



ANNO QUADRAGESIMO PRIMO

# GEORGII III. REGIS.

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## *Cap. 86.*

An Act for extending and enlarging the Powers and increasing the Rates and Duties of the Corporation of the Trinity House of *Newcastle-upon-Tyne*, and for better regulating the Port of *Newcastle*.

[20th June 1801.]

**W**HEREAS the Master, Pilots, and Seamen, of the Trinity Preamble,  
House of *Newcastle-upon-Tyne*, in the County of *Newcastle-upon-Tyne*, have been for a long Series of Years a Corporation, and by long Usage and by virtue of divers Letters Patent granted to them by the Crown, have possessed, exercised, and enjoyed various Powers, Privileges, and Franchises, and particularly the Power of appointing and licensing Pilots for conducting Ships or Vessels up and down the River of *Tyne*, and into and out of the Port of *Newcastle*, and the Creeks and Members belonging thereto, and of erecting, placing, and maintaining Lights, Buoys, and Beacons, in the said Port and River; and have during all such Time, had, received, and taken divers Rates, Dues, and Duties, for and in Respect of the Charges and Expences attending the Use, Exercise, and Performance of such Powers, Franchises, and Privileges, whereby the Trade and Navigation of the said Port and River, and of the Creeks and Members belonging thereto, have been much  
[*Loc. & Per.*] 18 A promoted

promoted and increased: And whereas it would greatly tend to the further Increase of such Trade and Navigation, and to the Security of Ships and Vessels trading to the said Port, and the Creeks and Members thereof, if such Powers and Privileges were extended and enlarged, and if such Dues and Duties were reasonably increased, so as to enable the said Master, Pilots, and Seamen, so incorporated as aforesaid, fully and effectually to use and exercise the said Powers and Privileges, for the Benefit of the Trade and Navigation of the said Port, and of the Creeks and Members thereof: And whereas great Inconveniencies are experienced in the said Port and River, from the Want of Regulations as to the navigating and mooring Ships and other Vessels in the same, which might be avoided, if the Mayor and Burgeses of the Town and County of the Town of *Newcastle* aforesaid, who are Conservators of the said Port and River, were enabled to appoint Harbour Masters to regulate the navigating and mooring of Ships and other Vessels in the said Port and River: But inasmuch as these Objects cannot be obtained or effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from Time to Time, and at all Times hereafter, it shall and may be lawful to and for the said Master, Pilots, and Seamen, and they are hereby required to examine such Person or Persons as to them shall seem proper, to ascertain their Skill, Knowledge, and Experience, in navigating, piloting, and conducting Ships and other Vessels up and down the said River of *Tyne*, and into and out of the said Port of *Newcastle*, and into and out of the several Creeks and Members of and belonging to the said Port, and after such Examination made, and proper Satisfaction had, as to the Skill, Knowledge, and Experience of such Person or Persons, to license and authorize by Writing under their Common Seal, all or any of the said Persons so examined and found qualified as aforesaid, to act in the Capacity of Pilot or Pilots, for navigating, piloting, and conducting such Ships or Vessels as aforesaid, and which Pilot or Pilots so to be licensed as aforesaid, shall at all Times exclusively (where any Pilot shall be employed) have the navigating, conducting, and piloting of the said Ships or Vessels up and down the said River, and in and out of the said Port, and in and out of all the Creeks and Members of and belonging to the same.

The Corporation of the Trinity House are to license Pilots,

who are to have the exclusive Privilege of navigating Ships up and down the River *Tyne*.

If any other Person than a licensed Pilot shall navigate any Vessel he shall forfeit 20 l.

II. And be it further enacted, That if any Person shall at any Time hereafter, take upon himself the Charge of any Ship or Vessel, or otherwise act on board thereof as Pilot, in navigating, conducting, or piloting any Ship or Vessel in the said River, or into or out of the said Port, or into or out of any of the Members or Creeks belonging thereto, other than such Persons as shall be so licensed to act as Pilots by the said Master, Pilots, and Seamen for the Time being, under their Common Seal, every Person so offending, and being thereof lawfully convicted before any One or more of His Majesty's Justices of the Peace for the said Town of *Newcastle-upon-Tyne*, or for the Counties of *York*, *Durham*, or *Northumberland*, or any of them, within their respective Jurisdictions, in Manner herein-after directed, shall for every such Offence forfeit the Sum of Twenty Pounds.

