



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 107.

An Act for the Appointment and Regulation of Pilots and Hoblers for the conducting of Ships and Vessels into and out of the Port or Harbour and River of *Neath*, in the County of *Glamorgan*; for placing Buoys upon the Bar of *Neath*, and the Removal of Obstructions in the said Port or Harbour and River; for regulating the Mooring of Ships and Vessels therein; and for the Regulation of Porters within the said Port or Harbour and River, and within the Town of *Neath*.

[9th July 1800.]

WHEREAS the Port or Harbour and River of *Neath*, in the County of *Glamorgan*, by the Means of the opening and working of several extensive Collieries, and the erecting of several large Copper Works, Smelting Houses, Iron Furnaces, Foundries, and Forges, Tin Plate Mills, Chemical Works, and various other Manufactories in its Vicinity, is become a Place of very considerable Trade, and a great Nursery for Seamen: And whereas it would be useful and advantageous to the Trade and Commerce of the Town of *Neath*, in the said County of *Glamorgan*, and the Inhabitants thereof, and would greatly

Preamble.

[Loc. & Per.]

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tend to the Safety of Ships and Vessels sailing or trading from and to the said Port or Harbour and River of *Neath*, and be of general Benefit to His Majesty's Subjects resorting with their Ships or Vessels thereto, if effectual Powers were given for appointing and regulating of Pilots and Hoblers for conducting such Ships or Vessels between the said Port or Harbour and River, and the Sea, and for a small Distance out at Sea; and for the Management of the Buoys upon the Bar of *Neath*, and removing Obstructions in the said Port or Harbour and River; and for appointing and regulating of Porters within the said Port or Harbour and Town; and for preventing Persons not so appointed from acting as Pilots or Hoblers of any such Ships or Vessels, or Porters, within the said Port or Harbour and Town: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Kings' 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 it shall be lawful for the Commissioners appointed in and by virtue of this Act, and they are hereby authorized and empowered from Time to Time, by Writing under their Hands, to license and appoint such Persons as they shall, upon Examination touching their Skill and Abilities, approve and think properly qualified for that Purpose, to be Pilots, Hoblers, and Helpers of Ships and Vessels, for the conducting of Ships and Vessels into and out of the Port or Harbour and River of *Neath* aforesaid, and upon any Part thereof, and for a small Distance out at Sea, within or without the Bay of *Neath* aforesaid; and the Persons so licensed shall, for the Purposes of this Act, be called *River Pilots* and *River Hoblers*; and shall also appoint such Persons as they shall think proper to be Porters within the said Port or Harbour and River of *Neath*; and if any Person, without having such Licence to act as a River Pilot as aforesaid, shall, after the Expiration of One Calendar Month from the passing of this Act, take upon himself to conduct or pilot any Ship or Vessel into or out of the said Port or Harbour and River, or within the same, or in or without the said Bay; or if any Person, without having such Licence to act as a River Hobler as aforesaid, shall, after the Expiration of the said One Calendar Month from the passing of this Act, take upon himself to assist or help any Ship or Vessel into or out of the said Port or Harbour and River, or within the same, or in or without the said Bay; or if any Person, without having such Licence to act as a Porter as aforesaid, shall, after the Expiration of the said One Calendar Month from the passing of this Act, take upon himself to land or carry any Goods or Merchandize from or to any Ship or Vessel lying within the said Port or Harbour and River, every such Person shall respectively forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds.

Commission-
er empowered
to licence
Pilots, &c.

Masters of
Vessels out at
Sea, Vessels
in the Lime-
stone Trade
or Coasting
Trade not ex-
ceeding 30
Tons, may
pilot their
own Vessels.

II. Provided always, That nothing in this Act contained shall extend to oblige the Master or other Person having the Command of any Ship or Vessel outward-bound, after she has been piloted out of the said Port or Harbour and River over the said Bar, to employ or make use of any Pilot or Hobler to conduct such Ship or Vessel to cross or pass further out at Sea, nor to oblige the Master or other Person having the Command of any Ship or Vessel in the Limestone Trade or other Coasting Trade inward-bound or outward-bound, whether laden or unladen, so that any such Ship or Vessel in the Limestone Trade do not exceed the Burthen or Tonnage

Tonnage of Thirty Tons, and in the Coasting Trade do not exceed the Burthen or Tonnage of Twenty Tons, by Admeasurement, to be ascertained by the Custom House Register thereof, to employ or make use of any Pilot or Hobler: Provided always, That nothing in this Act contained shall extend to prevent or hinder any Owner, Part Owner, Master, or Mate of, or any Person belonging to any Ship or Vessel inward-bound, notwithstanding such Ship or Vessel shall exceed the Burthen or Tonnage of Thirty Tons, from conducting or piloting the Ship or Vessel to which he shall belong, into and up the said Port or Harbour and River of *Neath*, in case none of the said River Pilots shall be ready and offer to conduct and pilot the same; nor to prevent or hinder any Person or Persons from assisting any Ship or Vessel in Distress.

III. And be it further enacted, That every Person who shall be licensed as a River Pilot, River Hobler, or Porter, by virtue of this Act, shall be subject to the several Clauses, Regulations, and Provisions in this Act contained, and to such Orders, Rules, and Bye-Laws, as shall be made in pursuance hereof.

Subjecting
Pilots, &c.
to certain
Rules and
Bye-Laws.

IV. And be it further enacted, That it shall be lawful to and for the said Commissioners, by Writing under their Hands, at any Time to suspend, discontinue, or vacate the Licence granted to any such River Pilot as aforesaid, who shall refuse or neglect to take the Charge or Conduct of any Ship or Vessel; or to any such River Hobler, who shall refuse or neglect to assist or help any Ship or Vessel; or to any such Porter who shall refuse or neglect to land or carry any Goods or Merchandize; or whoever of them shall behave improperly in the Discharge of his Duty in the Execution of this Act, on such Refusal, Neglect, or improper Conduct being made a Subject of Complaint by any Person or Persons aggrieved, to the said Commissioners, in pursuance of this Act.

Commission-
ers may sus-
pend Pilots,
&c.

