



ANNO TERTIO

GEORGIIV. REGIS.

Cap. xxii.

An Act for further continuing the Duties and altering the Powers granted by Six several Acts of their late Majesties King *George* the Second and King *George* the Third, for enlarging the Piers and Harbour of *Scarborough* in the County of *York*. [15th *May* 1822.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to enlarge the Pier and Harbour of Scarborough in the County of York*; granting to the Bailiffs and Burgesses of *Scarborough* certain Duties for the enlarging, improving, and Maintenance of the said Pier and Harbour: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act to explain and amend an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act to enlarge the Pier and Harbour of Scarborough in the County of York,' and for making the said Act more effectual*; whereby (amongst other Things) Provision was made for taking the Powers, created by the said former Act, out of the Hands of the said Bailiffs and Burgesses, and vesting the same in Commissioners named therein, and to be appointed in pursuance thereof: And whereas another Act was passed in the Third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Duties* [Local.] 8 A and

5 G. 2. c. 11.
25 G. 2. c. 44.
3 G. 3. c. 42.

- and enlarging the Powers granted by Two Acts, made in the Fifth and Twenty-fifth Years of His late Majesty's Reign, for enlarging the Pier and Harbour of Scarborough in the County of York: And whereas another Act was passed in the Eighteenth Year of the Reign of His said late Majesty*
- 18 G. 3. c. 20. *King George the Third, intituled An Act for further continuing the Duties granted by Three Acts made in the Fifth and Twenty-fifth Years of His late Majesty King George the Second, and in the Third Year of His present Majesty's Reign, for enlarging the Pier and Harbour of Scarborough in the County of York: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty King George the Third, inti-*
- 41 G. 3. c. 69. *tuled An Act for further continuing the Duties, and altering the Powers granted by Four Acts made in the Fifth and Twenty-fifth Years of His late Majesty King George the Second, and in the Third and Eighteenth Years of His present Majesty's Reign, for enlarging the Pier and Harbour of Scarborough in the County of York: And whereas another Act was passed in the Forty-fifth Year of the Reign of His said late Majesty King George*
- 46 G. 3. c. 33. *the Third, intituled An Act for altering and enlarging the Powers of several Acts, made in the Fifth and Twenty-fifth Years of King George the Second, and in the Third, Eighteenth, and Forty-first Years of His present Majesty, for enlarging the Pier and Harbour of Scarborough in the County of York; whereby the Rates, Powers, and Provisions granted or continued by the said recited Acts, were continued, and further Rates and Duties were granted for a further Term, which is now near expiring: And whereas the said Harbour of Scarborough hath been greatly improved, a new western Pier erected and completed, and the Accommodation and Security afforded to Ships and other Vessels resorting to or passing the said Harbour has been greatly increased; and by the Formation of an outer Harbour a Place of Refuge has been provided for Vessels in East-south-east Gales, when the Entrance of the inner Harbour is closed by Vessels entering early in the Tide, in which Case they were formerly obliged to run ashore on the Beach; and it is apprehended that these Works and Advantages which have been erected and obtained at a very considerable annual Expence for many Years, will be destroyed and lost to the Public unless the Duties and Powers granted by the said Acts are continued for a further Term; and it is expedient that some of the Powers and Provisions therein contained should be altered, amended, and enlarged: 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 of the Fifth and Twenty-fifth Years of the Reign of His said late Majesty King George the Second, and the Third, Eighteenth, Forty-first, and Forty-fifth Years of the Reign of His said late Majesty King George the Third; and all and singular the Powers and Authorities thereby respectively given, and all and every the Clauses, Provisions, Matters, and Things therein respectively contained, and now in force (except such as are varied, altered, or repealed), shall be and they are hereby declared to be in full Force, and shall be applied and put in Execution by the Commissioners appointed or to be appointed in pursuance of the said recited Acts for and during the Term herein-after mentioned, for collecting, levying, recovering, managing, disposing of, securing, and accounting for the Duties hereby granted or continued, and the Duties which may be in arrear under the said former Acts, or any of them; and*

Recited Acts
continued.

for the managing, enlarging, improving, and repairing the said Pier and Harbour, as fully and effectually, to all Intents and Purposes whatsoever, as if the same were repeated and re-enacted in the Body of this Act.

II. And be it further enacted by the Authority aforesaid, That the Bailiffs and Coroners of the Borough of *Scarborough* aforesaid, or any Three of them, shall, and they are hereby empowered, from Time to Time, to appoint a proper Person to be Harbour Master of the said Harbour, and also from Time to Time to remove such Harbour Master, and to appoint another in his Place or Stead, as they the said Bailiffs and Coroners, or any Three of them, shall think proper; and that the said Harbour Master for the Time being shall possess all the Powers granted to the Harbour Master by the last recited Act, any thing in the said former Acts, or either of them, or in this Act to the contrary notwithstanding.

For appointing Harbour Master.

III. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Office of Clerk and Treasurer not to be held by the same Person.

IV. And, for removing all Doubts which may have arisen and exist respecting the Eligibility of individual Members of the Corporation of *Scarborough* to be Commissioners for executing the said recited Acts or this Act, be it further enacted, That nothing in the said former Acts or in this Act contained can, shall, or ought to extend or be construed to extend to operate as a personal Disability in any Individual or Individuals from being elected and acting as a Commissioner or Commissioners for putting the said former Acts or this Act into Execution, on account of his or their respectively being a Member or Members of the Corporation of *Scarborough* aforesaid.

