



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. 4.

An Act for continuing for a further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term of Two Acts, one made in the Twelfth, and the other in the Twenty-fifth Year of the Reign of His present Majesty, for clearing, depthening, repairing, maintaining, and improving, the Haven and Piers of *Great Yarmouth*; and for depthening and making more navigable the several Rivers emptying themselves into the said Haven; and preserving Ships wintering therein from Accidents by Fire; and also for building a New Bridge over the Haven of

[*Loc. & Per.*]

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Great

Great Yarmouth; and for altering and enlarging the Powers thereof, so far as the same relate to the said Haven and Piers. [25th March 1800.]

Preamble.
22 Geo. III,
Cap. 14, and

25 Geo. III,
Cap. 36, re-
cited.

WHEREAS by an Act, made in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act for clearing, depthening, repairing, maintaining, and improving, the Haven and Piers of Great Yarmouth; and for depthening and making more navigable the several Rivers emptying themselves into the said Haven; and for preserving Ships wintering therein from Accidents by Fire*, certain Duties were granted and made payable on all Coals, Wheat, Rye, Barley, Malt, and other Grain, Salt, and other Goods and Merchandize (except Fish), which should be unladen in or imported into the said Haven, or that Part of the Sea called *Yarmouth Road*, for defraying the Expence of carrying the several Purposes of the said Act into Execution, for and during the Term of the said Act: And whereas by one other Act, made in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for building a new Bridge over the Haven of Great Yarmouth; and for enlarging the Term and altering some of the Powers of an Act of the Twelfth Year of His present Majesty, for clearing, depthening, repairing, maintaining, and improving, the Haven and Piers of Great Yarmouth; and for depthening and making more navigable the several Rivers emptying themselves into the said Haven, and for preserving Ships wintering therein from Accidents by Fire*, Provision was made for applying Part of the Duties granted by the said Act of the Twelfth Year of the Reign of His present Majesty, for the Purpose of building, supporting, maintaining, and repairing the said Bridge, and the publick Quays belonging to the said Borough, and in defraying all other Expences for carrying the said recited Acts into Execution, so far as relates to the said Bridge and publick Quays, until the whole Expence of building the said Bridge, and the Money borrowed, together with the Interest thereof, should be fully paid and discharged: And whereas notwithstanding the said several Duties have been duly applied, pursuant to the Directions of the said Acts, the Piers of the said Haven of *Great Yarmouth*, and the Jettee, are in a ruinous, and dangerous State, and in Want of great and considerable Reparations, and it is absolutely necessary that the Haven should be cleared and depthened: And whereas the several Duties of Four-pence and Two-pence, authorized by the said recited Act of the Twelfth Year of the Reign of His present Majesty, to be collected for the Purpose of clearing and depthening the said Haven, and maintaining and keeping in Repair the Piers and Jettee, and the Capsterns, Cables, and Ropes thereunto belonging, have been found inadequate for those Purposes, and unless the Term of the said recited Acts is further continued, and the Powers and Provisions thereof altered and enlarged; the said Haven, together with the said Piers and Jettee, will be totally destroyed: 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 the said recited Acts, and all and every the Tolls or Duties,

Former Acts
continued.

ties, Clauses, Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters, and Things whatsoever therein contained, (save and except such Parts of the same as relate to Exemptions from Stamp Duties, and such as are varied, altered, or repealed), shall be, and are hereby declared to be in full Force and Effect for the Term herein-after mentioned, in as full, ample, and beneficial Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act; which Term hereby granted shall and is hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts, or either of them, or which shall and may hereafter be borrowed and become due on the Credit of the said recited Acts, and of this present Act, or any of them, and all Interest due, and to become due, for the same respectively.