V. And be it further enacted, That the several Owners of the several Estates following, (that is to say), The *Britonferry* Estate, the *Gnoll* Estate, the *Neath Abbey* Estate, the *Ynisgerwn* Estate, the *Ynisarwad* Estate, the *Aberpergwm* Estate, and the *Eagles Bush* Estate, in the several Parishes of *Britonferry*, *Neath*, *Lantwit juxta Neath*, *Cadoxton juxta Neath*, and *Glyncorrog* in the said County of *Glamorgan*, and their respective Successors thereto, together with their respective chief Agents (for the Time being) of such Estates, and *Richard Bevan* of *Neath*, *Henry Bewicke* of *London*, the Constable of the Castle of *Neath* (for the Time being), *William Davies* of *Cringell*, *Charles Edwin* of *Llanmihangel*, *Edward Elton* of *Llansamlet*, *John Gould* the younger of *Truro*, *Thomas Jones* of *Baglan*, *John Ryland Mander* of *London*, *John Nathaniel Miers* of *Cadoxton Lodge*, *Richard Parsons* of *Longford Court*, *John Place* of *Neath Abbey*, the Portreeve of *Neath* (for the Time being), *Alexander Raby* of *London*, *Evan Rees* of *Neath*, *Charles Smith* of *Wernllanwith*, *Henry Smith Thomas* of *Neath*, *Lewis Thomas* of *Britonferry*, the Treasurer and Clerk of the *Neath Canal Navigation* (for the Time being), *Thomas Weaver* of *Gloucester*, *Rees Williams* of *Maes Gwyn*, *Thomas Williams* of *Courtherbert*, *Thomas Wyndham* of *Dunraven*, and the several Proprietors and their Lessees (for the Time being) of the several Collieries following, (that is to say), the *Abernant hir* Colliery, the *Aberpergwm* Colliery, the *Derllwyn-bach* Colliery, the *Dyffryn* Colliery, the *Eagles Bush* Colliery, the *Glanywern* Colliery, the *Gnoll* Colliery, the *Maes Marchog* Colliery, the

Commis-
sioners.

Neath

Neath Abbey Colliery, and the *Penruttin* Colliery; and also the chief Agents (for the Time being) of the several Works following, (that is to say), the *Foxes* and *Neath Abbey* Iron Company at *Neath Abbey*, Messieurs *Miers* and Company's Tin Plate Works at *Ynis-y-gerwn*, the Mines Royal Copper Company at *Neath Abbey*, and Messieurs *Roe* and Copper Company at the same, shall be, and they are hereby constituted and appointed Commissioners for carrying into Execution the several Powers and Authorities by this Act directed to be done and performed by them; and that all Acts, Matters, and Things hereby authorized or directed to be done or executed by the said Commissioners, may be done and executed by any Five or more of them, (being the major Part of the said Commissioners assembled at their respective Meetings to be held for the Purposes of this Act), and the same shall be as valid and effectual as if done and executed by all the said Commissioners, unless otherwise as herein-after particularly directed.

First Meeting
of Commis-
sioners.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, within One Calendar Month after the passing of this Act, to meet together at the *Ship and Castle Inn*, or some other convenient Place in the said Town of *Neath*; upon Fourteen Days Notice in Writing being given by the said Commissioners, or any Five of them, under their Hands, and such Notice being affixed upon some conspicuous Part of the Guildhall and Custom House, and at the Market Place within the said Town of *Neath*, stating the Day and Hour of such Meeting, to proceed to the Execution of the Powers hereby granted; and then and from Time to Time afterwards to meet together on the Second *Wednesday* in every Month, and may also adjourn such Meeting to any future Time, to be held at the *Ship and Castle Inn* aforesaid, or at any other suitable and convenient Place as they or the major Part of them at such Meeting shall appoint; and in case there shall not be a sufficient Number of Commissioners present to act at any such adjourned or other Meeting, it shall be lawful for the Commissioner or Commissioners present, or their Clerk, to adjourn the same, and so from Time to Time as often as there shall be Occasion, and in Default of such Adjournment, or on any urgent Occasion, the Clerk may call a Meeting of the Commissioners to be holden at the same Place, on Three Days previous Notice thereof being affixed upon some conspicuous Part of the Guildhall, Custom House, and Market Place of *Neath* aforesaid, by Writing under their Clerk's Hand; and all and every Commissioner and Commissioners who shall or may be a Justice or Justices of the Peace of the County of *Glamorgan*, may act as a Justice or Justices in the Execution of this Act, notwithstanding his or their being a Commissioner or Commissioners, except only in such Cases where he or they may be personally concerned or interested.

Commission-
ers may act as
Justices.

All Orders,
etc. to be done
at Meetings.

VII. And be it further enacted, That all Orders, Acts, Matters, and Things authorized and required to be done by the Commissioners in the Execution of this Act, shall be done at Meetings to be held in pursuance thereof, and not otherwise, and no Order shall be valid unless the Majority of the Commissioners present shall concur therein, nor shall any Order so made be revoked or altered, unless Fourteen Days previous Notice of the Intention to do the same, and of the Time and Place of Meeting for that Purpose shall have been affixed by Writing, under the Hand of the Clerk to

to the said Commissioners, upon the Guildhall, Custom House, and Market Place in *Neath* aforesaid, and unless such Meeting so to be convened for the Purpose last aforesaid, shall consist of Nine Commissioners at the least, and the Majority of such Meeting shall consent and agree thereto.

VIII. And be it further enacted, That the said Commissioners shall, at such first or any other Meeting to be held for the Execution of this Act, and from Time to Time afterwards, and as often as there shall be Occasion, elect, chuse, and appoint a Treasurer and Clerk, and such other Officers as the said Commissioners shall think proper and necessary for the Execution of this Act, who shall continue in their respective Offices only during the Pleasure of the said Commissioners, and shall appoint and settle such Salaries or other Allowances to such Clerk and other Officers to be appointed as aforesaid, as the said Commissioners shall judge necessary and reasonable; and the said Commissioners shall and are hereby required to take such Security from every such Treasurer, Clerk, and such other Officers, for the due and faithful Execution of their respective Offices, as they shall think proper.

Commissioners
to appoint
Clerk and
other Officers.

IX. And, for the supplying a sufficient Number of Commissioners, and also a Treasurer and Clerk, and other Officers, for the Purposes of this Act, be it further enacted, That when any of the said Commissioners herein-before particularly named or to be appointed as herein-after mentioned, shall die or refuse to act, or in case any Treasurer, Clerk, or other Officer to the said Commissioners shall die, resign, or be removed by the said Commissioners, then and in every such Case any Nine or more of the remaining Commissioners, although not assembled at a Meeting to be held in pursuance of this Act, may appoint a Meeting of the said Commissioners in the Town of *Neath* aforesaid, for the Appointment of a new Commissioner, Treasurer, Clerk, or other Officer, to supply the Place of every such Commissioner, Treasurer, Clerk, or other Officer as aforesaid, and shall make known the Time and Purpose of such Meeting, by affixing Notice thereof, in Writing on some conspicuous Part of the said Custom House, Guildhall, and Market Place in *Neath* aforesaid, at least One Calendar Month before the Time of such Meeting; and the major Part of the Commissioners assembled at the Time and Place to be appointed for such Meeting (the whole Number present being not less than Nine) shall, by Writing under their Hands, appoint a Commissioner in lieu of every Commissioner who shall be dead or refuse to act, or a Treasurer, Clerk, or other Officer, in lieu of such as shall die, resign, or be removed as aforesaid, as the Case shall require; and every Person who shall be so appointed shall from thenceforth be a Commissioner or Treasurer, Clerk, or other Officer, for the Purposes aforesaid; and every such Commissioner shall have the same Power and Authority in all Matters and Things relating to this Act, as if he had been expressly named and appointed in and by this Act; and every such Appointment shall be entered in a Book to be kept by the Clerk to the said Commissioners.

