ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

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C A P. IX.

An Act to repeal an Act of the Twenty-fifth Year of His present Majesty, for better securing the Duties on Coals, Culm, and Cinders; and making other Provisions in lieu thereof; and for requiring Ships in the Coal Trade to be measured.

[28th *February* 1812.]

WHEREAS Masters and Owners of Ships and Vessels employed in the Coal Trade, in *England* and *Wales*, are put to great Inconvenience and incur great Risk by the present Practice of loading and clearing out such Ships and Vessels: And whereas it is expedient, in order to obviate such Inconvenience and Risk, that other Provisions should be made, and that the Regulations contained in an Act passed in the Twenty-fifth Year of His present Majesty, intituled, *An Act for better securing the Duties upon Coals, Culm, and Cinders*, should be repealed, as far as the same relates to *England* and *Wales*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the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 the said recited Act, so far as the same relates to *England* and *Wales*, shall be, from and after the First Day of *March* One thousand eight hundred and twelve, repealed.

25 G. 3. c. 54. repealed.

II. And be it further enacted, That from and after the said First Day of *March* One thousand eight hundred and twelve, no Cocquet shall be granted by the Collector, Controller, or other Officer or Officers of His Majesty's

Sufferance not to be granted for the shipping

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of Coals, or Veſſel permitted to ſail until Two Certificates of the Quantity be delivered.

Majeſty's Cuſtoms, in any Port, Harbour, Haven or Creek, in *England* or *Wales*, for the ſhipping Coaſtwiſe, any Coals, Culm, or Cinders, nor ſhall the Maſter or Perſon having or taking the Charge or Command of any Ship or Veſſel be permitted to load any Coals, Culm, or Cinders on board any ſuch Ship or Veſſel until the Fitter or Fitters, or if there ſhall be no Fitter, then until the Coal Owner or his Agent, vending or ſhipping the Coals, Culm, or Cinders, ſhall have delivered to the ſaid Collector, Controller, or other proper Officer aforeſaid, ſigned with his or their own Hand or Hands, two Certificates expreſſing the real Quantity of Coals, Culm, or Cinders intended to be ſhipped on board ſuch Ship or Veſſel, which Certificates every ſuch Collector or other proper Officer is hereby directed to ſign, enter, and regiſter in a public Book to be kept by ſuch Collector, or other proper Officer at the Cuſtom Houſe in the reſpective Port or Place where ſuch Ship or Veſſel is to be cleared Coaſtwiſe as aforeſaid, One of which Certificates, after being ſo ſigned, entered, and regiſtered as aforeſaid, ſhall be delivered to the Maſter or other Perſon having or taking the Charge or Command of the Ship or Veſſel in which the ſame are intended to be ſhipped, and the other ſhall remain in the Cuſtody of the ſaid Collector, or other proper Officer in the Cuſtom Houſe aforeſaid, to which ſaid Regiſter any Perſon or Perſons ſhall and may have recourſe to ſee and examine the ſame without Fee or Reward; and it ſhall not be lawful for any Collector, Controller, or other Officer or Officers of His Majeſty's Cuſtoms in any ſuch Port, Harbour, Haven, or Creek as aforeſaid, to clear Coaſtwiſe, any Ship or Veſſel whatever, laden or in part laden with Coals, Culm, or Cinders, nor to ſign, iſſue forth, or grant any Cocquet, Letpaſs, Tranſire, or other Diſpatch of any Nature or Kind whatever, for the clearing for a Coaſting Voyage, any ſuch Ship or Veſſel, unleſs the Fitter or Fitters, Coal Owner or Agent, who ſo vended or ſhipped the Coals, Culm, or Cinders on board the ſaid Ship or Veſſel, ſhall have delivered to the Collector or other proper Officer of the Cuſtoms at ſuch Port, Harbour, Haven, or Creek aforeſaid, where ſuch Ship or Veſſel is ſo laden, or in Part laden, ſuch Certificates as are herein-before directed and required.

Officer of the Cuſtoms to iſſue Sufferances upon Production of Certificate.

III. And be it further enacted, That from and after the ſaid Firſt Day of *March*, it ſhall and may be lawful for the Collector, Controller, or other proper Officer of the Cuſtoms, in any Port, Haven, Harbour, or Creek in *England* or *Wales*, to ſign, iſſue forth, or grant any Cocquet, for the clearing Coaſtwiſe of any ſuch Ship or Veſſel, for which the Certificates of the Fitter, Coal Owner or Agent, required by this Act, ſhall have been delivered according to the Directions herein contained; and ſuch Cocquet ſhall and may be iſſued forth and granted by any ſuch Collector, Controller, or other proper Officer, for and according to the Quantity declared in ſuch Certificates ſo delivered as aforeſaid; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Certificate to expreſs the true Quantity of Coals.

IV. And be it further enacted, That in all Caſes of Shipment of Coals, Culm, or Cinders to be exported to Parts beyond the Seas, in any Ship or Veſſel whatever, the Certificate ſo to be delivered as aforeſaid, by ſuch Fitter, Coal Owner, or Agent, ſhall expreſs the true Quantity of Coals, Culm, or Cinders actually laden on board ſuch Ship or Veſſel.

V. And

V. And be it further enacted, That in caſe any Fitter or Fitters, Coal Owner or Agent, vending or ſhipping Coals, Culm or Cinders, ſhall not give ſuch Certificates as aforeſaid, or ſhall give or make any falſe Certificate or Certificates of the Quantity of Coals, Culm, or Cinders, ſold or vended by him or them, and intended to be ſhipped or laden, or actually ſhipped or laden on board any Ship or Veſſel whatever in *England* or *Wales*, or who ſhall deliver any ſuch Certificate or Certificates ſigned by any Perſon except himſelf or themſelves, every ſuch Fitter or other Perſon ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds. Puniſhing Fitters not giving in, or making falſe Certificates.

