

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CXXVIII.

An Act for allowing, under certain Restrictions, until the First Day of *August* One thousand eight hundred and six, the bringing a limited Quantity of Coals, Culm, or Cinders to *London* and *Westminster*, by Inland Navigation. [12th *July* 1805.]

WHEREAS the bringing of Coals, Culm, or Cinders burnt from Coal or Culm, by Inland Navigation, nearer to *London* than certain Places specified in various Acts of Parliament authorizing the making of certain navigable Canals communicating with the *Thames*, and the Cities of *London* and *Westminster*, is by the said Acts, or other Laws now in force, prohibited: And whereas it may be beneficial to permit, under certain Restrictions, a limited Quantity of Coals to be brought by the *Grand Junction* and *Paddington* Canals, towards the Supply necessary for the Cities of *London* and *Westminster*, and Places adjacent, upon Payment of the like Duties as are now due and payable on Coals, according to the Weight thereof, brought Coastwise into the Port of *London*: 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 it shall be lawful for the Commissioners of His Majesty's Customs in *England*, and they are hereby required, as soon after the First Day of *August* One thousand eight hundred and five as the same can be done, to erect and maintain, or cause to be erected and maintained, a Stone or Post on or near to the Towing Path of the *Grand Junction* Canal, at or near the North

Commissioners of Customs to erect a Stone or Post at the Place herein specified.

North East Point of *Grove Park*, as contiguous to the Wharf, now in the Poſſeſſion and Occupation of the Earl of *Clarendon* (and on the South Side thereof), as the ſame can conveniently be placed, and as may appear to the ſaid Commiſſioners to be eligible.

Not more than 50,000 Tons of Coals to be brought to the ſaid Place.

II. And be it further enacted, That no greater Quantity of any ſuch Coal, Culm, and Cinders, than Fifty thouſand Tons in the Whole, ſhall be brought by Means of the ſaid Canals nearer to *London* than the ſaid Stone or Poſt, within One Year from the Firſt Day of *Auguſt* One thouſand eight hundred and five.

Officer to keep an Account of Coals ſo brought.

III. And to the Intent that all Perſons may from Time to Time be apprized of the Quantity of Coals, Culm, or Cinders, which ſhall have been brought by Means of the ſaid Canals, nearer to *London* than the ſaid Stone or Poſt, be it further enacted, That the Officer or Officers, or other Perſon or Perſons, to be appointed as herein-after mentioned, ſhall keep and enter in a Book or Books to be provided for that Purpoſe, a juſt and true Account of the Quantity of Coals ſo brought as aforeſaid, and ſhall daily affix in ſome conſpicuous Place, at or near the ſaid Stone or Poſt, in legible Characters, a true Statement of the total Quantity of Coals, Culm, and Cinders, which ſhall have been ſo brought, between the ſaid Firſt Day of *Auguſt* and the Day on which ſuch Statement ſhall be ſo affixed; and when and ſo ſoon as the whole Quantity of Fifty Thouſand Tons of Coals, Culm, or Cinders ſhall have been brought nearer to *London* than the ſaid Stone or Poſt, the Commiſſioners of the Cuſtoms ſhall, and they are hereby required, to cauſe Notice to be publiſhed thereof in the *London Gazette*, and in ſome or One of the Provincial Papers of the ſeveral Counties through which the ſaid Canal paſſes; and after ſuch Notice ſhall have been given as aforeſaid, no Boat, Veſſel, or Barge, laden with or having on board any Coals, Culm, or Cinders, ſhall paſs the ſaid Stone or Poſt; and if any Boat, Veſſel, or Barge laden with or having on board any Coals, Culm, or Cinders, ſhall, after ſuch Notice, paſs the ſaid Stone or Poſt, then and in ſuch Caſe all ſuch Coals, Culm, or Cinders, ſhall be forfeited, and may and ſhall be ſeized by any Officer of the Cuſtoms who is hereby authorized and empowered to detain ſuch Boat, Barge, or Veſſel for that Purpoſe.

Coals not to paſs unleſs with Certificates of Quantity, which are to be regiſtered.

