ANNO TRICESIMO NONO

GEORGII III. REGIS.

****

CAP. LXXXIV.

An Act to enable the Lords Commiſſioners of the Treaſury to contract with the Moſt Noble *Charles* Duke of *Richmond*, for the abſolute Purchaſe of the Property of the ſaid Duke, and all others intereſted, in a certain Duty of Twelve-pence *per* Chaldron on Coals ſhipped in the River *Tyne* to be conſumed in *England*, and to grant a Compenſation for the ſame, by way of Annuity, payable out of the Conſolidated Fund. [12th *July* 1799.]

Preamble. Letters Patent of 18 *Decem.* 29 *Car.* II, and

WHEREAS by Letters Patent under the Great Seal, bearing Date the Eighteenth Day of *December*, in the Twenty-ninth Year of the Reign of His late Majeſty King *Charles* the Second, His ſaid Majeſty did give and grant unto *Charles* then Duke of *Richmond*, for every Chaldron of Sea Coals, Stone Coals, or Pit Coals,

(except

(except as therein is excepted), of the Water Meaſure of *Newcaſtle upon Tyne*, as at any Time or Times thereafter ſhould be ſold, ſhipped, carried, or vended, by any Perſon or Perſons whatever, forth or out of the Haven or River of *Tyne*, belonging to the aforeſaid Town of *Newcaſtle*, to be ſpent as therein mentioned, and not tranſported beyond the Seas, the ſeveral Sums of Twelve-pence, to be paid as therein mentioned, and to which ſeveral Sums or Duties His ſaid Majeſty, His Heirs and Succeſſors, were entitled, in the Manner in the ſaid Letters Patent recited, to hold and enjoy the ſaid Duties or Sums of Twelve-pence unto the ſaid *Charles* then Duke of *Richmond*, and the Heirs of his Body, ſubject to the Payment of a yearly Sum of Five hundred Pounds to Sir *Thomas Clarges*, his Heirs or Aſſigns, and paying therefor to His ſaid late Majeſty, His Heirs and Succeſſors, the yearly Rent of One Pound Six Shillings and Eight-pence: And whereas, by an Act of Parliament paſſed in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, and which was made and paſſed previous to and in Contemplation of the Marriage of the Moſt Noble *Charles* now Duke of *Richmond*, Grandſon of the aforeſaid Duke of *Richmond*, with Lady *Mary Bruce*, afterwards Ducheſs of *Richmond*, and ſince deceaſed, it was enacted, That from and thenceforth the ſaid *Charles* now Duke of *Richmond* ſhould hold and enjoy the ſaid Duty of Twelve-pence (but charged with the ſaid Annuity of Five hundred Pounds, and the ſaid Rent of One Pound Six Shillings and Eight-pence, herein-before mentioned) to the Uſe of him and the Heirs Male of his Body; and in Default of Heirs Male of his Body, then to the Uſe of the Right Honourable Lord *George Henry Lenox*, Brother of the ſaid *Charles* now Duke of *Richmond*, and the Heirs Male of his Body; and in Default of Heirs Male of the Body of the ſaid Lord *George Henry Lenox*, then to the Uſe of the Heirs of the Body of the ſaid *Charles* Firſt Duke of *Richmond*: And whereas the ultimate Reverſion in the ſaid Duties is veſted in His Majeſty, His Heirs and Succeſſors: And whereas the Commiſſioners appointed to examine, take, and ſtate, the Publick Accounts of the Kingdom, in their Report, made in the Year One thouſand ſeven hundred and eighty-five, ſtated, as their Opinion, that it would tend to Uniformity in the Collection and the Application of the Cuſtom Duties if the Duties on Coals, holden under ancient Grants from the Crown, could be, with the Conſent of the Grantees, ſettled on the Crown for the Publick Service: And whereas the Select Committee of Finance, appointed by the Houſe of Commons in their Fourth Report, made in the Year One thouſand ſeven hundred and ninety-ſeven, having had under their Conſideration the before mentioned Report, and alſo a Report of the Commiſſioners of the Cuſtoms, ſtrongly recommended that the ſaid Duties ſhould be ſettled in the Crown, if the Conſent of the Grantees could be obtained: Be it therefore 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 it ſhall be lawful to and for the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, on the Behalf of His Majeſty, His Heirs and Succeſſors, to treat, contract, and agree with the ſaid *Charles* now Duke of *Richmond*,

Act 30 Geo. II, recited.

