



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xxxi.

An Act for abolishing the Duties now payable under the Act of 7 George I., commonly called *Saint George's Chapel Act*, and for otherwise varying the Provisions thereof, and enacting other Duties and Provisions in lieu thereof.

[30th June 1848.]

WHEREAS an Act was passed in the Seventh Year of the Reign of King George the First, intituled *An Act for finishing and adorning the new Chapel called Saint George's Chapel in Great Yarmouth, in the County of Norfolk, and for enlightening the Streets of the said Town, by a Duty or Imposition on Coals, Culm, and Cinders to be landed and consumed therein*: And whereas another Act was passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act for better paving, lighting, cleansing, and watching the Town of Great Yarmouth in the County of Norfolk, and for removing Nuisances and Annoyances therein, and for making other Improvements in the said Town*: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Great Yarmouth* are entitled to certain Tolls and Duties, the Measurage and Weighage of

[Local.] 4 K of

of all Coals, Culm, or Cinders imported into, and landed, delivered, or unshipped in the said Borough and Port of *Great Yarmouth*, and are Owners of the said Port of *Great Yarmouth*, and are also entitled to appoint Meters and Officers for the Measurage and Weighage of the Coals, Culm, and Cinders so imported as aforesaid, and for the Collection of the said Tolls and Duties as aforesaid: And whereas the said Mayor, Aldermen, and Burgesses were seised or entitled in Fee Simple to various Parcels of Land and other Hereditaments in *Great Yarmouth* aforesaid, and have sold and conveyed the same to the respective Purchasers thereof, and by the respective Conveyances of the said Land and Hereditaments perpetual yearly Rent-charges are charged upon the same, and are limited and secured to the said Mayor, Aldermen, and Burgesses, and are now payable to them: And whereas by a certain Indenture bearing Date the Twenty-eighth Day of *June* in the Year of our Lord One thousand eight hundred and thirty-nine, duly executed by the several Parties thereto, and by virtue of the several Acts, Powers, and Authorities therein recited, the Reverend *Mark Waters* Clerk, his Heirs and Assigns, is the Grantee of the Patronage and Right of Nomination and Presentation, henceforth from Time to Time for ever, of a Minister, or of Two Ministers, legally and canonically qualified, and licensed, to officiate in the Chapel called *Saint George's Chapel* in *Great Yarmouth*, referred to in the secondly first above-recited Act, and the said Mayor, Aldermen, and Burgesses by the said Indenture covenanted to apply and dispose of certain Parts, which they were entitled to as therein mentioned, of the Rates and Duties imposed by the said first above-recited Act, in or towards the Payment of the annual Stipend of Two hundred Pounds to One said Minister, or One hundred Pounds to each One of Two said Ministers, in quarterly Payments, as therein set forth. And whereas by the said first recited Act Provision is made for the Payment of Salaries to certain Officers of the said *Saint George's Chapel* out of the Duties to be collected under the Powers of the said Act: And whereas it is expedient that the said several Tolls, Duties, Rights, and Privileges in the said several above-recited Acts contained, or otherwise, should be altered and amended, and certain Portions thereof should be repealed, and that other Provision should be made for the Payment of the said annual Stipend to the said Minister or Ministers, and of the Salaries of the Officers of the said *Saint George's Chapel*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act so much of the said recited Act of the Seventh Year of King *George* the First as empowers the making, levying, and collecting certain Tolls and Duties, or the Appointment of Officers for the levying and collecting thereof, or the Measurage of Coals, Culm, or Cinders imported as aforesaid into the said Town of *Great Yarmouth*, as therein recited, or Remedies for the Collection or Receipt thereof, and all Powers, Provisions, Clauses, and Matters therein, relating to the said Tolls, Duties, Measurage, and Appointment of Officers aforesaid, shall be and the same is hereby repealed.

So much of recited Act 7 G. 1. c. 11. as relates to the making, &c. of certain Tolls, &c., repealed.

II. And

II. And be it enacted, That so much of the said recited Act of the Fiftieth Year of the Reign of King *George* the Third as requires that the said Mayor, Aldermen, and Burgesses shall pay to the Commissioners appointed under the said Act, or to their Treasurer, or such other Person as they should appoint, Thirteen Thirty-two Parts of the Rates and Duties imposed by the said recited Act of the Seventh Year of the Reign of King *George* the First, which said Tolls and Duties are by this Act repealed, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall extend or be construed to extend so as to repeal, alter, vary, lessen, or transfer the Powers, Duties, or Liabilities of the said Commissioners under the said recited Act of the Fiftieth Year of the Reign of King *George* the Third, except as is herein contained.

So much of
50 G. 3.
c. 23. as
requires the
Mayor, &c.
to pay cer-
tain Parts of
Rates, &c.,
repealed.