Other Commis-
sioners, &c.
to be chosen in
case of Vacan-
cies.

X. Provided always, and be it further enacted, That no Person who shall be elected in case of Vacancies, shall be qualified to act as a Commissioner in the Execution of the Powers and Authorities of this Act, who shall not have a Residence within Six Miles of the River of *Neath* aforesaid, and be *bonâ fide* in his own Right, or in the Right of his Wife, seized

Qualifications
of the Succes-
sors to the
present Com-
missioners.

of and in Freehold Messuages, Lands, or Tenements, within the said County of *Glamorgan*, of the clear yearly Value of Fifty Pounds, or be possessed of the clear Sum of One thousand Pounds Personal Estate, and who shall not, previous to his acting in the Execution of the said Powers and Authorities, certify in Writing under his Hand, in what his Qualification to act as a Commissioner does consist, which said Qualification shall be filed by the said Clerk; and if any Person who shall be so elected a Commissioner, shall presume to act as such, not being qualified in Manner aforesaid, every such Person, for every such Offence, shall forfeit and pay the Sum of One hundred Pounds, to be recovered with Costs of Suit in any of His Majesty's Courts of Record at *Westminster* or within the County of *Glamorgan*, in which Action no Essoign, Protection, Privilege, Wager of Law, or more than One Imparance shall be allowed; and every such Person so sued or prosecuted, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person had acted as a Commissioner in the Execution of this Act.

Commissioners refusing or neglecting to act reducing their Property, or ceasing to have a Residence within Six Miles of *Neath* River, shall become disqualified.

XI. Provided always, and be it further enacted, That if any of the Persons who shall be so elected a Commissioner, shall refuse or neglect to qualify himself according to this Act for the Space of Three Calendar Months after his Election, or shall, by the Reduction of his Property aforesaid, by Sale, Gift, Grant, or otherwise howsoever, sink or lessen the same, so that it shall become less than the Value of a Qualification by this Act required, or shall cease to have a Residence within Six Miles from any Part of the River of *Neath* aforesaid, he shall from thenceforth become disqualified, and cease to be a Commissioner, and another Person shall be elected a Commissioner in Manner aforesaid in his Stead.

Pilots, &c. to assist King's Ships in Preference to others.

XII. And be it further enacted, That every such River Pilot and River Hobler as aforesaid, shall at all Times afford every Assistance in his Power to any Ships on His Majesty's Service, and when any of them shall, by Signal or otherwise, appear to be in want of a Pilot or Hobler, shall go to pilot and assist such Ships in Preference to any other Ship or Vessel whatsoever; and in case any such River Pilot shall refuse or neglect to take the Charge or Conduct of any of His Majesty's Ships, or any other Ship or Vessel whatsoever, or any River Hobler shall refuse or neglect to help and assist the same, upon a proper Signal being made, or a Gun or Guns fired by any Ship or Vessel inward-bound, or at the Request of the Master, Commander, Owner, Agent, or Consignee, of any Ship or Vessel outward-bound; or if any such River Pilot or Hobler shall refuse or neglect to give every Assistance in his Power to any Ship or Vessel in Distress, or in want of any extra Assistance; or in case it shall appear to the said Commissioners that any such River Pilot or Hobler shall have misbehaved himself in the Conduct of or Assistance to any Ship or Vessel, or in the Execution of his Duty as a River Pilot or Hobler; or if any such River Pilot or Hobler shall (without some reasonable Excuse) refuse to obey any Summons issued in pursuance of the Order of any Three or more of the said Commissioners, requiring his Appearance before them, or to obey such Orders as shall be made and passed at any of their Meetings for the Purposes of this Act, every such Pilot shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and not less than Ten Shillings; and every

every such Hobler shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings and not less than Five Shillings; and if the said Commissioners, upon Examination of the Cause of Complaint, shall think that the Pilot or Hobler so offending should be suspended or broke, the said Commissioners are hereby empowered and required to enquire into the Matter of Complaint, and upon Proof of the Offence complained of by the Oath of any credible Witness (which Oath the said Commissioners, or any One of them, are or is hereby empowered to administer) according to their Discretion shall either suspend, or entirely break and dismiss such Pilot or Hobler, and to declare his Licence to be void, and such Pilot or Hobler shall be accordingly either suspended, or broke and dismissed, and his Licence shall be from thenceforth utterly void, as the Case shall be; and if any such River Pilot or Hobler, after being suspended, or broke and dismissed as aforesaid, and Notice thereof in Writing, signed by the Clerk, given to such Pilot or Hobler, or left at his usual Place of Abode, shall, during the Time of such Suspension or after such Dismission, take upon himself to pilot or conduct, help or assist, any Ship or Vessel into or out of the said Port or Harbour and River of *Neath*, or upon any Part of the said River, or out at Sea, or over the said Bar of *Neath*, he shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

XIII. And, for ascertaining the Rates to be paid to the said River Pilots, and River Hoblers, for the conducting or piloting, helping or assisting, any Ships or Vessels as aforesaid, and also the Rates to be paid to the said Porters for the Porterage of any Goods or Merchandize to or from any Ships or Vessels as aforesaid, be it further enacted, That no greater Rates shall be demanded or taken by any such River Pilots, River Hoblers, or Porters, than what shall be from Time to Time ascertained, fixed, and settled by the said Commissioners at any of their Meetings; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, at any of their Meetings, to ascertain, fix, and settle the proper Rates for the same; notwithstanding which all Persons shall be at Liberty to employ their Servants, Workmen, Horses, and Carriages in the Carriage of their Goods and Merchandize to and from any Ship or Vessel in the said Harbour, at their own proper Risk and Costs.

XIV. Provided always, and be it further enacted, That in ascertaining the said respective Rates, the said Commissioners shall be, and they are hereby authorized and empowered, at their Discretion, to vary and alter all or any such Rates of Pilotage, Hobling, and Porterage aforesaid, and also to determine what shall be considered the different Seasons of the Year, if the said Commissioners shall determine to make a Difference of Rate according to the Season of the Year.

XV. And, as an Encouragement to the said River Pilots and Hoblers to ply out at Sea, be it further enacted, That in case any Ship or Vessel shall be met with in Distress by any of the said River Pilots and Hoblers, and shall be assisted by such Pilots and Hoblers, or any of them, or their Boat, then such Compensation shall be made for such Assistance as shall be settled and determined by the said Commissioners at their next Meeting, after Application shall have been made to them by either Party for that Purpose; and if any Agreement for such extraordinary Assistance shall have been made, such Agreement shall be null and void; or in case any Ship or Vessel

Commissioners to settle the Rates, but not in Exclusion.