The Treaſury may treat with the Duke of Richmond for the Right under the recited Letters

Richmond, for the abſolute Purchaſe or Surrender of all the Eſtate, Right, Title, and Intereſt, of him the ſaid *Charles* now Duke of *Richmond*, and the Heirs Male of his Body, and of the ſaid Lord *George Henry Lenox*, and the Heirs Male of his Body, and of the Heirs of the Body of the ſaid *Charles* Firſt Duke of *Richmond*, and of all other Perſons, under or by virtue of the ſaid Letters Patent or Act of Parliament, or otherwiſe, of and in the ſaid Duties of Twelve-pence *per* Chaldron, and for all the Rights, Privileges, Profits, and other Advantages whatſoever belonging thereto, for ſuch Annuity, to be charged upon and to be payable out of the Conſolidated Fund, as the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, ſhall think fit, provided that ſuch Annuity ſhall not exceed in Amount the annual Produce of the ſaid Duty on an Average of the Ten Years preceding the Twenty-fifth Day of *December* One thouſand ſeven hundred and ninety-eight, and ſuch Contract ſhall be effectual againſt and binding to all Intents and Purpoſes upon the ſaid *Charles* now Duke of *Richmond*, and the Heirs Male of his Body, and the ſaid Lord *George Henry Lenox*, and the Heirs Male of his Body, and the Heirs of the Body of the ſaid *Charles* Firſt Duke of *Richmond*, and all other Perſons claiming, under or by virtue of ſuch Letters Patent or Act of Parliament as aforeſaid, or otherwiſe, the ſaid Duties or Sums aforeſaid, or any Right, Title, or Intereſt therein.

Patent and Act of Parliament to a Duty on Coals, for an Annuity.

II. And be it further enacted, That the Annuity, ſo to be agreed upon in lieu of the ſaid Duties, ſhall be iſſuing and payable out of and charged and chargeable upon the Conſolidated Fund, (after paying, or reſerving ſufficient to pay, all ſuch Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame, but with Preference to all other Payments which ſhall or may hereafter be charged upon or payable out of the ſaid Fund, free and clear of all Deductions and Taxes whatſoever, to *Charles* now Duke of *Richmond*, and the Heirs Male of his Body; and in Default of Heirs Male of his Body, then unto the Right Honourable Lord *George Henry Lenox*, and the Heirs Male of his Body; and in Default of the Heirs Male of the Body of Lord *George Henry Lenox*, then unto the Heirs of the Body of the ſaid *Charles* Firſt Duke of *Richmond*; and in Default of Heirs of the Body of the ſaid *Charles* Firſt Duke of *Richmond*, then the ſaid Annuity ſhall revert to His Majeſty, His Heirs and Succeſſors; and which ſaid Annuity or yearly Sum ſhall commence and take Effect at ſuch Day, and ſhall be paid and payable at the Receipt of the Exchequer out of the Conſolidated Fund, in ſuch Proportions, and at ſuch Times, and in ſuch Manner, and by ſuch Warrants, as ſhall be agreed upon in and by ſuch Contract, and as the ſaid Commiſſioners of the Treaſury ſhall direct and appoint.

Annuity to be payable out of the Conſolidated Fund.

III. And be it further enacted, and it is hereby declared to be the true Intent and Meaning hereof, That the ſaid *Charles* now Duke of *Richmond*, and the Heirs Male of his Body, and the ſaid Lord *George Henry Lenox*, and the Heirs Male of his Body, and the Heirs of the Body of the ſaid

The Duke of *Richmond*, &c. to have the ſame Eſtate in the Annuity as in the Duty.

ſaid *Charles* Firſt Duke of *Richmond* reſpectively, ſhall have ſuch and the like, and no larger or other Eſtate, Title, Power of Diſpoſition, or Alienation and Intereſt of and in the ſaid Annuity, as they reſpectively had of and in the Sums or Duties herein-before mentioned; and the ſaid Annuity ſhall go and be paid from Time to Time to ſuch Perſon or Perſons as would have been entitled to the ſaid Sums or Duties in caſe this Act had not been made.

Annuity to be ſubject to Redemption as ſhall be agreed upon.

IV. Provided always, and be it further enacted, That the ſaid Annuity ſo to be granted ſhall be ſubject to Redemption upon ſuch Terms and in ſuch Manner as ſhall be agreed upon between the Commiſſioners of the Treaſury, or the Lord High Treaſurer for the Time being, and the ſaid *Charles* Duke of *Richmond*.

After Contract the Duty to be payable to His Majeſty, as other Duties on Coals.

V. And be it further enacted, That, upon and from and after the Day which ſhall be mentioned in ſuch Contract for that Purpoſe, the ſaid Duties or Sums of Twelve-pence in the ſaid Letters Patent intended to be granted for every ſuch Chaldron of Coals as therein is mentioned, except as to any Arrears thereof, ſhall for ever thereafter be, and be deemed and taken to be Duties payable unto and for the Uſe of His Majeſty, His Heirs and Succeſſors; and that there ſhall accordingly thenceforth for ever be raiſed, levied, collected, and paid unto and for the Uſe of His Majeſty, His Heirs and Succeſſors, in ready Money without any Diſcount whatever, a Duty of Twelve-pence upon every Chaldron of ſuch Coals of the Water Meaſure of *Newcaſtle upon Tyne*, as or in reſpect of which the Sum or Duty of Twelve-pence was payable or intended to be payable according to the ſaid Letters Patent; which Duty ſhall be payable and paid as the other Duties now payable to His Majeſty on Coals have been uſually paid.