III. And

III. And be it further enacted, That every such Pilot so to be licensed as aforesaid, shall, upon receiving his Licence under the Seal of the said Master, Seamen, and Pilots, pay to them or their Secretary for the Time being, for their Use, the Sum of Forty Shillings for such his Licence; and that all and every the Pilot and Pilots already licensed or appointed, or hereafter to be licensed by the said Master, Pilots, and Seamen, shall from Time to Time, and at all Times hereafter, in all Things that any Ways relates to the Office or Duty of a Pilot, be subject to the Regulation, Controul, and Government of the said Master, Pilots, and Seamen.

Pilots to pay  
40 s. for their  
Licence.

IV. And be it further enacted, That in Case any such Pilot or Pilots shall refuse or neglect to take the Charge or Conduct of any of His Majesty's Ship or Ships, when appointed thereto by the said Master, Pilots, and Seamen, or shall quit or leave any Ships or Vessels of which he or they shall have the Conduct, as Pilot or Pilots, before the same shall be properly moored in their respective Stations, or safely out at Sea, as the Case or Duty may require, without Permission from the Owner or Owners, or Master of such Ship or Vessel, or if such Pilot or Pilots shall misbehave himself or themselves, in the Conduct of any Ship or Ships, or in the Execution of any other Part of a Pilot's Duty, or if such Pilot or Pilots shall refuse or neglect to attend the said Master, Pilots, or Seamen, when duly summoned for that Purpose, or to obey and fulfil the Orders or Regulations of the said Master, Pilots, and Seamen, every such Pilot so offending, and after due Examination declared to be guilty of any such Offence, shall forfeit and pay to the said Master, Seamen, and Pilots, any Sum not exceeding Forty Shillings for every such Offence, at the Discretion of the said Master, Seamen, and Pilots, and shall also forfeit and lose all Fees and other Dues which shall then happen to be due to him for Pilotage, and shall be utterly disabled and incapacitated from acting as a Pilot in the said Port, or the Creeks or Members thereof, until such Penalty or Penalties shall be fully paid; and also on any such Case so happening, the said Master, Pilots, and Seamen are hereby authorized and empowered, if they shall think fit, to recal the Licence or Warrant granted to such Pilot or Pilots so offending, and to declare the same to be thenceforth null and void, and if any Person or Persons, from whom such Licence or Warrant shall have been so recalled as aforesaid, shall after Notice of such Recal, act as a Pilot within the Limits aforesaid, he or they shall be subject to all the Penalties inflicted under and by virtue of this Act on Persons acting as Pilots, in the same Manner, to all Intents and Purposes, as if no such Warrant or Licence had ever been granted.

Pilots misbe-  
having, to  
forfeit 40 s.  
and their  
Fees;

and their  
Licences may  
be with-  
drawn.

V. And be it further enacted, That it shall and may be lawful to and for the said Master, Pilots, and Seamen, from Time to Time, to make such Bye-laws, Rules, Orders, and Regulations, for the better regulating, governing, and controlling all and every the said Pilots so to be licensed as aforesaid, and for the better ordering and managing the several Matters and Things by this Act authorized and directed to be made and done, as they shall deem necessary and expedient, so as the same respectively be not contrary to nor inconsistent with the Provisions of this Act, or any other Law now in force; and also from Time to Time, as they shall see Occasion to annul, add to, and alter such Bye-laws, Rules, Orders,

Corporation  
of Trinity  
House may  
make Bye-  
laws, &c.

and impose Penalties for Breach of them.

Orders, and Regulations, or any of them, in such Manner as to them the said Master, Pilots, and Seamen shall seem meet or requisite; and to fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings for the Non-observance, Non-performance, or other Breach of such Bye-laws, Rules, Orders, and Regulations, or any of them, all which Penalties shall be recovered and applied in Manner herein-after directed; all which Bye-laws, Rules, Orders, and Regulations shall be printed for the better Publication thereof.

Foreign Ships obliged to employ Pilots; *British* Ships to employ them or not as they think proper.

VI. And be it further enacted, That the Owners or Masters of any Foreign Ships or Vessels resorting to, or coming into or departing from the said Port of *Newcastle*, or any of the Creeks or Members belonging thereto, shall and they are hereby obliged and required respectively to receive, take on board, and employ in the piloting and conducting such their Ships or Vessels, such Pilots to be licensed as aforesaid; and in case of their Neglect or Refusal to receive and employ such Pilots as aforesaid, they shall severally nevertheless answer and pay to the said Master, Pilots, and Seamen, the aforesaid Pilotage Duties, and the same shall be recoverable in the same Manner as if such Pilots had been actually received and employed: Provided always, That nothing in this Act contained shall extend or be construed to extend to oblige or compel the Owners or Masters of any *British* Ships or other Vessels, to employ or make use of any Pilot or Pilots in piloting or conducting such Ships or Vessels if they shall not respectively be a minded or desirous so to do.