II. And be it further enacted, That there shall be paid (over and above all other Duties now due and payable by virtue of the said Acts, or either of them) by every Master, or other Person or Persons having the Rule and Command of any Ship or Vessel which shall unlade within the said Haven of *Great Yarmouth*, or in that Part of the Sea called *Yarmouth Road*, near adjoining to the said Borough, extending from the South Part of the Town of *Scratby*, in the County of *Norfolk*, to the North Part of the Town of *Corton*, in the County of *Suffolk*, at the Time of unloading such Ship or Vessel, the several and respective Duties hereafter mentioned; (that is to say), for every Chaldron of Coals, *Winchester Measure*, Last of Wheat, Rye, Barley, Malt, or other Grain, and for every Weigh of Salt, and every Ton of all other Goods or Merchandize whatsoever, (Fish only excepted), which shall be unladen in or imported into the said Haven or Road, the Sum of Sixpence, and such Money, when collected, shall, together with the Money arising from the present Duties of Four-pence and Two-pence, appropriated for clearing and deepthning the Haven, and maintaining and keeping in Repair the Piers and Jettee, and the Capsterns, Cables, and Ropes thereto belonging, be applied and disposed of for the Purpose of putting the said Piers and Jettee into good and substantial Repair, and of maintaining, supporting, and repairing the same, and the Capsterns, Cables, and Ropes thereunto belonging, and in clearing and deepthning the said Haven, in such Manner as the Commissioners for executing the said Acts, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), present at and constituting a Meeting, shall, from Time to Time, at their annual, or at any other Meeting or Meetings in *Great Yarmouth*, order and direct.

Additional Duties.

III. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), at their First or any other Meeting, either Annual, Special, or by Adjournment, at *Great Yarmouth* aforesaid, to order and direct such Works to be undertaken as they shall judge necessary and expedient for repairing, renewing, or improving the said Haven, Piers, and Jettee, or any Part

Commissioners to contract for Works.

Part or Parts thereof; and it shall and may be lawful to and for the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), to contract with any Engineer or Engineers, or with any other Person or Persons, for the Execution of the said Works, or any Part or Parts thereof; and also to contract with any Person or Persons for Timber, Stone, and other Materials to be used in carrying on the said Works, or any Part or Parts thereof; such Contracts to be made for such Time, and under such Conditions, Limitations, and Restrictions, as the said Commissioners, assembled as aforesaid, shall think meet and proper; and the said Commissioners also shall and may, at such their Meetings, from Time to Time renew their Contracts, or make any new Contracts for the Purposes aforesaid, with such Person or Persons, and in such Manner, and for such Time, as they the said Commissioners, assembled as aforesaid, shall think meet and proper.

Actions to be
in the Name
of the Clerk.

IV. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk for the Time being, and that no Action or Suit that may be brought or commenced by or against the said Commissioners, or any of them, by virtue or on account of this Act, or of the said recited Acts, or either of them, in the Name of their Clerk, shall abate or be discontinued by the Death, Removal, or Act of such Clerk, without the Consent of the said Commissioners, but the Clerk to the said Commissioners shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, That every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, or of the said recited Acts, or either of them, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, or of the said recited Acts, or either of them, 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.

Duties vested
in the Com-
missioners.

Collectors to
pay Money
received.

V. And be it further enacted, by the Authority aforesaid, That the said respective Duties shall be, and they are hereby vested in the said Commissioners for the Time being, and may be demanded, taken, levied, and recovered, in the same Manner as the respective Duties granted by the said recited Acts, or either of them; and the said respective Duties, and each and every Part thereof, when collected and received, shall (together with the Money arising, or to arise, from the Duties of Four-pence and Two-pence, granted by the said recited Acts, or One of them, for clearing and deepening the said Haven, and maintaining and keeping in Repair the said Piers and Jettee, and the Capsterns, Cables, and Ropes thereunto belonging) be paid by the Chamberlains of the Borough of *Great Yarmouth*, or by such other Person or Persons as shall be nominated or appointed by the Mayor, Aldermen, Burgessees, and Commonalty of the said Borough to collect and receive the same; to such Person or Persons, and at such Times and Places, and in such Proportions, as the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), shall by Writing under their Hands, from Time to Time, direct and appoint to receive

ceive the same; and the same shall be laid out and employed in carrying on, finishing, and completing the said Works, and every Part and Parts thereof.