Proportioning the Rates of Pilotage, etc.

Rewards for Pilots, etc. assisting Ships in Distress, to be settled by Commissioners.

Additional Pilotage for piloting extra Distance.

Vessel shall, at the particular Request of the Master or other Person having the Command thereof, be piloted or assisted by any of the said River Pilots or Hoblers into the said Port or Harbour and River, from any further Distance than what the said Commissioners may have provided for, every such River Pilot and Hobler shall be paid for such extra Pilotage and Assistance such Sum as the said Commissioners shall order and direct.

Masters of inward or outward bound Ships refusing Pilots, Pilotage to be paid.

XVI. And be it further enacted, That in case the Master or Commander of any Ship or Vessel which shall be outward-bound, and about to proceed out of the said Port or Harbour and River of *Neath*, or which shall be inward-bound, shall refuse to take on board and employ one of the said River Pilots who shall offer his Service, (except such Ships or Vessels as are employed in the Limestone Trade or other Coasting Trade, not exceeding the Burthen or Tonnage of Thirty Tons by Admeasurement as aforesaid, with respect to Limestone and Manure, and not exceeding the Burthen or Tonnage of Twenty Tons, with respect to any other Trade), such Master or Commander shall pay or cause to be paid to the River Pilot who first or who only shall offer his Service as aforesaid, and shall be so refused, the full Pilotage which such Master or Commander would have been subject or liable to pay by virtue of this Act, if the said Pilot had been received and employed in conducting or piloting such Ship or Vessel into or out of the said Port or Harbour and River of *Neath*, together with the Expences to be incurred in the Recovery of the same.

Pilots leading the Way in any Vessel to be entitled to Half Pilotage.

XVII. Provided always, and be it further enacted, That in case any Ship or Vessel coming into or going out of the said Port or Harbour and River of *Neath*, shall be in want of a Pilot, and none of the said River Pilots can be procured, and there shall be any of the said River Pilots on board any other Ship or Vessel passing into or out of the said Port or Harbour and River, such Pilot on board any such other Ship or Vessel may lead the Way for, and conduct the Ship or Vessel so in want of a Pilot, either into or out of the said Port or Harbour and River, or so far in her Course until another River Pilot can be obtained; and the Master or Commander of every such Ship or Vessel which shall be so piloted or conducted by any Pilot leading the Way in such other Ship or Vessel, shall be liable and subject to the Payment of One Half, or such a Proportion, according to the Distance such Ship or Vessel shall have been piloted or conducted as aforesaid, of the said Rates of Pilotage, as he would have been liable to and subject, if the Pilot had actually been on board of such Ship or Vessel, and piloted or conducted the same into or out of the said Port or Harbour and River, as shall be fixed and settled by the said Commissioners at any of their Meetings.

Ships forced back after parting with Pilots, and piloted out again, to pay not exceeding One Half of the Rates.

XVIII. And be it further enacted, That in case any Ship or Vessel which shall have been piloted or conducted by any of the said River Pilots or Hoblers out of the said Port or Harbour and River of *Neath*, shall be forced back by Storm or otherwise, after having, by the Consent of the Master or Commander of such Ship or Vessel, parted with such Pilot and Hobler, and shall be conducted by such Master or Commander into any Part of the said Port or Harbour and River of *Neath*, and such Master or Commander shall afterwards employ any of the said River Pilots and Hoblers to conduct such Ship or Vessel out, then such a Proportion, not exceeding

exceeding One Half of the full Sum, shall be paid for such Pilotage and Assistance, as is hereby directed to be taken for Pilotage and Assistance outward, as shall be settled and fixed by the said Commissioners.

XIX. And be it further enacted, That every such River Pilot as aforesaid, who shall take upon himself the Charge of any Ship or Vessel about to sail out of the said Port or Harbour and River of *Neath*, shall and is hereby required to take Charge of such Ship or Vessel at her Moorings in the Dock, or by the Quay, Wharf, or other Place within the said Port or Harbour and River, and to conduct or pilot such Ship or Vessel about to sail out of the said Port or Harbour and River, so far out to Sea as shall be directed by the said Commissioners in their Orders; and if any such River Pilot or Hobler, after he is engaged to serve, shall presume to quit any Ship or Vessel without the Consent of the Master or Commander of every such Ship or Vessel, until she shall have cleared the said Bar of *Neath*, such Pilot and Hobler shall forfeit the Pilotage and Hobling which, on their duly performing their Duty, they would have been entitled unto; and on being lawfully convicted of so quitting any Ship or Vessel, every such Offender shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, and not less than Five Pounds.

Outward-bound Ships to be piloted to a Distance to be settled by Commissioners.

XX. And be it further enacted, That every such River Pilot and Hobler as aforesaid, who shall pilot, or conduct and assist any such Ship or Vessel into the said Port or Harbour and River of *Neath*, shall and is hereby required to take the same as high in the River of the said Port or Harbour as *Neath Bridge*, if the said Master or Commander shall require, or to such other Place of Delivery below the said Bridge, within the said Port or Harbour, as the Master of such Ship or Vessel shall require; but if the Tide will not allow thereof, then to moor her in a proper Situation in the said Port or Harbour, without being paid any other Rate than such as shall be fixed and settled upon by the said Commissioners to be paid for piloting and assisting such Ship or Vessel into the said Port or Harbour and River; and in case the Attendance of any such Pilot or Hobler shall be required to take Care of such Ship or Vessel from such first Mooring, and to conduct her to her Place of Delivery, the Pilot and Hobler that shall have brought and assisted the said Ship or Vessel to such mooring, or some other of the said River Pilots and Hoblers, to be by the said Pilot or the said Master procured, shall attend and shall be paid for unmooring, transporting, and removing such Ship or Vessel at her delivering Birth within the said Port or Harbour and River, according to the Discretion of the said Commissioners, by a Rate to be fixed by them for that Purpose.

Places to which inward-bound Ships are to be piloted.

XXI. And be it further enacted, That all and every Person or Persons taking or appearing to take upon himself or themselves the Charge, Agency, or Consignment of any Ship or Ships, Vessel or Vessels, so charged or chargeable with the respective Rates for Pilotage and Hobling, and extra Attendances, outward or inward-bound, shall be accountable to such River Pilot and Hobler, River Pilots and Hoblers, for such Rates of Pilotage and Hobling as shall be so due for such Pilotage and Hobling, outward or inward, according to the Rates fixed by the said Commissioners; and the same shall and may be levied by Distress and Sale, in Manner

Persons liable to Pilotage.

herein-after mentioned, upon any of the Goods, Merchandize, or Effects of the Person or Persons so taking or appearing to take upon himself or themselves the Charge, Agency, or Consignment of such Ship or Ships, Vessel or Vessels, after the Expiration of Three Days from the Day on which such Pilotage and Hobling shall have been demanded.