Corporation authorized to take certain Rates for Pilotage.

VII. And be it further enacted, That in Consideration of the Security and Advantage which will result to the Owners of Ships and Vessels resorting to the said Port of *Newcastle*, and to the Creeks and Members belonging thereto, from the Pilotage of such Ships or Vessels by skilful and experienced Pilots, it shall and may be lawful to and for the said Master, Pilots, and Seamen, or to and for such Pilots to be licensed by them respectively as aforesaid, from and after the passing of this Act to ask, demand, take, and receive of and from the Owner or Owners, or the Master or other Person having the Command of every Ship or Vessel resorting to and using the said Port of *Newcastle*, or any of the Creeks or Members belonging thereto, for piloting and conducting any such Ship or Ships into or out of the said Port, or into or out of any of the Creeks or Members belonging thereto, or up or down the River of *Tyne*, in lieu of the Rates heretofore paid in Respect thereof, the Rates of Pilotage herein-after mentioned; (that is to say),

For every *British* Ship or other Vessel piloted and conducted into or out of the said Port, or into or out of any of the Creeks or Members thereof, between the First Day of *April* and the First Day of *October*, at and after the Rate of One Shilling and Three-pence for every Foot of Water which such Ship or Vessel shall draw, and for every such Ship or Vessel so piloted and conducted, between the First Day of *October* and the First Day of *April*, at and after the Rate of One Shilling and Sixpence for each such Foot; and for every such Ship or other Vessel at any Time of the Year piloted and conducted up or down the River of *Tyne*, between the Town of *North Shields* or *South Shields* and any Part of the said River above the *Bill Point*, One Shilling and Sixpence for every Foot of Water which such Ship or Vessel shall draw; and for every such Ship or Vessel, so piloted

and conducted up or down any Part of the said River below the *Bill Point*, One Shilling for every such Foot :

And for every Foreign Ship or other Vessel piloted and conducted as aforesaid, the several respective Rates aforesaid, and over and above the same Sixpence for every Foot of Water which every such Foreign Ship or Vessel shall draw ; and for every such Foreign Ship or Vessel, having Lee-boards, Five Shillings, over and above the said Rates :

Which several Rates of Pilotage shall be paid and payable to the said Master, Pilots, and Seamen, or to the Pilot or Pilots respectively performing such Pilotage, within Five Days after such Pilotage Duty shall have been performed, in Respect of which such Rates have become payable.

VIII. And, in Consideration of the Great Charge and Expence of supporting, maintaining, and keeping in Repair, the Two Light Houses at *North Shields* in the County of *Northumberland*, now maintained, supported, and lighted by the said Master, Pilots, and Seamen, and which they are hereby authorized and required for ever hereafter to maintain and support, and to keep lighted in Manner heretofore accustomed, or after some other improved Manner ; be it further enacted, That from and after the passing of this Act, there shall be payable and paid to the said Master, Pilots, and Seamen, (in lieu and instead of the Dues and Duties heretofore paid and payable in respect thereof) or to their Collectors, Receivers, or Agents, for their Use, for every laden Ship or other Vessel coming into, or going out of the said Port of *Newcastle*, or coming into, or going out of any of the Creeks or Members belonging thereto, the Rates or Duties following ; (that is to say), For every laden *British* Ship or other Vessel, not exceeding the Burthen of One hundred Tons, Register Tonnage, Eleven-pence ; for every such Ship or other Vessel above One hundred Tons Burthen, but not exceeding Two hundred Tons, One Shilling and One Penny ; for every such Ship or other Vessel above Two hundred Tons Burthen, but not exceeding Three hundred Tons, One Shilling and Three-pence ; and for every such Ship or other Vessel above Three hundred Tons Burthen, One Shilling and Five-pence ; and for every laden Foreign Ship or other Vessel of whatever Burthen the same may be, the Sum of Two Shillings.

Corporation authorized to take certain Rates for supporting Two Light Houses at *North Shields*.

Rates.

IX. Provided always, and be it further enacted, That if any Ship or Vessel shall come into, and also return out of the said Port, or any of the Creeks or Members thereof, light and unloaded, such Ship or Vessel shall be liable to pay the aforesaid Lightage Due, or Duty, for such coming in and returning out of the said Port, or the Creeks and Members thereof respectively, light and unloaded ; as if such Ship or Vessel had come in or returned out loaded.

Ships coming into and returning out of Port light to pay the Lightage Duty as if such Ship had come in or returned out loaded.