IV. And be it further enacted, That it ſhall not be lawful for any Officer of Cuſtoms to permit any ſuch Coals, Culm, or Cinders, to paſs the ſaid Stone or Poſt, towards the ſupplying of *London* or *Weſtminſter*, or the Places adjacent, under this Act, in any Boat, Barge, or Veſſel, in which any other Goods, Wares, or Merchandize ſhall be laden, nor until the Maſter or Perſon having charge of the Boat, Barge, or Veſſel in which ſuch Coals, Culm, or Cinders, ſhall be laden, ſhall produce and deliver to ſuch Officer as may be ſtationed at or near to the ſaid Stone or Poſt by order of the ſaid Commiſſioners of Cuſtoms, (who is hereby authorized and required to receive or demand the ſame), a Certificate, expreſſing the real Quantity of Coals, Culm, or Cinders, in ſuch Boat, Barge, or Veſſel; which Certificate every Perſon ſelling or ſhipping any Coals, Culm or Cinders, towards the Supply of *London* and *Weſtminſter*, or the Places adjacent, is hereby required to give to ſuch Maſter or other Perſon having the Charge of ſuch Boat, Barge, or Veſſel, who is hereby required to deliver the ſame to the ſaid Officer of Cuſtoms, who ſhall

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ſign and enter and regiſter the ſame in a Book to be kept by him for that Purpoſe; and the ſaid Entry and Regiſter of the Certificate ſhall be accepted and admitted as and taken to be full and complete Evidence in all Caſes in which the original Certificate is not produced; and in caſe there ſhall be in ſuch Boat, Barge, or Veſſel, any greater Quantity of Coals than ſhall be expreſſed in ſuch Certificate, or any other Goods, Wares, or Merchandize laden on board, then and in ſuch Caſe the Coals, Culm, or Cinders on board of ſuch Boat, Barge, or Veſſel ſhall be forfeited, and may and ſhall be ſeized by any Officer of the Cuſtoms, who is hereby authorized and empowered to detain ſuch Boat, Barge, or Veſſel for that Purpoſe.

Penalty on giving falſe Certificate.

V. And be it further enacted, That if any Perſon or Perſons ſending any ſuch Coals, Culm, or Cinders, for Sale, towards the Supply of the Cities of *London* or *Weſtminſter*, and Places adjacent, ſhall knowingly give any falſe Certificate or Certificates of the Quantity or Quantities of Coals on board of any Barge or Veſſel, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds.

Penalty on lading Coals within a certain Place.

VI. And be it further enacted, That no ſuch Coals, Culm, or Cinders, ſhall, upon any Pretence whatever, be laden on board any Boat, Barge, or Veſſel, upon any Part of the ſaid Canal between the ſaid Stone or Poſt and the Termination of the ſaid Canal at *Paddington*, or on any Part of the ſaid Canal between the ſaid Stone or Poſt and the Junction of the ſaid Canal with the River *Thames*; and if any ſuch Coals, Culm, or Cinders, ſhall be ſo laden on board any ſuch Boat, Barge, or Veſſel, contrary to the Directions of this Act, the Perſon or Perſons by whom or on whoſe Account the ſame ſhall be ſo laden, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds for every Ton Weight of ſuch Coals, Culm, or Cinders, and ſo in Proportion for any leſs Quantity; and ſuch Coals, Culm, or Cinders, ſhall be forfeited, and may and ſhall be ſeized by any Officer of the Cuſtoms, who is hereby authorized and empowered to detain ſuch Boat, Barge, or Veſſel for that Purpoſe.

Duties on ſuch Inland Coals.