On Non-ay-
ment of Rate,
Commission-
ers may
distrain.

XXII. And be it further enacted, That the respective Rates of Pilotage, Hobling, and Portorage, and other Sums of Money to be fixed by the said Commissioners, and by this Act made payable to the said River Pilots, Hoblers, and Porters, shall be paid to such Pilots and Hoblers respectively, by the Owners or Masters, Agents or Consignees, or other Persons having or taking upon themselves, or appearing to have or take upon themselves the Command, Agency, or Consignment of such Ships or Vessels respectively, and to such Porters by the Persons by whom or on whose Account they shall be employed, for or in respect of which such Rates of Pilotage, Hobling, and Portorage, and Sums of Money shall, by virtue of this Act, become payable, within Three Days from the Day on which such Pilotage, Hobling, or Portorage shall have been demanded; and in case any such Owner, Master, Agent, Consignee, or other Person having or taking, or appearing to have or take the Command, Agency, or Consignment of any such Ship or Vessel as aforesaid; and also in case any such Person by whom or on whose Account any such Porters shall have been employed as aforesaid, shall refuse or neglect to pay any such Rate of Pilotage, Hobling, or Portorage, or Sum of Money, within the said Three Days, then it shall be lawful for any Person or Persons, by virtue of a Warrant for that Purpose under the Hands and Seals of any Three or more of the said Commissioners, to seize and distrain any of the Goods, Merchandize, Effects, Guns, Tackle, Ammunition, Furniture, Apparel, or other Things, of or belonging to any such Ship or Vessel, or of or belonging to any such Person, and the same to detain and keep until the Sum or Sums of Money due to any such River Pilot, Hobler, or Porter, for the Pilotage or Hobling of such Ship or Vessel, or Conveyance of Goods and Merchandize, or otherwise as aforesaid, together with all reasonable Charges and Expences occasioned by or attending such Seizure and Distress shall be paid and satisfied; and in case the same shall not be paid within Seven Days next after such seizing or distraining, then it shall be lawful for the said Commissioners, by Warrant under the Hands and Seals of any Three or more of them, to cause the Goods, Merchandize, or other Things so seized and distrained, to be appraised by any Two sufficient Persons or Appraisers of the said Town of *Neath*, and to be afterwards sold and disposed of, and thereout to satisfy the Rate and Sum of Money so unpaid, as aforesaid, together with all reasonable Charges of such seizing, distraining, appraising, selling, and disposing of the same, rendering the Overplus thereof, if any, to the Owner, Master, Agent, Consignee, or other Person having or appearing to have the Command of such Ship or Vessel, or to the Person from whom such Portorage shall be due, on Demand.

Masters
forcibly tak-
ing away Pilots
to pay them
Mate's Wages,
and Hoblers
Foremast
Men's Wages.

XXIII. And whereas it may happen that some of the said River Pilots and Hoblers may be unavoidably, through Stress of Weather or forcibly, carried to Sea beyond the Limits for Pilotage to be prescribed by the said Commissioners, be it therefore enacted, That the Master or Commander of any Ship or Vessel on board of which any such Pilot or Hobler shall be

be forcibly or through Strefs of Weather unavoidably carried to Sea beyond such Limits, shall pay to such River Pilot, for the Time he shall be detained on board after passing the said Limits, the same Wages as shall be payable by the said Master or Commander to the Mate of such Ship or Vessel, and to every such Hobler the same Wages as shall be payable to the Foremast Men of such Ship or Vessel, over and above the Rate of Pilotage and Hobling which they shall be entitled unto as Pilot of such Ship or Vessel, or assisting the same; and in case of any such Pilot or Hobler being forcibly carried to Sea beyond the Limits, otherwise than through Strefs of Weather, or for some other sufficient Reason, to be judged of by the said Commissioners, such Master or Commander shall also forfeit and pay any Sum not exceeding Ten Pounds.

XXIV. And be it further enacted, That if at any Time or Times a Majority of the said River Pilots shall consent and agree to have a joint Stock of the Earnings of all the said Pilots, for the Benefit of the Whole of them, then it shall be lawful for them so to do, provided such Consent and Agreement be made or expressed in Writing, under the Hands and Seals of such Majority as aforesaid, and be made by and with the Approbation and Consent of the said Commissioners, by Writing under the Hands of any Five or more of them; and the same shall continue in Force so long as it shall meet the Approbation of the said Commissioners, under such Regulations and Restrictions as the said Commissioners shall think proper; and the same shall be binding upon all the said Pilots.

Majority of Pilots may have a joint Stock.

XXV. And be it further enacted, That the said Commissioners shall cause to be kept and entered in proper Books, Registers of all their Proceedings, and shall cause to be kept fair, just, and true Accounts of all the Money which shall be received for or in respect of the Penalties, Fines, and Forfeitures which shall be incurred under this Act, as also of such Money as shall be expended in Salaries or other Allowances to the said Clerk or other Officers, or otherwise in carrying into Execution this Act, in pursuance of any Order or Orders of the said Commissioners, all which Books of Accounts and other Proceedings shall be open at all convenient Hours of Business to the Inspection of the said River Pilots, Hoblers, and Porters, and all others concerned, each of whom applying first paying unto the Clerk One Shilling for such Inspection; and in case any such Clerk or other Person having the Custody of such Books and other Proceedings, shall refuse such Inspection at such convenient Hours, he shall, for every such Refusal, forfeit and pay a Sum not exceeding Twenty Pounds.

Commissioners to keep Minutes of Proceedings, &c.

XXVI. And, for ascertaining and defraying the Charges and Expences of obtaining and passing this Act, be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, at some of their Meetings to be held within Three Calendar Months next after the passing of this Act, or as soon after as convenient, to examine and settle the Account of the Charges and Expences incident to, and attending the obtaining and passing of this Act; and after such Account shall have been so examined and settled, the said Commissioners, or any Five of them, shall sign the same, and which shall be kept by the Clerk to the said Commissioners, and an Entry thereof made in the Book of their Proceedings.

Expences of obtaining this Act to be ascertained by the Commissioners.

XXVII. And

Duty on Ship-
ping for the
Purposes of
this Act.

