ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. CI.

An Act to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts. [4th *August* 1845.]

WHEREAS an Act was passed in the First and Second Years of the Reign of King *William* the Fourth, intituled *An Act for regulating the Vend and Delivery of Coals* 1 & 2 W. 4.
in the Cities of London *and* Westminster, *and in certain Parts of the* c. lxxvi.
Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, *and* Berkshire, whereby the Provisions of the said Act were directed to be in force for Seven Years from and after the Thirty-first Day of *December* next after the passing thereof: And whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Seven Years an* 1 & 2 Vict.
Act for regulating the Vend and Delivery of Coals in London *and* c. ci.

 Westminster,

Westminster, *and in certain Parts of the adjacent Counties*: And whereas the last-mentioned Term of Seven Years, during which the Provisions contained in the said Acts were directed to continue in force, will expire on the Thirty-first Day of *December* One thousand eight hundred and forty-five, and it is expedient that the same should be continued, and that in the respects herein-after mentioned the said Acts should be altered and amended: Be it therefore enacted by the Queen'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,

Recited Acts continued, except as altered.

That the said Acts of the First and Second Years of the Reign of King *William* the Fourth, and the First and Second Years of the Reign of Her present Majesty, and all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things therein contained, (except such of them, or such Parts thereof respectively, as are repealed, altered, or otherwise provided for,) shall be and the same are hereby continued until the Fifth Day of *July* One thousand eight hundred and sixty-two; and all the Provisions, Regulations, Clauses, Matters, and Things in the said first-mentioned Act contained, to take effect at the End of the Term of Seven Years therein mentioned, or at any other Time or Times, shall take effect in the same Manner to all Intents and Purposes as if the Fifth Day of *July* One thousand eight hundred and sixty-two had been inserted in the said Act of the First and Second Years of the Reign of King *William* the Fourth, instead of the said Term of Seven Years.

Duties extended to Coals brought by Railway.

II. And be it enacted, That all and singular the Duties by the said Acts authorized to be levied upon Coals, Culm, and Cinders contained in any Ship or Vessel arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, or brought near *London* by the Grand Junction or *Paddington* Canals, or by the River *Thames*, and by other Acts now in force authorized to be levied upon Coals, Culm, and Cinders brought near *London* by certain Railways in the same Acts particularly mentioned, shall be extended, and the same are hereby imposed and authorized to be levied, until the said Fifth Day of *July* One thousand eight hundred and sixty-two, upon all Coals, Culm, and Cinders brought to any Place within the Port of *London*, or within the Cities of *London* and *Westminster* and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed or hereafter to be constructed, or by Inland Navigation, or by any other Mode of Conveyance; and the same Duties shall be payable to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations, as the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled,

shall from Time to Time direct or appoint, with the same Powers and Authorities for giving Receipts for and enforcing or recovering Payment of the same as are given by the said recited Acts in respect of the like Duty on Coals, Culm, and Cinders by the same Acts authorized to be levied; and all and singular the Duties hereby extended and imposed as aforesaid shall be applied to the same Purposes to which the like Duties authorized to be levied by the said recited Acts shall from Time to Time by Law be applicable; Provided always, that nothing herein contained shall extend to prevent any Railway Company, their Workmen and Agents, or other Persons using their Railways, from bringing by such Railways to any Points of the said Railways nearer to *London* than the aforesaid Distance all such Quantities of Coal and Coke from Time to Time as shall be required to be used, and shall be *bonâ fide* used, for the Purposes of the Engines of the said Company, not exceeding Five hundred Tons in any One Year, without any Duty being payable in respect of such Coals or Coke: Provided always, nevertheless, that if any Coals or Coke brought nearer to *London* than the aforesaid Distance, without the Duty being paid in respect thereof according to the Provisions herein-before contained, shall be used otherwise than for the Purposes of the Engines of the said Company, or more than Five hundred Tons of such Coals or Coke shall be so brought in any One Year without the Duty being paid in respect thereof as aforesaid, every such Company shall in either of such Cases, for every Ton of such Coals or Coke so brought and otherwise used, or for every Ton of such Coals or Coke exceeding Five hundred Tons in any One Year (as the Case may be), forfeit and pay to the said Mayor and Commonalty and Citizens the Sum of One hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*.

Application of Duty of One Penny per Ton on Coals, &c. after 31st December 1845.