X. And provided also, That nothing herein contained, shall extend to charge any Ship or Vessel with any of the said Lightage Duties, for or in Respect of its coming into or going out of the said Port, or any of the Creeks or Members thereof, in case such Ship or Vessel having proceeded out of the said Port, or the Creeks or Members belonging thereto, shall afterwards put back, or be obliged to return to the said Port, or any of the Creeks or Members thereof, without having compleated the destined Voyage.

Ships driven back by Strefs of Weather not to pay Duties.

Corporation  
authorized to  
take certain  
Dues for  
Buoys and  
Beacons.

XI. And, in Consideration of the great Charge and Expence of providing, erecting, and keeping Buoys and Beacons for the Use and Direction of all Ships or other Vessels using the said Port of *Newcastle*; be it enacted, That from and after the passing of this Act, there shall be payable and paid to the said Master, Pilots, and Seamen, in lieu and instead of the Dues and Duties heretofore paid and payable in respect thereof, or to their Collectors, Receivers, or Agents, for their Use, for every loaded Ship or other Vessel coming into or going out of the said Port of *Newcastle*, the Rates or Duties following; that is to say, For every laden *British* Ship, or other Vessel, not exceeding the Burthen of Fifty Register Tons, Four-pence for every such Ship or Vessel above Fifty such Tons, and not exceeding One hundred such Tons Register Tonnage, Nine-pence; for every such Ship or other Vessel above One hundred such Tons, but not Two hundred such Tons, Eleven-pence; for every such Ship or other Vessel above Two hundred such Tons, but not exceeding Three hundred such Tons, One Shilling and One Penny; and for every such Ship or Vessel above Three hundred such Tons, One Shilling and Three-pence; and for every laden Foreign Ship or other Vessel, of whatever Tonnage or Burthen the same may be, the Sum of One Shilling and Sixpence.

Ships coming  
in and return-  
ing out light,  
to pay as if  
such Ship had  
come in or  
returned out  
loaded.

XII. Provided always, and be it further enacted, That if any Ship or Vessel shall come into, and also return out of the said Port light and unloaded, such Ship or Vessel shall be liable to pay the aforesaid Buoy and Beacon Due or Duty for such coming in and returning out of the said Port light and unloaded, as if such Ship or Vessel had come in or returned out loaded; and provided also, That nothing herein contained shall extend to charge any Ship or other Vessel with any of the said Buoy or Beacon Duties, for or in respect of coming into or going out of the same Port, in case such Ship or Vessel having proceeded out of the same Port shall afterwards put back, or be obliged to return to the said Port without having compleated the destined Voyage.

Not to extend  
to Ships of  
War, nor  
Ships of His  
Majesty, nor  
Fishing Ves-  
sels.

XIII. Provided always, and be it further enacted, That this Act shall not extend to charge with the said Lightage, and Buoy and Beacon Rates or Duties herein-before or herein-after granted, or any of them, any of His Majesty's Ships of War, nor any Ship or Vessel whatsoever, being the Property of His Majesty His Heirs or Successors, or any of the Royal Family, nor any Fishing Vessels, Smacks, or Boats, nor any Vessels employed upon the River *Tyne* only.

Power of  
Distress for  
Duties.

XIV. And, to the Intent that the Rates or Duties imposed by this Act may be more effectually collected or levied, be it enacted, That in Case any Owner or Owners, or Master, or other Person having the Charge or Command of any Ship or other Vessel, charged or chargeable with any of the said Rates or Duties, shall refuse or neglect to pay the same, then and in every such Case, it shall from Time to Time be lawful for the Collectors, Receivers, or Agents of the said Master, Pilots, and Seamen, or any of them, to go on Board such Ship or other Vessel, to demand, collect, and receive the said Rates or Duties; and on Non-payment thereof, to take and distrain such Ship or other Vessel, and the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the respective Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment of the  
said

faid Rates or Duties for the Space of Five Days after any Distress or Distresses so made or taken, that then it shall be lawful for the said Collectors, Receivers, or Agents respectively, to cause the Ship or other Vessel, and the Tackle, Apparel, and Furniture thereof so distrained, to be appraised by Two or more sworn Appraisers, or other sufficient Persons not interested therein, and afterwards to sell the same, or any Part or Parts thereof, and therewith to satisfy the said Master, Pilots, and Seamen, as well for and in respect of the Rates or Duties so neglected or refused to be paid, and for which such Distress or Distresses shall have been made or taken as aforesaid, as also for and in respect of the reasonable Charges of taking, keeping, appraising, and selling the same Distress or Distresses, rendering the Overplus (if any there be), and such Part of the Ship or Vessel, Tackle, Apparel, and Furniture (if any), as shall not be sold to the Master, Commander, Owner or Owners of such Ship or Vessel upon Demand.

