

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

CAP. XXXVI.

An Act to continue until the First Day of *January* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and to amend, an Act for establishing an Office for the Benefit of Coalwhippers of the Port of *London*. [27th *July* 1846.]

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Vend and Delivery of Coals in the Cities of* London *and* Westminster, *and in certain Parts of the Counties of* Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, *and* Berkshire: And whereas an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in* London *and* Westminster, *and in certain Parts of the adjacent Counties:* And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to continue until the Fifth Day of* July *One thousand eight hundred and sixty-two the* 1 & 2 W. 4. c. lxxvi. 1 & 2 Vict. c. ci. 8 & 9 Vict. c. 101.

Acts

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:* And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for establishing an Office for the Benefit of Coalwhippers of the Port of* London, *and for staying certain Actions in respect of Fitters Certificates:* And whereas the said last-mentioned Act will expire at the End of the present Session of Parliament, and it is expedient that the same should be renewed 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, That from and immediately after the End of this present Session of Parliament it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations to appoint Four fit and proper Persons as Commissioners for carrying this Act into execution, and from Time to Time to remove any Person who shall have been so appointed by them, and also from Time to Time to fill up any Vacancy which shall occur in the Number of the Commissioners so appointed, either by Reason of Removal, Resignation, Death, or otherwise.

6 & 7 Vict. c. ci.

I. *Government of Coalwhippers.*

Board of Trade may appoint Four Commissioners, and may remove them, and fill up Vacancies.

The Corporation of London may appoint Four Commissioners, and may remove them, and supply Vacancies.

II. And be it enacted, That from and immediately after the End of this present Session of Parliament it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, to appoint Four other fit and proper Persons to be Commissioners for carrying this Act into execution, and also from Time to Time to remove any Person who shall have been appointed by virtue of this Enactment, and also from Time to Time to fill up any Vacancy which shall occur in the Number of the Commissioners appointed by them, either by Reason of Removal, Resignation, Death, or otherwise.

Chairman of Committee of the General Shipowners Society of London to be a Commissioner.

III. And be it enacted, That the Chairman of the Committee of the General Shipowners Society of *London* for the Time being shall be a Commissioner for carrying this Act into execution, and the said Chairman for the Time being of the said Committee of the said General Shipowners Society of *London*, and the said several Persons who shall be so from Time to Time respectively appointed by the said Lords of the said Committee of Privy Council, and by the said Mayor, Aldermen, and Commons, in Common Council assembled as aforesaid, shall be and are hereby constituted Commissioners for carrying this Act into execution, and shall be styled "Commissioners for the Registration and Regulation of Coalwhippers in the Port of *London*."

Style of Commissioners.

Commissioners appointed under 6 & 7 Vict. c. ci. to remain in

IV. Provided always, and be it enacted, That the Commissioners appointed by virtue of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty shall continue and be Commissioners for carrying this Act into execution, until Commissioners shall have been appointed, both by the said Lords of the

said Committee of Her Majesty's Privy Council, and by the said Mayor, Aldermen, and Commons, in Common Council assembled, pursuant to the Provisions of this Act. Office until removed.

V. And be it enacted, That all Contracts, Covenants, Agreements, Engagements, and Securities which at the Time of the Commencement of this Act shall have been entered into or given to or by the said Commissioners, or any Registrar, Branch Registrars, Clerks, or other Officers and Servants appointed by the said Commissioners under the Authority of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty, shall continue and may be enforced in the same Manner as if the same had been entered into or given under the Authority of this Act. Existing Contracts to remain in force.

VI. And be it enacted, That the Commissioners acting under or by virtue of this Act, or any Three of them, shall meet at such Time and Place as the Nine Commissioners to be appointed under or by virtue of this Act, or the greater Number of them, shall direct, by Notice in Writing, signed by the greater Number of the said Commissioners; and such Meeting shall be called a Board of Commissioners, and all Boards of the said Commissioners shall be held from Time to Time at such Time and Place and upon such Notice as may be resolved upon by Rules or Regulations of any Board for that Purpose: Provided always, that every Board of Commissioners shall consist of not less than Three Commissioners. Meetings of Commissioners. Quorum.