XXVII. And be it further enacted; That, from and after the passing of this Act, there shall be paid to the said Commissioners or to such Person as they shall appoint to receive the same, by the Master or Commander of every Ship or Vessel which is by this Act made subject to and chargeable with the said Rates of Pilotage, (not being a Ship or Vessel in the Limestone Trade or carrying Manure, only of the Burthen of Thirty Tons by Admeasurement), and which shall enter the said Port, Harbour, or River of *Neath*, the Duty of One Halfpenny *per* Ton, of every such Ship or Vessel respectively, according to the Admeasurement thereof, to be ascertained as aforesaid; and by the Consignee or Receiver of the Cargo of every Ship or Vessel laden with Limestone or Manure only, exceeding the Burthen of Thirty Tons by Admeasurement, to be ascertained as aforesaid, and by the Master or Commander of every Ship or Vessel in the Coasting Trade, not exceeding the Burthen of Twenty Tons by Admeasurement, to be ascertained as aforesaid, and not laden with Limestone or Manure, the Duty of One Farthing only *per* Ton of every such Ship or Vessel respectively; and no Ship or Vessel which is by this Act made subject to and chargeable with the said Rates of Pilotage, shall be permitted to clear at the Custom House at *Neath* aforesaid, until the said Duty shall have been paid, and a Certificate thereof, under the Hand of the Clerk or such other Person as the said Commissioners shall appoint as Receiver thereof, or a Receipt for the same shall be produced and left in the Custom House, and which shall be then filed, and which File shall be delivered to the said Commissioners, and the said Officers and others interested therein, as often as they shall require, and in Default thereof, a Sum not exceeding Twenty Pounds shall be forfeited and paid by the Officer or Officers of the Customs clearing such Ship or Vessel without the aforesaid Proof of Payment, and to be recovered, with Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Great Sessions for the County of *Glamorgan*, or in any other Court of Record within the same, in which no Protection, Wager of Law, or more than One Imparlance shall be allowed, and in the Trial whereof any Inhabitant of the said Town of *Neath* (not otherwise disqualified or disabled by Law) shall be admitted to give Evidence, and be deemed a competent Witness, which Penalty shall be applied for the Purposes of this Act; and in case any Master or Commander of any Ship or Vessel in the Coasting Trade, not exceeding Twenty Tons, or the Consignee or Receiver of the Cargo of any Ship or Vessel carrying Limestone or Manure exceeding the Burthen of Thirty Tons as aforesaid, shall not pay such Duty of One Farthing *per* Ton, within Three Days after Demand thereof, the same shall or may be levied and recovered in like Manner, and by the like Ways and Means as the said Rates of Pilotage, Hobling, and Portage, are by this Act authorized or directed to be levied and recovered.

Application of
the Tonnage
Duty.

XXVIII. And be it further enacted, That the Money arising by the said Tonnage Duties shall from Time to Time be applied, in the First Place, in paying such Salaries or other Allowances, as the said Commissioners shall judge reasonable, to their Clerk, and to the Collector or Collectors of the said Tonnage Duties, for their Trouble respectively in keeping the Accounts, and collecting and receiving, and otherwise relating to the said Tonnage Duties, and also all other Charges, Demands, and Expences which the said Commissioners shall think reasonable on Account of the said

said Tonnage Duties, Buoys, and Removal of Obstructions in the said Port or Harbour and River; and after Payment thereof, the Remainder of the Money arising by the Tonnage Duties, shall be applied in paying and defraying the Charges and Expences of obtaining and passing this Act, according to the Account so to be settled and signed as aforesaid, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, to such Persons as shall have advanced any Money towards such Charges and Expences, for the Money so advanced from the respective Times of advancing the same.

XXIX. And be it further enacted, That, from and after the said Charges and Expences of obtaining and passing this Act, with such Interest as aforesaid, shall have been fully paid and discharged by virtue hereof, (or before, if the Persons who shall have advanced such Monies for the Purpose last aforesaid shall consent thereto), and the said Charges and Expences on Account of the said Buoys, and Removal of Obstructions from Time to Time, shall in the first Instance be paid and discharged; and in order to enable the said Commissioners to reward meritorious River Pilots, Hoblers, and Porters, and to encourage them to perform their respective Duties attentively and faithfully, the said Commissioners are hereby authorized and empowered to apply annually, on every the first *Wednesday* in *August* in every Year, in Premiums, Rewards, or otherwise to such Pilots, Hoblers, and Porters, as shall be by such Commissioners deemed, on Account of their attentive and faithful Services, particularly deserving, such and so much of the Residue of the Money arising from the said Duties, and in such Manner, Ways, and Means, as the said Commissioners shall deem proper.

Rewards to
meritorious
Pilots, &c.

XXX. Provided also; and be it further enacted, That, from and after the said Charges and Expences of obtaining and passing this Act, with such Interest as aforesaid, shall have been fully paid and satisfied, in case it shall appear that less Duties than are hereby imposed shall be sufficient for and adequate to the other Purposes of this Act, it shall be lawful for the said Commissioners, after due Notice as usually given of such their Intention, to reduce or lessen the said Duties to such Payments as they shall think sufficient for the Purposes herein mentioned; any Thing in this Act contained to the contrary notwithstanding.

Power to
lessen Duties.

XXXI. And whereas it would greatly tend to the Safety of Ships and Vessels sailing or trading from and to the said Port or Harbour and River of *Neath*, that the making, keeping in Repair, and Management of the Buoys placed or to be placed upon the said Bar of *Neath*, and the Removal of Obstructions in the said Port or Harbour and River of *Neath*, should be vested in the said Commissioners, be it therefore enacted, That it shall be lawful for the said Commissioners, or such Person as they shall appoint, and they and he are and is hereby authorized and empowered from Time to Time, as Occasion may require, to make and keep in Repair, set down and remove, or otherwise direct and manage the present, and such or any other Buoys upon the said Bar, or on any Parts thereof, or near the same, and remove all or any Obstructions in the said Port or Harbour and River, as they may from Time to Time think necessary for the Safety, Guidance, and Direction of Ships and Vessels sailing or trading from or to the said Port or Harbour and River.

Commission-
ers to have
the Manage-
ment of
Buoys, &c.

Power to direct the mooring, &c.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, or such Person as they shall appoint, and they and he are and is hereby authorized and empowered, from Time to Time, to order and require any Person having the Command or Rule of any Ship or Vessel entering into or lying within the said Port or Harbour and River of *Neath*, or any Person who may be on board having the Care of such Ship or Vessel, to lie and moor at or in such proper Place or Places as the said Commissioners, or such Person as they shall appoint, shall assign or direct for such Purpose; and in case such Person or Persons who may have the Rule or Command over such Ship or Vessel, or any Person or Persons on board the same having the Care thereof, shall neglect or refuse to moor the said Ship or Vessel as aforesaid, or in case there shall not be any Person on board of such Ship or Vessel, the said Commissioners, or such Person so to be appointed by the said Commissioners, may cause every such Ship or Vessel to slack down, and to be unmoored, removed, and moored in such Birth as they or he may think proper, and the Expence of such Removal shall be paid by such Commander, Ruler, or Person having the Care of such Ship or Vessel as aforesaid, and to be recovered as aforesaid by the Distress of the said Ship or Vessel, her Furniture, Tackle, and Apparel; and the Master or Commander, Ruler, or Person having the Care thereof, shall also forfeit and pay any Sum not exceeding Five Pounds.

but not to hinder the mooring of Ships near the Place of loading or unloading.