XV. And be it further enacted, That if any Master, Owner or Owners, or other Person or Persons having the Charge or Command of any Ship or other Vessel, shall, by any Means whatsoever, at any Time or Times, elude or evade the Payment of the Rates or Duties hereby made payable, or any Part thereof, each and every Person eluding or evading Payment as aforesaid, shall stand charged with and be liable to the Payment of the same; and such Rates and Duties shall and may be recovered from such Master, or Owner or Owners respectively, by the same Ways and Means, and in Manner as are herein-after directed, for levying and recovering the Penalties and Forfeitures by this Act inflicted, or authorized to be imposed.

Penalty on eluding the Payment of Rates or Duties.

XVI. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Law now in Force, and resorting to or departing from the said Port, or any of the Creeks or Members thereof, and liable to the Payment of any of the Rates or Duties by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any such Ship or Vessel, is hereby required to produce such Certificate of Registry at the Time of the Payment of the said Rates and Duties to the Person or Persons who shall be duly authorized to collect and receive such Duties: And in case of any Dispute in or about the same, or in or about the Tonnage of any Ship or Vessel, not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner prescribed by an Act of Parliament, made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation.*

How the Tonnage or Admeasurement is to be ascertained.

XVII. And be it further enacted, That the Master, or other Person having the Command of any such Ship or Vessel, shall and is hereby required to declare and give a true Account to the Pilot employed in conducting or piloting his Ship or Vessel, of the Draught of Water which such Ship or Vessel shall draw, and if any Suspicion shall arise of the Truth of such Declaration, such Pilot is hereby authorized to admeasure such Ship or Vessel, in order to find the true Draught of Water thereof; and if on such Admeasurement, it shall appear that the Master or other Person having the Command of such Ship or Vessel, gave a false

Penalty on giving a false Account of the Draught of Water Ships draw.

false Account wilfully and fraudulently, such Master or other Person shall not only pay the full Pilotage Duty made payable in respect of such Ship or Vessel, according to the true Draught of Water thereof, but also the Charges of such Admeasurement, and shall also forfeit and pay for every such Offence the Sum of Ten Pounds.

The Corporation of the Trinity House, or their Officers, to have Access to Ship's Registers.

XVIII. And be it further enacted, That for more easily collecting the said Rates and Duties, the said Master, Pilots, and Seamen, or such Person or Persons as they shall from Time to Time appoint in this Behalf, shall, at all proper and seasonable Times, have free Access to, and Inspection of the respective Registers and Papers of all and every the Ship and Ships resorting to the said Port, or to the Creeks and Members thereof, deposited at the respective Custom Houses of the said Port, or of the Creeks or Members thereof, without any Fee or Reward to be paid for such Access and Inspection.

Corporation of Newcastle to appoint Harbour Masters.

XIX. And be it further enacted, That it shall be lawful for the Mayor, Aldermen, Sheriff, and Common Council of the said Town of *Newcastle*, in Common Council assembled, on Behalf of the Mayor and Burgessees of *Newcastle* aforesaid, as Conservators of the River *Tyne*, and they are hereby required from Time to Time, as often as there shall be Occasion, to nominate and appoint under the Limitation and Restriction herein-after mentioned, a proper Person or proper Persons to be Harbour Master or Harbour Masters, of, in, and for the said Port of *Newcastle*, and to remove, suspend, or upon a sufficient Cause dismiss the same, which Harbour Master or Harbour Masters, or any of them, shall have full Power and Authority to direct the Manner of the entering in and going out of all Ships and other Vessels, Lighters, Keels, Boats, and Crafts, coming into and going out of the said Port, and the Time or Times of their Entrance into, lying in, and going out of the same, and shall direct their respective Births, Stations, and Positions, and their mooring and unmooring, moving and removing, loading and discharging, and all Matters relating thereto respectively; and in case the Owner or Owners, Master, Pilot, Servant, or other Person having the Charge or Command of any Ship or other Vessel, shall refuse or neglect to moor, unmoor, move, or remove the same, according to the Direction of any such Harbour Master, within Twelve Hours after Notice to him or them given, in Writing, or left with some Person or Persons on Board the said Ship or Vessel for that Purpose, that then it shall be lawful for the said Harbour Master or Harbour Masters, or any of them, and his or their Assistants, and he and they is and are hereby required to moor, unmoor, move, or remove such Ship or Vessel, and the Charges and Expences thereof, together with a Sum not exceeding Five Pounds, nor less than Two Pounds, for each Offence of Neglect or Refusal, shall be paid by the Owner or Owners, or the Master or other Person having the Charge or Command of such Ship or Vessel, to be recovered and applied in Manner herein-after directed; and in case any Master, Commander, Mate, Pilot, or other Person or Persons taking the Command of any Ship or other Vessel, Agent, Consignee, or any other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, moving, or removing of any Ship or other Vessel, in the said Port or River, such Person or Persons shall, for every such Offence, forfeit the Sum of Twenty Pounds, to be recovered and applied as herein-after directed.