III. And be it enacted, That the said Mayor, Aldermen, and Burgesses of the said Borough of *Great Yarmouth* shall after the passing of this Act, and until the Ninth Day of *November* in the Year of our Lord One thousand eight hundred and fifty-four, and they are hereby required to provide all necessary and proper Beams, Scales, and Weights for the proper weighing and measuring of Coals, Culm, or Cinders imported into or used in the said Port and Borough of *Great Yarmouth* aforesaid, for the Use during the above-named Period of any Importer, Buyer, Person or Persons interested in the weighing or measuring of the said Coals, Culm, or Cinders.

Mayor, &c.
to provide
Weights, &c.
for weighing
Coals, &c.

IV. And whereas the said Mayor, Aldermen, and Burgesses have, under and by virtue of the Powers and Authorities of their several Customs and Privileges, and of the said first-recited Act, or otherwise, from Time to Time appointed certain Persons to the Office of Coal-meter, for the due measuring of Coals, Culm, or Cinders imported as aforesaid, and for the Collection of the Tolls and Duties payable thereon: And whereas it is expedient that the said Office of Coal-meter should be abolished, and that all the several Powers, Customs, and Privileges incident to the Office of Coal-meter, of levying Tolls and Duties upon Coals, Culm, and Cinders, should cease and determine; be it therefore enacted, That the said Office of Coal-meter as aforesaid shall be and the same is hereby abolished, and that the said Tolls and Duties heretofore collected by them shall absolutely cease and determine.

Office of
Coalmeter
abolished.

V. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend so as to take away, lessen, or diminish any other Right, Privilege, or Custom whatsoever belonging to the said Mayor, Aldermen, and Burgesses which is not by this Act expressly taken away, lessened, or diminished, but that the said Mayor, Aldermen, and Burgesses shall continue to enjoy all such Rights, Privileges, and Customs as they could or might or ought to have done in case this Act had not been made.

Nothing to
take away
any Rights
belonging to
the Mayor,
&c.

VI. And be it enacted, That it shall be lawful for any Importer of Coals, Culm, or Cinders, and such Importer is hereby required, for ever

Power to Im-
porter to
appoint Me-
ever

ter, who shall
make a De-
claration.

ever after, to appoint some fit and competent Person, on the Demand of the Buyer or other Person interested in the Weight or Measure of such Coals, Culm, or Cinders, to weigh and measure the same; and such Person or Persons so appointed as aforesaid shall from Time to Time before the Mayor of the said Borough make and subscribe the following Declaration; (that is to say,)

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, perform the Duty of Weigher and Measurer of such Coals, Culm, or Cinders as I may be called upon to weigh or measure.

‘ Made and subscribed in the Presence of .’

Penalty on
Importer re-
fusing to
weigh.

VII. And be it enacted, That if any such Importer shall refuse, on Demand as aforesaid, to cause such Coals, Culm, or Cinders to be weighed or measured as aforesaid, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on
Weigher for
committing
Fraud in
weighing.

VIII. And be it enacted, That if any Person so appointed as aforesaid to weigh and measure such Coals, Culm, or Cinders shall do any thing whereby the true Weight thereof respectively shall be altered, or shall falsely and fraudulently declare the Weight thereof respectively, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Reserving
Rights of
Coalmeters,
appointed
previous to
passing of
5 & 6 W. 4.
c.76., to Com-
pensation.

IX. And whereas certain Persons have been appointed to, as aforesaid, and have held, the said Office of Coalmeter in the said Borough of *Great Yarmouth* prior to the passing of an Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*: And whereas the said Persons so appointed were entitled, under the Provisions of the said last-recited Act, to claim Compensation for the Loss of their said Offices: And whereas the Duties of the said Office of Coalmeter have been recently discontinued; be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or abridge the Right of such Persons so appointed as aforesaid to claim such Compensation as aforesaid, in manner and form as in the said Act provided, such Discontinuance as aforesaid notwithstanding.

Compensa-
tions to be
paid out of
Money to be
raised by this
Act.

X. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby required, to pay such Compensation as aforesaid as shall be claimed and adjudged to be due, according to the Provisions of the said recited Act, to the several above-mentioned Persons, out of the Monies to be collected from the Duties under this Act herein-after authorized to be imposed and raised, or as is herein-after provided.

Duties pay-
able under
this Act.

XI. And be it enacted, That from and after the passing of this Act, and until the Ninth Day of *November* in the Year of our Lord One thousand eight hundred and fifty-four, and no longer, in lieu of the Duties hitherto levied and collected under the said recited Act of the Seventh

Seventh Year of the Reign of King *George* the First, by this Act herein-before repealed, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby authorized and empowered, to ask, demand, take, receive, and recover, to and for their own Use, the Duties herein-after named; that is to say,

For every Ton of Coals, Culm, and Cinders imported into the Haven of *Great Yarmouth*, or into that Part of the Sea called *Yarmouth Road* near or adjoining to the Town of *Great Yarmouth*, 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*, the Duty of One Penny and One Farthing.

XII. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, out of the Monies to be collected from the Duties herein-before authorized to be received, to defray the Expenses of obtaining this Act, the providing and maintaining the Beams, Scales, and Weights herein-before mentioned, and the several Compensations as herein-before provided, and to carry the Surplus of the said Monies to the Account of the Borough Fund of the said Borough.