VII. And be it further enacted, That there ſhall be raiſed, levied, and collected, on all Coals, Culm, or Cinders brought along the *Grand Junction* or *Paddington* Canals, nearer to *London* than the ſaid Stone or Poſt, the ſeveral and reſpective Rates and Duties of Cuſtoms following; (that is to ſay), the Sum of Seven Shillings and Sixpence, for and upon each and every Ton of Coals, Culm, or Cinders ſo brought; and an additional Duty of Twelve Pounds Ten Shillings on every One hundred Pounds of ſuch firſt Amount of Duty; and alſo a further additional Duty of Twelve Pounds Ten Shillings on every One hundred Pounds of ſuch firſt Amount of Duty; and alſo a further additional Duty of Two Pounds Ten Shillings on ſuch firſt Amount of Duty as aforeſaid; amounting in the Whole to the Sum of Nine Shillings and Sixpence Three Farthings for and upon every Ton of ſuch Coals, Culm, or Cinders; and there ſhall be raiſed, levied, and collected for every Ton of ſuch Coals, Culm, or Cinders, a further Duty of One Shilling and Three-pence; which laſt mentioned Duty ſhall, at the End of every Quarter, be paid to any Perſon or Perſons to be appointed by the Lord Mayor, Aldermen, and Commons of the City of *London* to receive the ſame, or if no ſuch Perſon ſhall be appointed, into the Chamber of the City of *London*, as and for

and in lieu of the Duty called *Orphans Duty*, and all other Rates, Dues, and Duties which are payable to the Corporation of *London*, upon Coals, Culm, or Cinders imported into the Port of *London*; and all such several and respective Duties shall be demandable and demanded, and shall be payable and paid to the proper Officer to be appointed by the Commissioners of the Customs in *England* to receive the same, according to the full Quantity and Weight of Coals, such Weight and Quantity as aforesaid to be ascertained in such Manner as the said Commissioners of Customs shall direct, in case it shall appear necessary to the said Commissioners to direct the ascertaining the same in any other or different Manner than is now used or authorized or required by any Act or Acts in relation to any Coals carried Coastwise or brought into the Port of *London*.

Duties to be under Management of Commissioners of Customs, who may appoint proper Officers to cause proper Houses to be erected, &c.

VIII. And be it further enacted, That the several Rates and Duties by this Act granted, shall be under the Management of the Commissioners of Customs in *England* for the Time being; and it shall be lawful for the said Commissioners, and they are hereby authorized to appoint proper Officers to ascertain, raise, levy, collect, and account for the said Duties; and it shall also be lawful for the said Commissioners of Customs to cause any Building or Buildings to be erected, which may be necessary for the Accommodation of the said Officers, and for the weighing or otherwise ascertaining the Quantities and Weights of any such Coals, Culm, or Cinders, and for the safe Keeping and Custody of any Coals that may be seized under or by any Officer of Customs, as to them or any Four or more of them, may seem necessary for the carrying this Act into Execution, and ascertaining and levying and collecting the said Duties.

Duties under this Act to be levied, &c. as former Duties; unless hereby altered.

IX. And be it further enacted, That the Duties of Customs granted by this Act may and shall respectively be ascertained, managed, raised, levied, collected, answered, paid, recovered, and allowed, (except where any Alteration is expressly made by this Act) in such and the like Manner, and by the same Means, Ways, or Methods, as former Duties of Customs, and also by any such special Means, Ways, or Methods respectively as former Duties of Customs on Coals or Culm, or Cinders burnt from Coals or Culm, were or might be ascertained, managed, raised, levied, collected, answered, paid, recovered, and allowed; and all Coals, Culm, and Cinders burnt from Coals or Culm, made subject to Payment of Duties under this Act, and all Coals, Culm, and Cinders burnt from Coal or Culm, which may be brought by the said Canals nearer to *London* than the Place by this Act specified, or contrary to the Provisions of this Act, or of any other Act or Acts of Parliament, shall be, and the same are respectively hereby made subject and liable to all and every the special Conditions, Rules, Regulations, Restrictions, Seizures, Sales, and Forfeitures respectively to which Coals, Culm, or Cinders burnt from Coals or Culm, were subject and liable by any Act or Acts of Parliament in force on and immediately before the said First Day of *August* One thousand eight hundred and five, respecting the Revenue of Customs, as far as the same are or can be made applicable, and except where any Alteration is expressly made by this Act; and all Pains, Penalties, Fines, and Forfeitures, of whatever Nature or Kind the same may be, as well Pains of Death as others, for any Offence whatever committed against or in Breach of any Act or Acts of Parliament in force on and immediately before the said First Day of *August* One thousand eight hundred