Duty to be under the Management of the Commiſſioners of Cuſtoms, and raiſed by the ſame Means as other Duties of Cuſtoms, &c.

VI. And be it further enacted, That the ſaid Duty ſhall be under the Management of the Commiſſioners of the Cuſtoms in *England* for the Time being, and ſhall and may be managed, aſcertained, raiſed, levied, collected, anſwered, ſecured, recovered, paid, and accounted for, in ſuch and the like Manner, and in and by any or either of the Ways, Means, or Methods, by which any of the Duties of Cuſtoms on Goods, Wares, and Merchandize, impoſed and made payable by an Act paſſed in the Twenty-ſeventh Year of the Reign of His preſent Majeſty, or by any other Act or Acts of Parliament in Force immediately before the paſſing of this Act, were or might be managed, aſcertained, raiſed, levied, collected, anſwered, paid, ſecured, and recovered, and the Coals by this Act made chargeable with Duty ſhall be, and the ſame are hereby made ſubject and liable to all and every the Conditions, Rules, Regulations, Reſtrictions, Penalties, and Forfeitures, to which any Goods, Wares, and Merchandize carried Coaſtwiſe, upon which any Duties of Cuſtoms are impoſed, were ſubject and liable, by any Act or Acts of Parliament in Force on and immediately before the paſſing of this Act, and all and every Pain, Penalty, Fine, and Forfeiture, for any Offence whatever committed againſt or in Breach of any Act or Acts of Parliament in Force on or immediately before the paſſing of this Act, made for ſecuring the Revenue of Cuſtoms, or for the Regulation or

Improvement thereof, and the ſeveral Clauſes, Powers, and Directions therein contained, ſhall and are hereby directed and declared to extend to, and ſhall be reſpectively applied, practiſed, and put in Execution for and in reſpect of the Duties hereby charged, as far as the ſame are applicable thereto, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if all and every the ſaid Acts, Clauſes, Proviſions, Powers, Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act.

Duty to be paid into the Exchequer.

VII. And be it further enacted, That all the Money from Time to Time ariſing from the ſaid Duty by this Act impoſed (the neceſſary Charges of raiſing and accounting for the ſame excepted) ſhall from Time to Time be paid into the Receipt of His Majeſty's Exchequer at *Weſtminſter*, and ſhall be carried to and made Part of the Conſolidated Fund.

The Treaſury may direct the Duties not to be received, or to be returned in certain Caſes.

VIII. And be it further enacted, That it ſhall and may be lawful to and for the Lords Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, for the Time being, or the Lord High Treaſurer for the Time being, in all ſuch and the like Caſes, in which it ſhall be made to appear to them that, by Reaſon of Loſs at Sea, or by Reaſon of Hardſhip or other Circumſtances, the ſaid Sums payable, or intended to be made payable, for ſuch Coals as aforeſaid, under or by virtue of the Letters Patent herein-before recited, were not received, or if received, were not retained by or for the Uſe of the Perſons claiming ſuch Sums under the ſaid Letters Patent, or Act of Parliament, by Writing under their or his Hand and Seal, declaring that the ſame hath been made to appear to their or his Satisfaction, to direct that the Duties hereby granted or impoſed for the Uſe of His Majeſty, His Heirs and Succeſſors, ſhall not be received, or if received, ſhall be returned to the Perſon or Perſons by whom or on whoſe Account the ſame were paid or payable, and to authorize in ſuch or the like Caſes, the vending, ſhipping, carrying, exporting, ſpending, and conſuming, or to declare it, in ſuch or the like Caſes, to have been lawful to have vended, ſhipped, carried, exported, ſpent, or conſumed, ſuch Coals as aforeſaid, without Payment of Duty, and notwithſtanding any of the Proviſions of this Act, and to authorize all other Acts and Matters neceſſary for the exempting ſuch Coals, in ſuch and the like Caſes, from the Payment of the ſaid Duties, or enabling the Return thereof, where the ſame have been actually paid; and ſuch Authority or Declaration as aforeſaid ſhall be deemed and taken to be concluſive Evidence, to all Intents and Purpoſes, that all Acts, Matters, and Things ſo authorized, or ſo declared to have been lawful, were lawful; any Thing in this Act to the contrary notwithſtanding.

Receiver General of the Cuſtoms to pay the Annuity of 500 *l.* mentioned in the Letters Patent.

IX. And be it further enacted, That, out of the ſaid Duties on Coals by this Act to be granted and confirmed to His Majeſty, His Heirs and Succeſſors, there ſhall be paid by the Receiver General of the Cuſtoms for the Time being, in caſe the ſaid Contract ſhall take Effect, to the Perſon or Perſons entitled to the ſaid Annuity of Five hundred Pounds, or any Part thereof, the like Sums as would have

been payable to him, her, or them, if this Act had not been made, which Sums ſhall be payable at ſuch Times and in ſuch Proportions, and in like Manner, as the ſaid Annuity was payable before the paſſing of this Act.

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