VI. And for the more speedy raising of Money to defray the Charges and Expences of the Repairs of the said Haven, Piers, and Jettee, be it further enacted, That it shall and may be lawful to and for the Mayor, Aldermen, Burgeses, and Commonalty of the said Borough of *Great Yarmouth*, to borrow and take up at Interest, from Time to Time as Occasion may require, such Sum or Sums of Money as the said Commissioners, or any Seven or more of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), shall think necessary and expedient, not exceeding in the Whole the Sum of Twenty-five thousand Pounds; and for securing the Re-payment of the Money so to be borrowed, with the Interest thereof, it shall and may be lawful to and for the said Mayor, Aldermen, Burgeses, and Commonalty, in Common Council assembled, by any Writing or Writings duly executed under their Common Seal, to mortgage or assign over the several Duties or Sums of Money appropriated or allotted by the said recited Acts, and this Act, for the Support and Maintenance of the said Haven, Piers, and Jettee, to the several Persons who shall advance and lend such Money, in such and the like Manner as they are, by the said recited Acts, or either of them, empowered to mortgage or assign over the Duties thereby granted for securing any Money by them borrowed on the Credit thereof; and all such Mortgages may be transferred in Manner prescribed by the said recited Acts, or One of them.

For borrow-
ing Money.

VII. And be it further enacted, That all Accounts relative to the said additional Duty of Sixpence imposed by this Act, shall, in each and every Year, be produced to and laid before the said Commissioners, at their annual Meeting on the Second *Tuesday* in *June*; and the Monies to be borrowed shall be paid off and discharged from Time to Time as the said Commissioners shall, at their said annual Meetings, direct, when and as often as there shall remain any Sum of Money, or Overplus, after the Interest of the Money so borrowed shall have been paid, and the Costs, Charges, and Expences of carrying the several Purposes of this Act into Execution defrayed and discharged.

Additional
Duty to be
accounted for
annually.

VIII. Provided always, and be it enacted, That no Sum or Sums of Money, so lent and advanced on Mortgage, shall be paid off and discharged; (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money), unless Six Calendar Months previous Notice, signed by the Clerk to the said Commissioners, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same.

Notice to be
given of pay-
ing off Money.

IX. And be it further enacted, That when it shall appear to the said Commissioners, or any Seven of them, (Five being Commissioners

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for

Additional
Duty when to
cease.

for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), that the said Piers and Jettee are put into good and substantial Repair, the Haven sufficiently cleared and deepened, and the Monies borrowed on the Credit of this Act paid off and satisfied; then and in such Case it shall and may be lawful to and for the said Commissioners to order and direct that the said additional Duty of Sixpence shall cease and determine, and be no longer demanded, taken, levied, or collected.

Regulations
for mooring
Ships.

X. And be it further enacted, That it shall and may be lawful to and for the Pier Master of the said Borough for the Time being, to give such Orders and Directions as to him shall seem meet, for the birthing or mooring of any Barges, Ships, or other Vessels at the Mouth of the said Haven and Brush, or any Part or Parts thereof, and from Time to Time to remove or cause to be removed any Barge, Ship, or other Vessel, at the Charges and Expences of the Owner or Owners, or Master or Masters thereof, from any Part or Parts of the Mouth of such Haven and Brush, to any other Part or Parts thereof; and all Masters, Owners, or other Person or Persons having the Rule or Command of any such Barge, Ship, or other Vessel, shall, in case they shall refuse or neglect to comply with any such Orders or Directions, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Water Bailiff
to moor Ships
above the
Brush.