dred and five, made for ſecuring the Revenue of Cuſtoms, or for the Regulation or Improvement thereof; and the ſeveral Clauſes, Powers, Proviſions, and Directions contained in any ſuch Act or Acts, ſhall (unleſs where expreſsly altered by this Act) 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 ſeveral Duties of Cuſtoms hereby charged and allowed, in as full and ample a Manner, to all Intents and Purpoſes whatſoever, as if all and every the ſaid Acts, Clauſes, Proviſions, Powers, Directions, Fines, Pains, Penalties, or Forfeitures, were particularly repeated and re-enacted in the Body of this Act, and made Part thereof.

Proviſions of Acts in force relating to the Revenue of Cuſtoms, ſhall extend to this Act; unleſs hereby altered.

X. And be it further enacted, That every Act of Parliament in force on and immediately before the ſaid Firſt Day of *Auguſt* One thouſand eight hundred and five, by which any Rules, Regulations, Conditions, or Reſtrictions were made, eſtabliſhed, or directed, for the aſcertaining the Weight or Quantity, or the Amount of any Duties on any Weight or Quantity of Coals, Culm, or Cinders from Coals or Culm, or for the better ſecuring the Revenue of Cuſtoms (except where any Alteration is expreſsly made by this Act) and all Proviſions, Clauſes, Matters, and Things relating thereto, ſhall and are hereby declared to be and remain in full Force and Effect, and ſhall be applied to the Subject of this Act, and for carrying the ſame into Execution, as fully and effectually as if they had been repeated and re-enacted in this Act.

Corporation of London to appoint Officers to inſpect Veſſels laden with Coals.

XI. And be it further enacted, That it ſhall be lawful for the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council aſſembled, and they are hereby empowered from Time to Time, as Occaſion ſhall require, to appoint any Officer or Officers, or other Perſon or Perſons, who ſhall have full Power, and they and each of them are hereby authorized (either in Company with the Officers of His Majeſty's Cuſtoms, or without) to enter into any Boat, Barge, or other Veſſel, laden with Coals, Culm, or Cinders, paſſing or about to paſs nearer to *London* than the ſaid Boundary Stone or Poſt, ſo to be affixed as aforeſaid; and that every Officer or Officers, or other Perſon or Perſons ſo to be appointed by the ſaid Mayor, Aldermen, and Commons as aforeſaid, ſhall and lawfully may have and exerciſe all and every or any the Powers, and the ſeveral Ways and Means of aſcertaining the Weights and Quantities of all ſuch Coals, Culm, and Cinders, as any Officer or Officers of His Majeſty's Cuſtoms have or lawfully may exerciſe or perform under or by virtue of this Act, as to any Coals, Culm, or Cinders paſſing or about to paſs nearer to *London* than the ſaid Boundary Stone or Poſt ſo to be affixed as aforeſaid.

Penalty on obſtructing ſuch Officers.

XII. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall aſſault, oppoſe, moleſt, hinder, or obſtruct, any ſuch Officer or Officers, or other Perſon or Perſons to be appointed by the ſaid Mayor, Aldermen, and Commons as aforeſaid, in the due Execution of any of the Powers or Authorities given or granted to ſuch Officer or Officers, or other Perſon or Perſons as aforeſaid by this Act, every Perſon or Perſons ſo offending, ſhall be deemed guilty of a Miſdemeanor, and ſhall be ſubject and liable to the like Puniſhment, Pains, and Penalties, as by Law may be inflicted in Caſes of Miſdemeanor by the Court before whom ſuch Offender or Offenders ſhall be convicted.

Limitation of Actions.

XIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if the Jury shall find for the Defendant or Defendants in any such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant hath in any other Cases to recover Costs by Law.

General Issue.

Treble Costs.

Continuance of Act.

XIV. And be it further enacted, That this Act shall continue in force, for One Year, from the First Day of *August* One thousand eight hundred and five, and no longer.

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