Removing Doubts as to the Eligibility of Members of the Corporation to be or become Commissioners.

V. And be it further enacted, That no more than Five Members of the Corporation of *Scarborough* (including the Bailiffs) shall at any one and the same Time be Commissioners under the said recited Acts and this Act.

No more than Five of the Corporation to be Commissioners.

VI. And

Eleven Commissioners to do all Acts.

VI. And be it further enacted, That from and after the passing of this Act, no Order, Proceeding, Act, Matter, or Thing made, done or executed by or by the Order or Direction of the said Commissioners, in pursuance of the said recited Acts or of this Act, shall be valid or binding, unless Eleven at the least of the said Commissioners shall have concurred therein; and that all Orders, Proceedings, Acts, Matters, or Things made, done, or executed by or by the Order of any Eleven or more of the said Commissioners, shall be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same had been made, done, or executed by or before all the said Commissioners; any thing in the said recited Acts, or either of them, or in this Act, to the contrary notwithstanding.

Certain Tolls to cease.

VII. And be it further enacted, That from and after the First Day of *August* next after the passing of this Act, the Tolls or Duties now payable by virtue of the said recited Acts or any of them, for and in respect of the several Articles, Matters, and Things herein-after particularly mentioned, shall cease and be no longer paid; and instead and in lieu thereof the following Tolls or Duties shall be demanded and taken; (that is to say,)

New Tolls.

For every Hundred Weight of Leather, the Sum of Sixpence :
 For every Hundred Weight of Tallow, the Sum of One Penny Halfpenny :
 For every Firkin of Butter, the Sum of One Halfpenny :
 For every Score of dried Fish, the Sum of One Penny :
 For every Barrel of Fish, the Sum of Two-pence :
 For every Ham of Bacon, the Sum of One Penny :
 For every Barrel of Pickled Pork, the Sum of Sixpence : And,
 For every Flich of Bacon, the Sum of One Penny.

Which said several and respective Tolls or Duties shall be, and the same are hereby vested in the Commissioners for carrying the said recited Acts and this Act into Execution; and the same and every Part thereof shall and may be collected, recovered, paid, applied, and disposed of in such Manner as in the said recited Acts or any of them is mentioned with respect to the Tolls or Duties thereby granted.

Reduction of Rates.

VIII. Provided always, and be it enacted, That from and after the said First Day of *August*, in lieu of the Duty on Coals granted or continued by the said recited Acts, only One Half of such Duty shall be payable and collected by virtue of this Act.

Temporary Cessation of Rates.

IX. And be it further enacted, That if the necessary Repairs and Improvements of the said Piers and Harbour shall be effected within the Period limited for the Continuance of the full Duty for the Maintenance of the said Harbour; or if it shall appear to the Commissioners assembled at any annual Meeting, that sufficient Funds are in the Hands of their Treasurer for the Completion thereof, that then and in such Case the said Commissioners are hereby empowered and directed by Advertisement to be inserted in the *London Gazette*, to declare that the Rate of Duty on Coals then payable shall cease from such Period as shall be expressed in such Notice; and from that Period, during the Remainder of

of the Term by this Act granted, the reduced Rate of Duty only shall be demanded and collected.

X. And be it further enacted, That if the reduced Rate of Duty shall at any Time exceed the actual Expence of keeping the Piers of Scarborough in Repair, and the Harbour to a due Depth of Water, so as to occasion an Accumulation of Two Years Revenue, then and in such Case the said Commissioners shall, and they are hereby required, at their then next annual Meeting, to cause Notice to be given in the said *London Gazette* Three Times, in the following Month of *October*, that no Duty shall be chargeable in the Year next following the Time specified in such Notice.

XI. And whereas Offences may be committed against the said recited Acts and this Act, or any of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the said Acts and this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his, her, or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons, who shall commit any such Offence or Offences, and take him, her, or them, as soon as practicable, before any Justice of the Peace of the County or Place where the Offence shall have been committed; and such Justice is hereby empowered and directed to proceed with all convenient Speed to the hearing and determining of the said Complaint.

For securing transient Offenders.

XII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts inflicted or authorized to be imposed, the Manner of levying and Recovery whereof is not herein or therein otherwise directed, shall, upon Proof of the Offences respectively before any one Justice of the Peace for the County or Place wherein the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, which Oath such Justice is hereby empowered and required to administer, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of and previous to such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by the said recited Acts or this Act) paid One Half to the Informer and the other Half to the said Commissioners, or to their Clerk or Treasurer, to be applied for the Purposes of the said recited Acts and this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day

Penalties how to be recovered and applied.

[Local.]

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or

or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if, upon Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice of the Peace as aforesaid, or any other Justice of the Peace for the County or Place where the Offence shall have been committed, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Paying the
Expences of
the Act.

XIII. And be it further enacted, That the Costs, Charges, and Expences incidental to and attending the obtaining and passing of this Act, together with lawful Interest for any Money which shall be advanced for that Purpose, shall be paid out of any Monies already received or to be received by virtue of the said former Acts or this Act.

Public Act.

XIV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-
ment and
Continuance
of the Act.

XV. And be it further enacted, That this Act shall commence and take Effect on the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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