Mayor, &c., to pay certain Expenses out of Duties levied under this Act.

XIII. Provided always, and be it enacted, That if so much and sufficient Monies as shall be necessary for defraying the several Payments herein-before mentioned shall not accrue from and out of the Duties by this Act authorized, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby required, to defray the same, or such Part thereof as may be necessary, out of the Borough Fund, and to make such Rate or Rates as may be sufficient to raise the Amount thereof.

Borough Fund to be applied in such Payment, if Duties insufficient.

XIV. And be it enacted, That if any Person liable to the Payment of any Duties by this Act authorized to be taken do not pay the same, when demanded, the said Mayor, Aldermen, and Burgesses, or any Person authorized by them to collect the same, may levy the same by Distress upon the Articles and Things on which the said Duties shall be payable, or such Duties may be recovered by Action in any Court having competent Jurisdiction.

Recovery of Duties.

XV. And be it enacted, with respect to the Recovery of Penalties by this Act authorized, That so much of the "Railway Clauses Consolidation Act, 1845," as applies to the Recovery of Penalties, shall be incorporated with and form Part of this Act.

Recovery of Penalties.

XVI. And be it enacted, That so much of the above-recited Act of the Seventh Year of the Reign of King *George* the First as relates to the making Provision for the Support of the Minister or Ministers and Officers of the said *Saint George's Chapel*, and the Payment of the Stipends or Salaries thereof, shall be and the same is hereby repealed.

So much of recited Act of 7G.1. c.11. as relates to Payment of Stipends, &c. repealed.

XVII. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors and Assigns, and they

Providing for Payment of

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they

Stipend of
Minister of
St. George's
Chapel;

they are hereby empowered and also expressly required, with and out of the Monies received or recovered by them for, from, or in respect of the Rent-charges limited and secured to them as aforesaid by the Conveyances herein-before referred to, to pay to the said Reverend *Mark Waters*, while he shall be and continue the sole officiating Minister in the said Chapel, or to the Minister or Ministers who for the Time being and from Time to Time shall be nominated or appointed to be and officiate as a Minister or Ministers in the said Chapel, the annual Stipend or Sum, annual Stipends or Sums, following; that is to say, while and so long as there shall be One such Minister only to officiate as the sole Minister of the said Chapel, and to perform the whole of the Duties and Services thereof, to pay to such One or only Minister for the Time being, including the said Reverend *Mark Waters*, the clear annual Stipend or Sum of Two hundred Pounds Sterling; and from Time to Time when and as often as there shall be Two Ministers nominated or appointed to be and officiate as Ministers in the said Chapel, to pay to each of such Two Ministers the clear annual Stipend or Sum of One hundred Pounds Sterling; the said annual Stipend or Sum, annual Stipends or Sums, to be respectively payable and paid by Four equal quarterly Payments in every Year, and on or at the Days or Times mentioned in the Covenant of the said Mayor, Aldermen, and Burgesses in the said in part recited Indenture of the Twenty-eighth Day of *June* One thousand eight hundred and thirty-nine contained, and the first Payment thereof to become due and be made on the Twenty-fourth Day of *June* One thousand eight hundred and forty-eight; and the said Mayor, Aldermen, and Burgesses shall also and they are hereby required, with and out of the Monies recovered or received by them as aforesaid, to pay proper and sufficient Salaries to the several Officers for the Time being of the said Chapel; and the said Rent-charges so limited and secured to the said Mayor, Aldermen, and Burgesses as aforesaid, and every of them, and every Part thereof, shall henceforth for ever be and remain charged and the same are hereby accordingly charged to and with the Payment of such annual Stipend or Sum, annual Stipends or Sums, and Salaries as aforesaid, in whomsoever the same or any of them shall or may hereafter be or become vested in any Manner or by any Means whatsoever.

and Officers
Salaries.

Payment of
Stipends,
&c. to take
Precedence
of Payments
out of
Borough
Fund.

XVIII. And be it enacted, That such annual Stipend or Sum, annual Stipends or Sums, and Salaries, as aforesaid, shall from Time to Time and at all Times for ever hereafter be deducted, taken, and paid from and out of the Monies received or recovered by the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, for, from, or in respect of the Rent-charges limited and secured, and to be limited and secured to them as aforesaid, prior and in preference to all other Payments whatsoever, and before the Monies received or recovered as aforesaid, or any Part thereof, shall be carried to the Borough Fund of the said Borough, or the Account thereof; and that the said Stipend or Stipends and Salaries, and every of them, and every Part thereof, shall have Preference and Priority over all Charges, Claims, and Demands upon or payable out of the said Borough Fund, and shall not form or be considered to
form

form any Part or Portion of any Rate or Rates to be made for the Maintenance of that Fund, but shall be and be considered as wholly free from and independent of the same, except so far as the said Mayor, Aldermen, and Burgesses are accountable to the said Borough Fund for the Payment and Disbursement of the Monies arising from and out of the said Rent-charges.

XIX. And be it enacted, That this Act shall be a Public Act, Public Act: and shall be judicially taken notice of as such.

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