly account to them in Writing under his or their Hand or Hands for all Monies which he or they shall receive on account of such Duty, and duly pay over the same to such Guardians, and which Monies shall be in the first place applied by the said Guardians in paying the Charges and Expences incident to and attending the obtaining and passing of this Act, together with legal Interest on the Monies advanced for that Purpose from the Time of advancing or disbursing the same, and then in Aid of the Fund established by the said recited Act, and in effecting the several good Ends and Purposes of the said Act and of this Act.

are to collect it Quarterly.

Application of the Duty.

III. And be it further enacted, That the Guardians of the said Society shall and they are hereby authorized and required to take such Security from the Collector or Collectors to be appointed by virtue of this Act, for the due Execution of their Offices respectively, as the said Trustees shall think proper.

Collectors to give Security.

IV. And be it further enacted, That the said Guardians shall and they are hereby required and directed from Time to Time to order and direct a Book or Books to be provided by the Person or Persons employed by them to collect and receive the said Duty of One Farthing *per* Chaldron, in which Book or Books shall be entered by such Person or Persons true and regular Accounts of all Sums of Money received on Account thereof and how the same have been applied or disposed of, and which Book or Books shall at all seasonable Times be open to the Inspection of the said Owners and Lessees of Collieries or Coal-mines making Payment of the said Duty, or of any of them, and who shall be at Liberty to take Copies or Extracts from such Books, or any Part or Parts thereof, free of Expence; and in case the Person keeping such Book or Books shall refuse to permit or shall not permit any of the said Owners or Lessees of Collieries and Coal-mines to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, the Person so refusing shall forfeit and pay for every such Offence the Sum of Five Pounds, to be added to the said Fund established by the said recited Act, and to be applied and disposed of for the Purposes for which the said Fund is applicable under the Provisions of the said Act, and the Bye-Laws and Ordinances made in pursuance thereof.

Collectors of Duty to keep Books of Account, which are to be open to Inspection.

V. And whereas it is in and by the said recited Act provided, that no Skipper or Keelman, nor Widow or Children of any Skipper or Keelman, shall have, receive, or enjoy any Benefit or Provision under that Act, unless such Skipper or Keelman shall have contributed his Quota towards the Fund thereby directed to be raised for the Space of One entire Year, without wilful or intentional Interruption: And whereas it has heretofore been customary for Persons at an early Age to be employed by Skippers or Keelmen, to assist in the Navigation and Management of Keels, preparatory to becoming themselves Skippers or Keelmen; and it is expedient to encourage and promote such Custom, and to impose further Conditions and Restrictions on Persons claiming Benefit or Provision under the said recited

No Skipper or Keelman to be entitled to the Benefits of the Fund unless he contributes to the Fund Three Years, &c.

recited Act; be it therefore further enacted by the Authority aforesaid, That from and after the passing of this Act no Skipper or Keelman, nor the Widow or Children of any Skipper or Keelman, shall have, receive, or enjoy any Benefit or Provision under the said Act, unless such Skipper or Keelman shall have contributed his Quota towards the said Fund for the Space of Three entire Years without wilful or intentional Interruption, or unless such Skipper or Keelman shall have been employed for the Space of Three entire Years at the least, in assisting to navigate and manage a Keel or Keels before he became and was employed as a Skipper or Keelman, and shall have contributed his Quota towards the said Fund for one entire Year without wilful or intentional Interruption: Provided always, that nothing herein contained shall extend to deprive any Skipper or Keelman, or the Widow or Children of any Skipper or Keelman, who shall have contributed his Quota to the said Fund for one entire Year before the passing of this Act, of any Benefit or Provision to which he, she, or they became entitled under the said Act.

Regulations as to the Election of Guardians.