VII. And be it enacted, That at the first Meeting of the Commissioners in every Year they shall elect, by a Majority of Votes of the Commissioners present, some One Commissioner to be the Chairman of the said Commissioners for the Remainder of the Year, and some One other Commissioner to be the Vice-Chairman of the said Commissioners for the Remainder of the Year; and in case the Chairman shall be absent from any Meeting of the Commissioners, the Vice-Chairman shall in that Case act as Chairman; and in case at any Meeting of the Commissioners neither the Chairman nor the Vice-Chairman shall be present, the Commissioners then present shall elect a Chairman for that Meeting; and all Questions shall be determined by the Votes of the Majority of the Commissioners present at the Board, including the presiding Chairman, and in case of an Equality of Votes the presiding Chairman shall have the casting Vote. Chairman and Vice-Chairman to be appointed every Year. Presiding Chairman to have a casting Vote.

VIII. And be it enacted, That all and every the Powers and Authorities and Duties by this Act vested in or imposed upon the said Commissioners shall be exercised by the Board of Commissioners, and the Decision or Resolution of any Board shall be deemed to be the Decision and Resolution of the Commissioners. Powers of Commissioners vested in the Board.

IX. And be it enacted, That all Orders and Proceedings of any Board of Commissioners shall be entered in a Book to be kept by the Registrar, Clerk, or other Officer to be appointed by virtue of this Act, and shall be signed by the presiding Chairman of the Board. Proceedings of Board to be entered in a Book.

X. And

I. *Government of Coalwhippers.*

Commissioners to sue and be sued in the Name of the Registrar.

X. And be it enacted, That the said Commissioners may sue and be sued, in all Actions, Suits, and other Proceedings, in the Name of their Registrar for the Time being, and that no Action, Suit, or Process shall abate or be stayed by reason of the Death or Removal of any such Registrar, but the Registrar for the Time being shall be deemed to be the Party, Plaintiff or Defendant, as the Case may be: Provided always, that all Costs, Charges, and Expences which may be incurred by the said Registrar in any such Action, Suit, or Proceeding shall be repaid to him by the said Commissioners out of the Monies applicable by them to the Purposes of this Act.

II. *Coalwhippers Register.*

Commissioners to keep a Register, and appoint a Registrar.

XI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby required to provide and keep, at some convenient Place or Places in the City of *London*, or on the Banks of that Part of the River *Thames* which for the Purposes of this Act is to be deemed within the Port of *London*, One or more Book or Books for registering of Coalwhippers in the Port of *London*, and also to appoint some fit and proper Person to be the Registrar thereof, with such Salary or Remuneration, not exceeding Four hundred Pounds *per Annum*, as they may think reasonable, and as the Lords of the Committee of Privy Council may approve, and to regulate the Duties of the Office of Registrar, and to supply any Vacancy in the said Office caused by Death, Resignation, or by such Removal as hereinafter is mentioned, or otherwise.

Registrar to enter Names, &c. of Coalwhippers;

and to deliver Certificates, and renew the same, and to keep the Register according to the Act.

XII. And be it enacted, That the Registrar so appointed shall and he is hereby required, from Time to Time, upon the Application of any Person desirous of following or continuing to follow the Employment of a Coalwhipper, and upon Payment of such Fee (not exceeding Four-pence) as shall be prescribed in that Behalf under the Authority of this Act, to enter or cause to be entered in the said Register the Christian Name and Surname, the Age, and the Place of Abode, and any other Particulars required under the Authority of this Act, of any Person who at the Time of the passing of this Act shall follow the Employment of a Coalwhipper, and who shall at the Time of such Application be desirous of continuing therein, and of any other able-bodied Male Person whatever who shall be desirous of entering on the said Employment; and immediately upon such Entry being made the said Registrar shall, without any further Fee or Reward, deliver or cause to be delivered to every Person so registered a Certificate of such Entry having been made, and of the Number, Date, and Particulars thereof; and the said Registrar shall from Time to Time, upon Payment of such Fee as shall be prescribed, and in such Cases as shall be mentioned, in that Behalf respectively under the Authority of this Act, renew or cause to be renewed such Certificate; and the said Registrar shall at all Times and in all respects keep or cause to be kept the said Register in accordance with the Provisions and the Regulations to be established under the Authority of this Act: Provided always, that where any Person shall have been duly registered as a Coalwhipper under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, and shall be in possession of a valid Certificate of his Registration, such Person shall not be required to be again

Where a Person has been duly registered he need not be again registered.

again registered under the Provisions of this Act, but his Registration shall be as effectual as if made under such Provisions, and the same, and the Certificate thereof, shall be subject to the same Regulations and Provisions as if the Registration had been made and the Certificate granted under this Act.

Register to be Evidence.