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners, or such Person as shall be appointed by them, to prevent or hinder any Ship or Vessel from proceeding to, and lying and mooring at or as near as reasonably may be to any Wharf or Bank where such Ship or Vessel intends to discharge her Ballast, or to load or unload her Cargo, or any Part thereof; any Thing herein contained to the contrary notwithstanding.

Accounts to be kept of the Receipts and Payments in respect of the Tonnage Duties.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a distinct and separate Account to be kept of all Money arising from Time to Time by the said Tonnage Duties, and also of all Payments and Disbursements which shall be made by them on Account thereof or relating thereto as aforesaid, and also of all Sums which shall from Time to Time be applied towards paying and defraying the Charges and Expences of obtaining and passing this Act as aforesaid, and which Accounts shall at all reasonable Times be open to the Inspection of all Persons interested, upon Payment of One Shilling for every such Inspection, and any such Person shall be at Liberty to take a Copy of or Extract from either of the said Accounts, upon Payment to the Clerk of One Shilling and Sixpence for the same; and in case any such Clerk or other Person having the Custody of such Accounts, shall refuse such Inspection, or shall refuse any Person to take a Copy or Extract from either of the said Accounts, at convenient Hours of Business, he shall forfeit and pay any Sum not exceeding Twenty Pounds.

Rights of the Trinity House preserved.

XXXV. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to the taking away, abridging, or defeating, impeaching or interrupting any of the Jurisdictions, Powers, Authorities, or Immunities, granted, given, and allowed by any Act of Parliament, Grant, or Charter, to the Master, Wardens, and

and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity, and of *Saint Clement*, in the Parish of *Deptford Strond*, in the County of *Kent*.

XXXVI. Provided also, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to take away, alter, abridge, lessen, interrupt, or affect the Rights, Powers, Privileges, Jurisdictions or Property of the Right Honourable *George Venables Lord Vernon*, his Heirs or Assigns, in the ancient Ferry or Passage over the said River of *Neath* at *Britonferry*, or any customary or other Tolls and Payments arising to him or them in respect thereof, but that the same shall continue strictly to him and them as if this Act had not been passed.

Rights of
Lord *Vernon*
preserved.

XXXVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect, prejudice, alter, diminish, abridge, or take away any Royalties, Rights, Property, Duties, Tolls, Payments, Powers, Authorities, Jurisdictions, Privileges, Liberties, and Franchises whatsoever, of and belonging to his Grace the Duke of *Beaufort*, Knight of the Most Noble Order of the Garter, his Heirs, Assigns, or Successors, in the Seignories of *Gower* and *Cilvay*, and of the Manors thereon dependant, as Lord or Lords thereof, and otherwise, or of any future Lords or Ladies thereof, or as Admiral and Admirals of the Seas, Bays, Havens, Creeks, Ports, Waters, and Rivers, within, bordering on, or surrounding the same, or of his or their Officer or Officers in their respective Duties within the same, in any of his and their Rights, Property, Privileges, and Authorities therein, but that the same shall remain to him and them entire, wholly and altogether, as if this Act had not been passed; any Thing herein to the contrary notwithstanding.

Rights of
the Duke of
Beaufort
preserved.

XXXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter, abridge, diminish, or take away the Rights of the Portreeve, Aldermen, and Burgesses of the said Town and Borough of *Neath*, which they have or claim to be entitled unto before the passing of this Act; or to alter, abridge, diminish, or take away the Rights, Titles, Estates, Jurisdictions, and Authorities whatsoever, which any other Person or Persons, Body Politick or Corporate, had and enjoyed before the passing of this Act, but nevertheless so that the Exercise and Enjoyment of the same do not infringe, intermeddle, or interfere with any of the Powers vested in the said Commissioners under and by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

Rights of the
Corporation
of *Neath*
preserved.

Rights of all
other Persons
preserved.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time or Times at their Meetings, to make, ordain, and establish such Orders, Rules, and Bye Laws, for the better Government and Regulation of the River Pilots, River Hoblers, and Porters, to be appointed and licensed as aforesaid; the Management, owning, manning, working, plying, navigating, building, and keeping in a proper State of Repair and Condition the Pilot Boats to be employed by such Pilots, and touching the Rates to be paid to such Pilots, Hoblers, and Porters, and in all other Matters relating to the due Execution of this Act, as shall from Time to Time appear necessary and proper; and also
from

Commission-
ers empower-
ed to make
Bye-Laws.

from Time to Time, as Occasion may require, to repeal, add to, amend, or alter such Rules, Orders, and Bye Laws, as to the said Commissioners shall seem meet and convenient; and to fix, appoint, and impose reasonable pecuniary Fines, Penalties, and Forfeitures, not exceeding Forty Shillings for any One Offence, for the Non-observance, Non-performance, or other Breach of all or any of such Rules, Orders, or Bye Laws; and the said Commissioners shall cause the said Rules, Orders, and Bye Laws, with the Rates of Pilotage, Hobling, and Portage, and a List of the said River Pilots, River Hobblers, and Porters, to be from Time to Time printed, distributed, and rendered as conspicuous as may be.

But not repugnant to the Laws of the Realm.

XL. Provided always, That the said Orders, Rules, and Bye Laws, or any of them, shall not be contrary or repugnant to the Laws, Statutes, or Customs of the Realm of *Great Britain*, nor prejudicial nor derogatory to any Right, Authority, or Jurisdiction belonging to the Office of the Lord High Admiral of *Great Britain*, or to the Powers, Provisions, or Authorities in this Act made, given, or created.

Not to be rescinded unless Notice be given for that Purpose.

XLI. Provided also, and be it further enacted, That no Order, Rule, or Bye Law, made by the said Commissioners, shall be rescinded, altered, or repealed; unless Fourteen Days previous Notice of such intended Rescinding, Alteration, or Repeal, shall be fixed in Writing, under the Hand of the Clerk to the said Commissioners, upon some conspicuous Part of the Guildhall, Custom House, and Market Place within the said Town of *Neath*, nor unless Nine Commissioners shall be present and consenting thereto.

Two Justices of the Peace to hear and determine Offences.