VI. And be it further enacted, That in caſe any Coals, Culm, or Cinders, laden on board any ſuch Ship or Veſſel, which ſhall be cleared Coaſtwiſe at any Port of *England* or *Wales*, from and after the ſaid Firſt Day of *March* ſhall upon any Pretence whatever be delivered in any Part beyond the Seas, before the Duties due upon the Exportation thereof have been paid, the Maſter or other Perſon or Perſons having or taking the Charge or Command of ſuch Ship or Veſſel ſhall, before he or any other Perſon be permitted again to enter or clear the ſaid Ship or Veſſel Coaſtwiſe, or for Parts beyond the Seas, not only pay to the Collector or other proper Officer at the Port of *England* or *Wales*, from whence the ſaid Ship or Veſſel is intended to be cleared out as aforeſaid, the Export Duties on the greateſt Quantity of Coals, Culm or Cinders, which it ſhall appear that any ſuch Ship or Veſſel is capable of containing, but alſo the further Sum of Three Shillings for every ſuch Chaldron of Coals, Culm or Cinders, *Wincheſter* Meaſure, to be applied and appropriated to the ſame Uſes with the reſpective Duties now payable on Coals, Culm or Cinders exported: Provided nevertheleſs, if it ſhall appear upon the Oaths of the Maſter, together with the Mate and Two of the Mariners belonging to ſuch Ship or Veſſel, and who were on board at the Time ſhe was cleared Coaſtwiſe, and ſailed in her during the whole Voyage, taken in the open Cuſtom Houſe before the Collector and Controller of ſuch Port (who are hereby authorized and required to adminiſter the ſame), that ſuch Ship or Veſſel was really and *bonâ fide* forced by contrary Winds or other unavoidable Neceſſity and Diſtreſs of Weather into ſuch Parts beyond the Seas, and could not by Reaſon of ſuch Neceſſity and Diſtreſs have proceeded with ſuch Coals, Culm or Cinders, to ſome Port or Place in *Great Britain*, which Proof ſhall be tranſmitted by ſuch Officer to the Commiſſioners of the Cuſtoms in *England*; and if it ſhall appear to their Satisfaction that ſuch Veſſel was ſo forced into Parts beyond the Seas as aforeſaid, the ſaid Commiſſioners of Cuſtoms, or any Four of them, ſhall and may order the Collector or other proper Officer of the Cuſtoms, to whom the ſaid Duties and the ſaid Sum of Three Shillings for every Chaldron as aforeſaid ſhall have been paid as herein-before directed, to grant the Maſter of ſuch Ship or Veſſel, a ſpecial Certificate thereof, in order that his Coaſt Bond may be diſcharged, and to return ſuch reſpective Sum of Three Shillings for every Chaldron of Coals, Culm or Cinders, ſo paid as aforeſaid; but on failure of the Proof herein directed, or if the ſame ſhall not be ſatisfactory to the ſaid Commiſſioners, ſuch Bond ſhall and may be proſecuted and put in ſuit; any Law, Cuſtom, or Uſage to the contrary notwithſtanding. Coal Ships to be meaſured.

VII. And be it further enacted, That in order to aſcertain the greateſt Quantity of Coals, Culm or Cinders, which any Ship or Veſſel having ſo delivered any Coals, Culm or Cinders in any Part beyond the Seas, is capable of Veſſels to be meaſured at the Port of Return.

of containing, a proper Perſon or Perſons to be ſelected and appointed by the Collector of the Cuſtoms of the Port in *England* or *Wales* to which ſuch Ship or Veſſel ſhall firſt return after ſuch delivery in Parts beyond the Seas as aforeſaid, ſhall meaſure ſuch Ship or Veſſel, for the Purpoſe of aſcertaining the greateſt Quantity of Coals, Culm or Cinders to be computed in Chaldrons, *Wincheſter* Meaſure, which ſuch Ship or Veſſel is capable of containing, and the ſaid export Duties and additional Duties ſhall be paid according to ſuch Admeaſurement; and ſuch Perſon or Perſons ſo to be appointed ſhall be paid by the Owner or Owners of any ſuch Ship or Veſſel ſo meaſured, for his or their Trouble, after the Rate of One Penny Halfpenny for every Chaldron which ſuch Ship or Veſſel ſhall appear to be capable of containing.

Certificates to be admitted in Evidence.

VIII. And be it further enacted, That the ſaid Entry and Regiſter of the Fitters Certificate, ſo directed as aforeſaid, ſhall be accepted and admitted as and taken to be full and complete Evidence of the Fact in all Caſes where the original Certificates are not produced.

Recovery of Penalties.

IX. And be it further enacted, That the Penalty in this Act mentioned ſhall and may be proſecuted, determined, and recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, and in the Court of Exchequer in *Edinburgh* reſpectively, wherein no Eſſoign, Protection, Privilege or Wager of Law ſhall be allowed; and One Moiety thereof ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to the Perſon or Perſons who ſhall ſue for or proſecute the ſame.

Allowing the General Iſſue to be pleaded.

X. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the Defendant or Defendants in 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 that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to have been done, then the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame which the Defendant or Defendants hath or have in other Caſes of Law.

Treble Coſts.

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