VI. And whereas it is by the said recited Act enacted, that the Stewards of the said Society for the Time being shall in each Year, at the Time and Place and in the Manner therein mentioned, name and elect Twenty-one Persons to be the Guardians of the said Society for the Year ensuing, of which Number the Members serving in Parliament for *Newcastle* aforesaid for the Time being, the Mayor, the Recorder, the Four senior Aldermen, and the Sheriff of *Newcastle* aforesaid for the Time being, and the Governor and Stewards of the Company or Fraternity of Hoastmen within the said Town shall be Twelve, and the remaining Nine of which Number shall be Trading or Meeting Brethren of the said Company of Hoastmen, and in the Event of a Deficiency in Number of Meeting or Trading Brethren of the said Company or Fraternity for the Purpose therein mentioned, the Stewards of the said Society for the Time being are thereby empowered to name and elect in manner therein-before directed, a sufficient Number of Guardians from the Common Council of the said Town of *Newcastle* for the Time being, to supply such Deficiency: And whereas it may happen that the Members serving in Parliament for *Newcastle* aforesaid, and the Mayor, Recorder, Four senior Aldermen, and Sheriff of the said Town, and the Governor and Stewards aforesaid, may not together amount to Twelve Persons in Number, by reason of the same Person or Persons respectively filling more than one of the Situations or answering more than one of the Descriptions aforesaid; be it therefore further enacted, That if it shall happen at the Time of any Election of such Guardians as aforesaid, that the Members serving in Parliament for *Newcastle* aforesaid, the Mayor, Recorder, Four senior Aldermen, and Sheriff of *Newcastle* aforesaid, and the Governor and Stewards of the said Company or Fraternity of Hoastmen, shall not together amount to Twelve Persons in Number, then it shall and may be lawful to and for the Stewards of the said Society, and they are hereby empowered and directed, at the Time and Place and in the Manner prescribed by the said recited Act for the Election of such Guardians as aforesaid, to name and elect to be Guardians of the said Society so many Persons being Trading or Meeting Brethren of the said Company of Hoastmen, or in the Event of a Deficiency in Number of such Company, so many Persons from the Common Council of the said Town of *Newcastle* for the Time being, to the Extent of such Deficiency, as together with the several Persons filling

the

the Situations, or answering the Descriptions aforesaid respectively, and the other Guardians to be elected under and by virtue of and in conformity to the said recited Act, shall make up and complete the Number of Twenty-one Guardians.

Penalties and Forfeitures how to be recovered and applied.

VII. And be it further enacted, That all Penalties, Forfeitures, and Fines, imposed or authorized to be imposed by virtue of the said recited Act or this Act (the Manner of levying and recovering whereof is not otherwise directed), shall, upon Proof of the Offences and Conviction of the Offenders respectively before any One or more of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed, or wherein the Offender shall be and reside, and either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant for those Purposes, and to administer such Oath); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so levied, (if not otherwise directed to be applied by the said recited Act or this Act), shall be from Time to Time paid to the Guardians of the said Society, and applied to the Purposes of the said recited Act and this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction of such County, there to remain without Bail or Mainprize for any Time not exceding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

VIII. And for the more easy Conviction of Offenders against the said recited Act and this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Act and this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following, *mutatis mutandis*, as the Case may happen to be:

Form of Conviction.

'County of } BE it remembered, That on [*Time of Conviction*] at [*Place*
' to wit. } *of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of*
Offender] was duly convicted before me [*or* us] [*Name and*
Style of convicting Justice or Justices] for that the said *A. B.* [*Name of*
Offender] on [*Time of committing the Offence*] at [*Place of committing Offence*]
did [*here state the Offence against the Act, according to the Fact*] contrary
to the Form of the Statute made in the Year of the Reign of
His Majesty King *George* the Fourth, intituled [*here set forth the Title of*
the Act]; and I [*or*, we] do therefore declare and adjudge that the said
A. B. has forfeited for the said Offence the Sum of [*Fine*] or shall be
committed to [*Place of Imprisonment*] for the Space of [*Time of Imprison-*
ment]

'*ment.*] Given under my Hand and Seal [*or*, our Hands and Seals] the 'Day and Year first above written.'

Proceedings not to be quashed for Want of Form.

IX. And be it further enacted, That no Order made concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against the said recited Act or this Act, shall be quashed or vacated for Want of Form, or removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

X. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Determination, Proceeding, Matter or Thing made or done in pursuance of the said recited Act or this Act, such Person or Persons may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Guardians of the said Society, or to their Collector or Collectors, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with sufficient Sureties conditioned to try such Appeal, and abide by the Order of and pay such Costs as shall be awarded against him, her, or them by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon Proof of Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Public Act.

XI. And be it further enacted by the Authority aforesaid, 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 other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1820.