XI. And be it further enacted, That it shall and may be lawful to and for the Water Bailiff of the said Borough for the Time being, to give such Orders and Directions as to him shall seem meet for the birthing or mooring of any Barges, Ships, or other Vessels in the said Haven above the Brush, or any Part or Parts thereof, and from Time to Time to remove or cause to be removed any Barge, Ship, or other Vessel, at the Charges and Expences of the Owner or Owners, or Master or Masters thereof, from any Part or Parts of the said Haven above the Brush, to any other Part or Parts thereof; and all Masters, Owners, or other Person or Persons having the Rule or Command of any such Barge, Ship, or other Vessel, shall, in case they shall refuse or neglect to comply with any such Orders or Directions, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and it shall and may be lawful to and for the said Water Bailiff to have and receive for such his Trouble and Attendance, for each and every Ship or other Vessel going up the said Haven above the Brush, from the Sea, the Sum of One Shilling; and such Money shall be paid to such Person or Persons, at such Time and Place, and shall be levied and recovered by such Ways and Means, as the Duties imposed on any Ship or other Vessel by the said recited Acts, or either of them, or by this Act.

To prevent
the laying of
Ballast.

XII. And be it further enacted, That if any Person or Persons shall throw, empty, or lay any Ballast, Earth, Dust, Rubbish, Ashes, or Stones upon the Quays on the East Side of the said Harbour, between the South Gates of the said Borough and the Bridge, every Person so offending shall;
for

for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

XIII. And be it further enacted; That if any Person or Persons shall throw or empty any Ballast, Earth, Sand, Rubbish, or Stones into the said Haven, or shall lay any Ballast, Earth, Sand, Rubbish, or Stones on the West Side of the said Haven, within Ten Feet of the Quay Head or River Bank, for any Purpose whatsoever, (save and except for the Purpose of making or repairing any Quays or Banks, and during such Time only as such Quays or Banks shall be making or repairing), and shall suffer the same to lie there for the Space of Twenty-four Hours, every such Person and Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

To prevent
laying Ballast
on the West
Side of the
Haven.

XIV. And be it further enacted, That if any Person or Persons shall set, or place, or lay, or cause to be set, placed, or laid, on any Quay, Wharf, or Landing Place adjoining to the said Haven or Harbour, any Goods, Wares, Merchandize, or other Matter or Thing whatsoever, and shall suffer the same to remain and continue on such Quay, Wharf, or Landing Place for any Space of Time longer than Five Days, the Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and it shall and may be lawful to and for the said Water Bailiff, or other Person or Persons authorized and employed by the Mayor, Aldermen, Burgeses, and Commonalty of the said Borough, to seize all such Goods, Wares, Merchandize, or other Matter or Thing whatsoever, and to remove, or cause the same to be removed, to such Place or Places as he or they shall judge convenient and proper, giving immediate Notice to the Owner or Owners, or other Person or Persons interested in such Goods, Wares, Merchandize, or other Matter or Thing whatsoever, of the Seizure of the same, and of the Place or Places to which the same shall be removed; and the same shall be detained and kept until such Owner or Owners, or other Person or Persons interested as aforesaid, shall pay or cause to be paid the said Penalty, together with the Costs and Charges of removing and detaining the same; and in case the said Goods, Wares, Merchandize, or other Matter or Thing whatsoever so removed, shall not be claimed, and the said Penalty, Costs, and Charges paid within Five Days after such Removal, it shall and may be lawful to and for any Justice of the Peace for the said Borough to order, by Writing under his Hand and Seal, the same to be appraised and sold, and the Overplus of the Money arising by such Sale shall be returned to the Owner or Owners thereof, or other Person or Persons interested as aforesaid, after deducting the said Penalty, and the Costs and Charges attending such seizing, removing, keeping, appraising, and selling the same; such Costs and Charges to be ascertained and allowed by such Justice of the Peace.

For removing
Goods.