XLII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Glamorgan*, (such Justices not having acted as Commissioners under this Act, in any Transaction relative to the Cause of Complaint or Matter in Dispute), to hear and determine any Offence against this Act, or against any Rule, Order, or Bye Law made by the said Commissioners in pursuance thereof; and such Justices of the Peace are hereby authorized and required, upon Information exhibited or Complaint made in that Behalf, to summon the Party accused, and also the Witness or Witnesses on each Side, 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 by the Oath or Oaths of One or more credible Witness or Witnesses, or by the solemn Affirmation or Affirmations of such Witness or Witnesses, in case he, she, or they be of the People called *Quakers*, (all which Oaths and Affirmations such Justices are hereby empowered and required to administer), to give Judgement or Sentence for the Fine, Penalty, or Forfeiture, according as in and by this Act is directed, or as shall be directed in and by any such Rule, Order, or Bye Law, to be made as aforesaid, and to award reasonable Costs to be paid by the Offender, and to issue their Warrant under their Hands and Seals for levying such Fine, Penalty, or Forfeiture, and Costs, so adjudged and awarded, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to the Owner of such Goods and Chattels, on Demand; and in case sufficient Goods and Chattels of such Offender cannot be found within the said County to answer and pay such Fine, Penalty, or Forfeiture, and Costs as aforesaid, and the same shall not be paid, it shall be lawful for
such

such Justices of the Peace, and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to the House of Correction for the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, as the said Justices, so committing such Offender, shall judge proper and direct, unless such Fine, Penalty, or Forfeiture, and all reasonable Costs and Charges, shall be sooner paid and satisfied; which said Fines, Penalties, and Forfeitures, so adjudged and paid, or levied as aforesaid, and all other Fines, Penalties, and Forfeitures by this Act imposed or inflicted, shall be paid into the Hands of the Treasurer or Clerk to the said Commissioners, and shall be applied and disposed of to and for the Purposes of this Act.

XLIII. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any such Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, or if any Person shall be summoned as a Witness to give Evidence at any General Quarter Sessions of the Peace for the said County of *Glamorgan*, upon any Appeal by virtue of this Act, and any such Person shall refuse or neglect to appear at the Time and Place to be for that Purpose mentioned in such Summons, without a reasonable Excuse for such his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, or (in case of being a *Quaker*), on solemn Affirmation, and to give Evidence before such Justices of the Peace or at such Sessions, then and in either of the said Cases, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds.

For compelling the Attendance of Witnesses.

XLIV. And be it further enacted, That if any Person shall think himself aggrieved by, or dissatisfied with, the Conviction or Judgement of the said Justices, by reason of any Sentence, Judgement, or Decree given, pronounced, made, and recorded by them in pursuance of this Act, then such Person shall and may, within Four Calendar Months after the Cause of Complaint shall have arisen, but not later, complain or appeal to the Justices of the Peace at their Quarter Sessions to be held for the said County, such Party first giving or causing to be given, Fourteen Days Notice at the least in Writing of his Intention to bring such Appeal, and of the Matter thereof, to the Justices of the Peace before whom such Person 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 for the said County, with Two sufficient Sureties conditioned to try such Appeal, and to abide such Order as shall be made, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions are hereby empowered to summon and examine Witnesses upon Oath or Affirmation, and to hear and determine the Matter of such Complaint or Appeal, and to award such Costs to the Party appealing or appealed against as they shall think proper, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owners of such Goods and Chattels, upon Demand; and in case sufficient Goods and Chattels of such Person cannot be found within the said County, to answer and pay such Costs as

Persons aggrieved may appeal to the Quarter Sessions.

aforesaid, and the same shall not be paid, it shall be lawful for such Justices of the Peace, and they are hereby required, by Warrant under their Hands and Seals, to commit such Person to the House of Correction of the said County, there to remain without Bail or Mainprize; for any Time not exceeding Two Calendar Months, as the Justices to committing such Person shall think proper and direct; which Order and Determination shall be final, conclusive, and binding unto all Parties, and shall not be removed or removeable by any Writ of *Certiorari* or otherwise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Proceedings to be within Six Months.

XLV. Provided always, and be it further enacted, That no Person shall be subject or liable to the Payment of any Penalty or Forfeiture inflicted by virtue of this Act, for any Offence against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, unless some Proceeding shall be had according to the Directions of this Act, respecting the Recovery of such Penalty or Forfeiture, within Six Calendar Months next after the Offence committed.

XLVI. And, for the more easy Conviction of such Offenders as aforesaid, be it further enacted, That the Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, or against any Rule, Order, or Bye Law to be made in pursuance thereof, shall and may cause the Conviction to be drawn up in the following Words, or in any other Words to the same Effect; *videlicet*,

Form of Conviction.

County of *Glamorgan*, to wit. } **B**E it remembered, That on the _____ Day of _____ in the Year of our Lord _____ *A. B.* is convicted before us _____ Two of His Majesty's Justices of the Peace for the County of *Glamorgan*, by virtue of an Act, passed in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled, [*here set forth the Title of this Act*] of _____ [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*]; for which Offence we adjudge the said *A. B.* to have forfeited the Sum of _____ Given under our Hands and Seals, the Day and Year first above written.

Distress not to be deemed unlawful for Want of Form.

XLVII. And be it further enacted, That when 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, *ab initio*, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating 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 or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other Proceeding, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action

Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall deem fit, whereupon such Proceedings, or Orders and Judgements, shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

XLVIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or against any Rule, Order, or Bye-Law to be made in pursuance thereof, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, or of any such Rule, Order, or Bye-Law shall be made void or quashed for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

XLIX. And be it further enacted, That no Action or Suit shall be commenced against any of the Commissioners, or against any other Person or Persons acting under them, for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof in Writing shall have been first given to the Treasurer or Clerk to the said Commissioners, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of, and for commencing such Action or Suit, nor at any Time whatsoever after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Suit shall be so brought; and every such Action or Suit to be so brought shall be laid in the said County of *Glamorgan*, and not elsewhere; and that the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon; and also give in Evidence that the Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before the Expiration of Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not have been commenced within the Time before appointed for that Purpose, or shall be laid in any other Place than the County of *Glamorgan* aforesaid, then the Jury shall find for such Defendant or Defendants; in which Case, and also in case the Plaintiff or Plaintiffs in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action or Suit or Information, or if upon any Demurrer in any such Action or Suit Judgement shall be given for such Defendant or Defendants therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have and be entitled to Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

Limitation of
Actions.

Treble Costs.

L. And be it further enacted, That it shall and may be lawful to and for the Commissioners appointed under the Authority of this Act, to sue and be sued in the Name of their Treasurer or Clerk, and no Suit shall abate by reason of the Death or Removal of any such Treasurer or Clerk; and all Actions herein-before directed to be brought in any of

Commission-
ers to sue and
be sued in the
Name of their
Treasurer or
Clerk.

His

His Majesty's Courts of Record, for the recovering of any Fine, Penalty, or Forfeiture incurred, shall and may be brought in the Name of such Treasurer or Clerk: Provided always, That every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1800.