Penalty on disobeying Orders of Harbour Masters.



XX. Provided always, and it is hereby enacted and declared, That no Person or Persons shall be appointed, or be capable of being appointed Harbour Master or Harbour Masters as aforesaid, except a Member or Members of the said Corporation of Master, Pilots, and Seamen, or except such other Person or Persons as shall, after due Examination by the said Master, Pilots, and Seamen, be duly certified by them, by Writing under their Common Seal, to be fit and proper to be appointed to such Office, and duly qualified to execute the Duties thereof.

None to be appointed Harbour Masters but Members of the Trinity House, or Persons certified as fit by them.

XXI. Provided always, and be it further enacted, That it shall and may be lawful, to and for the said Mayor, Aldermen, Sheriff, and Common Council, in Common Council assembled, and they are hereby empowered to confirm, alter, annul, or make void all Acts, Orders, or Directions to be done, committed, suffered, or made by such Harbour Master or Harbour Masters, or his or their Assistants under the Authority of this Act, in Respect of the stationing, placing, anchoring, mooring, unmooring, or removing any Ship or Vessel whatsoever, or any Part or Parts of such Acts, Orders, or Directions, and also to give and make such further or other Orders or Directions therein, as to them the said Mayor, Aldermen, Sheriff, and Common Council, shall seem proper, which last-mentioned Orders and Directions shall be final and conclusive, and shall be performed and executed by all Parties concerned therein, without any further or other Appeal.

Power to the Corporation of Newcastle to make Bye-Laws.

XXII. Provided also, and be it further enacted, That the several Orders and Directions to be from Time to Time given and made by the said Mayor, Aldermen, Sheriff, and Common Council, in Common Council assembled, or by the Person or Persons appointed to execute the Office of Harbour Master, to the Master or other Person having the Charge or Command of any Ship or Vessel within the said Port, shall not extend, or be construed to extend, to lessen or diminish any Responsibility which such Master or other Person shall be subject or liable to, in Respect of such Ship or Vessel or the Cargo thereof.

The Responsibility of the Master, &c. not to be lessened.

XXIII. And be it further enacted, That if any Harbour Master, to be appointed in pursuance and by virtue of this Act, shall give any undue Preference to, or unnecessarily retard or obstruct any Ship, Lighter, Keel, Boat, or other Vessel, he shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Harbour Master acting partially.

XXIV. And whereas a Doubt is entertained whether the Creek or Haven of *Holy Island*, lying off the Coast of *Northumberland*, is a Creek or Member belonging to the Port of *Newcastle*, and it would greatly conduce to the Safety of Ships and Vessels using the Coasting Trade on the Eastern Coast of *Great Britain*, if such Doubt was removed, and the said Creek or Harbour was declared to be so far annexed to the said Port, as to give to the said Master, Pilots, and Seamen, the Power of appointing Pilots to conduct and navigate Ships and other Vessels, in and out of the said Creek or Haven, and also of erecting, supporting, and maintaining proper Buoys and Beacons for directing Ships and other Vessels in entering into and departing from such Creek or Haven; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, the said Haven or Creek of *Holy Island*, shall be and be deemed a Creek

Recital of a Doubt, as to the Creek of *Holy Island*.

*Holy Island* declared to be a Member of *Newcastle*.

or Member of the said Port of *Newcastle*, in so far as to give to the said Master, Pilots, and Seamen, all the Powers, Authorities, Dues and Duties, Rights and Privileges, relating to the Appointment of Pilots, and the erecting, maintaining, and supporting Buoys and Beacons in or near the said Creek or Haven, which they now possess, use, or enjoy in Respect thereof, in the said Port of *Newcastle*, or any of the Creeks or Members thereof.

And all the Powers of this Act, as to licensing Pilots, and Buoys and Beacons, extended to *Holy Island*.