XV. And be it further enacted, That it shall and may be lawful to and for the Mayor, Aldermen, Burgeses, and Commonalty of the said Borough of *Great Yarmouth*, in Common Council assembled, at any Time

or

or Times hereafter, to make, ordain, and establish such Orders, Rules, Regulations, and Bye-Laws, for the better piloting, mooring, and removing of Ships and other Vessels coming into, going out of, or lying in the said Harbour, and also for the better regulating, governing, and managing the Piers, Quays, and Jettee, and the Goods, Wares, and Merchandize which shall or may from Time to Time be laid or landed thereon, and likewise from Time to Time, as Occasion may require, to repeal, add to, amend, or alter, all or any of such Orders, Rules, Regulations, and Bye-Laws, as to them shall seem most fitting and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds, for the Non-observance or other Breach of any such Rules, Orders, Regulations, or Bye-Laws, or any Part of them: Provided always, That such Orders, Rules, Regulations, and Bye Laws, or any Amendments or Alterations which may be made therein, shall be approved of by the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), so assembled at any of their Meetings to be held at *Great Yarmouth* aforesaid; and the said Mayor, Aldermen, Burgeses, and Commonalty shall cause the said Rules, Orders, Regulations, and Bye Laws, to be printed and distributed, and stuck up or placed upon the conspicuous Places in the said Town of *Great Yarmouth*, and the Harbour thereof, the Expences attending which shall from Time to Time be defrayed out of the Rates and Duties aforesaid; provided that such Rules, Orders, Regulations, or Bye Laws, be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in the said recited Acts, or in this Act contained, or to any of them.

Fines and
Forfeitures.

XVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by the said recited Acts, or either of them, or by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof, (the levying and Recovery whereof is or are not particularly herein-before directed), shall, in case of Non-payment thereof, on Conviction of the Offenders respectively, on his, her, or their Confession, or on the Evidence of any One or more credible Witness or Witnesses, before any Justice or Justices of the Peace for the Borough of *Great Yarmouth*, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice or Justices; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such Fines, Forfeitures, and Penalties, (the Application whereof is not herein-before particularly directed), shall be paid into the Hands of the Treasurer to the said Commissioners, and shall be applied and disposed of for the Maintenance and Support of the said Haven, Piers, and Jettee, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit every such Offender to the Common Gaol or House of Correction, there

there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said recited Acts, or either of them, or of this Act, the Distress itself shall not be deemed unlawful, nor shall 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, 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 committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Persons aggrieved by Irregularity in Distress to recover only the Special Damages.

XVIII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against the said recited Acts, or either of them, or against this Act, shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet*);

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before me, C. D. One of His Majesty's Justices of the Peace for the _____ of _____ [specifying the Offence, and the Time and Place when and where committed, as the Case may be], contrary to an Act of Parliament passed in the _____ Year of the Reign of King George the Third, intituled, [here set forth the Title of the Act.]
Given under my Hand and Seal the Day and Year first above mentioned.

Form of Conviction.

XIX. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing this Act, shall be paid and defrayed out of the First Money collected by or under the said recited Acts, or either of them, and appropriated for the Purposes of repairing the said Haven and Piers, and the Person and Persons having the Management and Expenditure thereof, shall, and he and they is and are hereby required to pay and defray such Charges and Expences accordingly; any Thing in the said recited Acts, or this Act, to the contrary hereof in anywise notwithstanding.

Charges and Expences of the Act.

XX. 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.

Publick Act.

[Loc. & Per.]

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XXI. And

Commence-
ment and
Continuance
of the Act.

XXI. And be it further enacted, That this Act shall commence and take place on the *Monday* Fortnight after the passing of this Act; and shall, together with so much of the said recited Acts as is not by this Act varied, altered, or repealed, continue and be in force for and during the Residue and Remainder of the Term granted by the said recited Acts; and from and after the Expiration thereof, then for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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