III. And in order to provide a Fund for the opening of poor and densely populated Districts in the Metropolis, or for keeping open Spaces in the immediate Vicinity of the same, as a Means of promoting the public Convenience, Recreation, and Health, be it enacted, That the Duty of One Penny *per* Ton on Coals, Cinders, or Culm contained in any Ship or Vessel laden with Coals, Cinders, or Culm arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, and also the like Duty of One Penny *per* Ton on Coals, Culm, and Cinders brought near *London* by the Grand Junction or *Paddington* Canals, or by the River *Thames*, created and imposed by the said Act of the First and Second Years of the Reign of King *William* the Fourth, and by this and other Acts extended to Coals, Culm, and Cinders brought near *London* by Railway, Inland Navigation, or other Mode of Conveyance, shall from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five be applied to the Creation of a Fund for the Execution of such Improvements

Improvements in the Metropolis as Parliament may hereafter direct or sanction; and the Public Stocks or Funds in which the Residue or Overplus of the Produce of the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm has been from Time to Time invested in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the said City, in pursuance of the said Act of the First and Second Years of the Reign of King *William* the Fourth, and the Dividends and Interest thereof, and also the Rents and Profits to be derived from the Coal Market, shall from Time to Time be applied to the same Purposes as the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm is now applicable by virtue of the said Act.

Duty to be laid out and form an accumulating Fund for Improvements till appropriated by Parliament.

IV. And be it enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five the said Duty of One Penny *per* Ton on Coals, Cinders, and Culm, so created, imposed, and extended as aforesaid, shall from Time to Time, when and as received, be laid out and invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to an Account to be intituled "The Metropolis Improvement Fund Account;" and the said Commissioners shall from Time to Time lay out or invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased in their Names on the Account aforesaid, in like Manner, for the Purpose of Accumulation in the meantime, and until the said Fund shall be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis,

The Corporation and Board of Trade may agree upon a Sum to be paid to the Corporation for Redemption of Annuities.

V. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, and the Committee of Her Majesty's Privy Council for managing the Affairs of Trade, to agree upon a Sum of Money to be paid to the said Mayor, Aldermen, and Commons, in Common Council assembled, for the Redemption of the Sums of Money, Annuities, and other Compensation to which the principal and labouring Land Coal Meters, and the Clerks, Officers, and other Persons who were employed in the Land Metage of Coals, and also the Clerks of the Coal Market, are now entitled, in respect of the Abolition of their respective Offices, under and by virtue of the said Act of the First and Second Years of the Reign of King *William* the Fourth; and thereupon the Chamberlain shall receive, out of the said Stocks or Funds in which the said Residue or Overplus of the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm has been invested as aforesaid, the Sum of Money so to be certified as aforesaid, to the Use of the Mayor and Commonalty and Citizens of the City of *London;* and when such Money shall have been paid to the said Chamberlain as aforesaid, the said

said Mayor and Commonalty and Citizens shall be and are hereby made liable to the Payment of the said Sums of Money, Annuities, and other Compensation as aforesaid, and the Charge thereof upon the said Stocks or Funds shall cease and determine.

Power to make Bye Laws.

VI. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, with the Approbation and in the Manner mentioned in the said Act of the First and Second Years of the Reign of Her present Majesty, to make from Time to Time such Bye Laws as shall appear to them to be necessary for regulating and removing Vessels laden or partly laden with Coals, and from Time to Time to amend, alter, vary, or repeal such Bye Laws, and to make others.

Authentication of Bye Laws. 10 G. 4. c. cxxiv.

VII. And be it enacted, That a printed or written Copy of the Bye Laws made in pursuance of this Act, or of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending the Powers of an Act of the Thirty-ninth Year of the Reign of King* George *the Third, for rendering more commodious and for better regulating the Port of* London, or of the said Act of the First and Second Years of the Reign of King *William* the Fourth, or of the said Act of the First and Second Years of the Reign of Her present Majesty, signed by the Town Clerk of the City of *London*, shall, without any other Proof, be admitted as Evidence of such Bye Laws, and of the making, Submission, Allowance, and Publication thereof, unless the contrary shall be proved.

Justices may proceed by Summons in the Recovery of Penalties.

VIII. And be it enacted, That in all Cases in which by the said Acts or either of them, or this Act, or any Bye Laws made or to be made in pursuance thereof, any Penalty or Forfeiture is made recoverable before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said Acts or either of them, or this Act, or such Bye Laws as aforesaid, to summon the Party complained against before any Justice, who on such Summons shall hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before any Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Expences of Act.

IX. And be it enacted, That the Costs, Charges, and Expences incident to and incurred in obtaining and passing this Act shall be

paid and discharged by and out of the Produce of the said Duty of One Penny *per* Ton.

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

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