XXV. And be it further enacted, That all and every the Provisions of this Act, Powers, and Authorities, Dues, Rates, and Duties, Forfeitures, and Penalties, Rights and Privileges, hereby enacted, granted, or imposed, with respect to the licensing and regulating Pilots, and the erecting, maintaining, and supporting Buoys and Beacons, and the Conduct of such Pilots, shall be and be deemed applicable to the said Creek or Haven of *Holy Island*, to as full an Extent, and in as ample a Manner as if the said Creek or Haven had heretofore been and now was a Creek or Member of the said Port.

The Corporation to take Duties for Buoys and Beacons at *Holy Island*.

XXVI. And, for as much as the Buoy and Beacon Duty herein-before imposed, accruing from Ships or other Vessels resorting to the said Creek or Haven of *Holy Island*, will be very inadequate to defray the Charge of keeping and maintaining the necessary Buoys and Beacons there; and as Ships and other Vessels resorting to the Port of *Newcastle*, and the contiguous Creeks or Havens, being Creeks or Members belonging to the said Port, will derive much Security from having the said Creek or Harbour of *Holy Island* as a Place of Refuge in tempestuous Weather; be it enacted, That from and after the passing of this Act, there shall be payable and paid (over and above the Rates, Dues, and Duties herein-before imposed), to the said Master, Pilots, and Seamen, or to their Collectors, Receivers, or Agents, for their Use, for every Ship or Vessel coming into the said Port of *Newcastle*, or to the said contiguous Creeks or Havens, or the said Creek or Haven of *Holy Island*, under Two hundred Tons Register Tonnage, the Sum of Two-pence, and for every such Ship or Vessel of Two hundred like Tons or upwards, the Sum of Three-pence; which said last-mentioned Duties shall be paid by the same Persons, and shall be recovered by the same Powers, Ways, and Means, as are herein directed as to the other Dues and Duties imposed by this Act: Provided always, That nothing herein contained shall extend to charge any Ship or Vessel with the said Duty, for or in respect of coming into the said Port, or any of the said contiguous Creeks or Havens, in case such Ship or Vessel having proceeded out of the said Port, Creeks, or Havens, shall afterwards put back, or be obliged to return to such Port, or contiguous Creeks or Havens, without having completed her destined Voyage; and provided also, That nothing herein contained shall extend to charge with the last mentioned Duties, any Ship or other Vessel resorting to the Creeks or Havens of *Hartlepool*, *Stockton*, *Whitby*, and *Staiths*, or any of them.

Ships driven back by Strefs of Weather exempt.

Certain Creeks exempted from this last-mentioned Duty.

Saving the Rights of several Persons.

XXVII. Provided always, That nothing herein contained shall extend, or be construed to extend, to prejudice or derogate from the Rights, Privileges, Properties, Liberties, Dues, Duties, and Services of or belonging to His Majesty, His Heirs or Successors, or His or Their Lessees or Assignees, of the Manor of *Holy Island*; or from the Rights, Privileges,

leges, Properties, Liberties, Dues, Duties, and Services, of or belonging to the Most Noble *Hugh Duke of Northumberland*, as Lord of the Barony of *Alnwick*, and of the several Manors of *Tynemouth*, *Warkworth*, and *Alnemouth*, in the said County of *Northumberland*, or otherwise; or from the Rights, Properties, Liberties, Dues, Duties, and Services of the Right Honourable *Charles Earl of Tankerville*, and the Honourable and Reverend the Dean and Chapter of *Durham*, or of any other Person or Persons whomsoever, in or to the said Creek or Haven of *Holy Island*, or the Lands and Shores belonging or adjoining thereto.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or derogate from any of the Rights or Privileges of the Master, Wardens, and Assistants of the *Trinity House of Deptford Strond*, in the County of *Kent*; the Corporation of the *Trinity House of Kingston-upon-Hull*, or the Master and Assistants of the *Trinity House of Leith*, in the County of *Edinburgh*.

Saving the Rights of the Trinity Houses of *London*, *Hull*, and *Leith*.

XXIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or derogate from the Rights, Privileges, Franchises, or Authorities of the Mayor and Burgesses of *Newcastle* aforesaid, as Conservators of the said Port of *Newcastle* and River *Tyne*, or otherwise howsoever, or to narrow, alter, or in any wise abridge the Powers or Jurisdiction of the Court of Conservancy, held in the Guildhall of the said Town of *Newcastle*, before the Mayor and Aldermen of the said Town, and usually called *The River Court*.

Saving the Rights of the Corporation of *Newcastle*.

XXX. Provided also, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or derogate from the Powers and Authorities of the Lord High Admiral of *Great Britain*, or the Commissioners for the Time being for executing the Office of Lord High Admiral of *Great Britain*, or to give any Power or Authority to any Person or Persons whomsoever, to interfere in any Manner with the mooring or stationing of Ships or Vessels belonging to His Majesty; His Heirs or Successors, or any of the Royal Family, in any Part of the said Port, or any of the Creeks or Members thereof.

Saving the Rights of the Lords Commissioners of the Admiralty.

XXXI. Provided also, and be it further enacted, That nothing herein contained shall extend to affect, lessen, prejudice, or alter the ancient Dues or Duties heretofore payable to and received by the said Master, Pilots, and Seamen, called *Primage*, or the Rights, Powers, Privileges, Ways, and Means, hitherto used and practised of collecting the same, and enforcing the Payment thereof.

Not to affect the *Primage Duty*.

XXXII. And be it further enacted, That it shall and may be lawful for any One or more of the Justices of the Peace, for the Town and County of the Town of *Newcastle* aforesaid, or for the Counties of *Northumberland*, *Durham*, or *York*, within his or their respective Jurisdictions, (not being a Member or Members of the said Corporation of the *Trinity House of Newcastle* aforesaid), to hear and determine any of the Offences against this Act, and the Bye-laws, Rules, Orders, and Regulations of the said Master, Pilots, and Seamen, and to award the several

Justices of Peace to hear and determine.



such Appeal shall have arisen, first giving Fourteen Days Notice of the Intention to make such Appeal to the Justice or Justices, against whose Determination or Judgement such Appeal is intended to be made, which Justices so assembled in Sessions, are hereby empowered to summon Witnesses, and examine them upon Oath, and finally to hear and determine the Matter of such Appeal, and to award such Costs and Charges to the Party, in whose Favour such their final Decision shall be made, as the Justices in their said Sessions shall think proper; and the Determination, Order, and Judgement of such Justices, shall in every such Case be final and conclusive to all Parties, and shall not be removed or removeable by any Writ or Writs of *Certiorari*, or otherwise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

XXXVII. And it is hereby further enacted, That all Penalties and Forfeitures by this Act inflicted, or authorized to be imposed, and the Costs and Charges to be awarded under the Authority of this Act, upon Conviction of the Offender or Offenders, or upon the Determination of any Appeal, shall, in Default of Payment thereof, be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of any One or more Justice or Justices of the Peace for the County, Town, or Place, where the Offence shall be committed, or of any One or more Justice or Justices for any County, Town, or Place, within the United Kingdom, where any such Offender or Offenders shall be found, which Warrant or Warrants, such Justice or Justices is or are hereby empowered and required to grant, upon Inspection of the Conviction, and Oath made, that the same has been affirmed upon Appeal, or that there has been no Appeal against the same, rendering the Overplus, if any, of such Distress, or the Money arising from such Sale, on Demand, to the Person or Persons whose Goods or Chattels shall be so distrained; and in case sufficient Distress shall not be found, then it shall be lawful for any such Justice or Justices to commit the Offender or Offenders to any Prison within his or their Jurisdiction, without Bail or Mainprize, for any Space of Time not exceeding Three Calendar Months, or until Payment of the respective Penalty or Forfeiture, Penalties or Forfeitures, shall be sooner made.

How Penalties to be recovered.

XXXVIII. 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 this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on Account of any Defect, Default, or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Distrainer or Distrainers, but the Person or Persons aggrieved by such Irregularity, may recover Satisfaction for Special Damage by Action on the Case.

Distress not unlawful *ab initio*.

XXXIX. And be it further enacted, That every Member of the said Corporation of the Trinity House of *Newcastle* aforesaid, shall be admitted and deemed a competent Witness to prove any Offence against this Act, or the Bye-laws, Rules, Orders, and Regulations of the said Master, Pilots, and Seamen.

Members of the Corporation of the Trinity House may be Witnesses.

[*Loc. & Per.*]

18 D

XL. And

No *Certiorari*  
allowed.

**XL.** And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter or Thing to be done or transacted in, or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removeable 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.

Application of  
Penalties.

**XLI.** And be it further enacted, That the Penalties and Forfeitures to be incurred for any Offence which shall be committed by any licensed Pilot or Pilots, in neglecting or refusing to discharge their several Duties herein-before required of them, or for any Offence created by any By-law, Order, or Regulation, to be made by the said Master, Pilots, and Seamen, shall be paid and applied, One Half to the Informer, and the other Half to the Poor of the said Corporation of Master, Pilots, and Seamen; and that all other the Penalties and Forfeitures to be incurred, inflicted, paid, or levied under this Act, shall be wholly paid into the Hands of the said Master, Pilots, and Seamen, to be by them applied to the general Purposes of their Institution.

Publick Act.

**XLII.** And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without the same being specially pleaded.

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