XIII. And be it enacted, That in all Courts, and before any Justices of the Peace, and upon all Occasions whatever, the Entries made or contained in such Register shall be received as Evidence, and be deemed sufficient Proof of all Matters and Things therein registered or contained, without any further Proof than the Production of such Register, and any Person shall be at liberty to inspect any such Register, during the Hours of Attendance at the Office, without Payment of any Fee or Reward; and that the Entries in such Register, and the Certificates to be delivered under this Act, and the Contracts made for the Discharge of Coals by Coalwhippers, registered and sent from the Coalwhippers Office under this Act, and the Receipts given for Wages under the Provisions of this Act, shall not be liable to any Stamp Duty; and that if any Person applying to be registered under this Act, or procuring or attempting to procure any such Certificate, shall make or cause to be made any false Representation in regard to his Name, Age, or Place of Abode, or if he shall not truly answer all Questions which shall be demanded of him in relation to such Application or Certificate, every Person so offending shall forfeit for every such Offence any Sum not exceeding Twenty Shillings; and that if any Person or Persons shall forge, counterfeit, or falsify, or cause or procure to be forged, counterfeited, or falsified, or act or assist in forging, counterfeiting, or falsifying, any Entry or Certificate of Registry, or any other Document to be made or given in pursuance of this Act, the Person or Persons so offending, and being thereof lawfully convicted, shall be deemed guilty of a Misdemeanor, and shall be liable to be punished by Fine or Imprisonment or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Certificate, and for any Peace Officer to seize and take away any such Certificate, in order that the same may be produced in Evidence against the Offender, or be disposed of, as the said Registrar shall think proper.

Entry and Certificate not subject to Stamp Duty.

Penalty on Persons making Misrepresentations.

No Person to follow the Employment of a Coalwhipper unless he be registered, and have a Certificate.

XIV. And be it enacted, That it shall not be lawful for any Person, except such Persons and in such Cases as is in this Act provided, to follow or exercise the Employment of a Coalwhipper, or to labour in the Discharge, by the Process of whipping, of the Cargo of any Vessels laden with Coals in the Port of *London*, unless such Person shall be registered as a Coalwhipper, and shall have a Certificate under this Act, and then remaining in force; and if any Person not so registered, or not having such Certificate, except as last aforesaid, shall follow or exercise the said Employment, or shall labour as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Two Pounds: Provided always, nevertheless, that it shall be lawful for any Person or Persons being actually Part of the Crew of any Vessel in the Port of *London* to labour in the Discharge of Coals, by whipping or otherwise, from the same or any

Exception in favour of the Crews of Colliers, and of the actual Servants or

Labourers of the Owner or Purchaser of the Cargo.

any other Vessel, and also for the actual Servants or Labourers of the *bonâ fide* Owner or Purchaser of the Cargo of any Vessel laden with Coals, or of any Part thereof, such Servants and Labourers having been *bonâ fide* engaged in the Service of such Owner or Purchaser for a Period of not less than Fourteen Days, to labour in the Discharge of such Cargo by the Process of whipping, and also for the actual Servants or Labourers of the several Dock Companies having Docks near to the River *Thames*, such Servants and Labourers having been *bonâ fide* engaged in the Service of such respective Companies for a Period of not less than Fourteen Days, to labour in the Discharge of Coals, by the Process of whipping, from any Vessels in the Docks of such Companies respectively, and such Crews, Servants, and Labourers may so labour with or without the aid of One or more Person or Persons being registered Coalwhippers.

III. *Coalwhippers Office.*

Corporation of London may hire Lands and Buildings for Offices and Stations, and remove the same at Request of the Commissioners.

XV. And for the Purpose of providing a Head Office and convenient Branch Offices and Stations for the Resort of Coalwhippers in the Port of *London*, and the Deposit of the Implements and Tackle required in that Business, be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, at the Request of the said Commissioners, to be signified by a Resolution of their Board, signed by the Chairman, at any Time or Times and from Time to Time to treat and agree for the hiring or renting of, and to hire or rent, any Buildings, Ground, and Hereditaments, as the said Commissioners shall think necessary for the Purposes of this Act, and also to adapt and fit up the same for Offices and Stations for the Resort of Coalwhippers, and for the Deposit of the Tackle and Implements required in that Employment, and for the Transaction of the Business of the Commissioners under this Act, and also from Time to Time to repair and maintain the Buildings and Premises so acquired and held by virtue of this Act; and also at any Time or Times, at the Request of the said Commissioners, to be signified by a Resolution of their Board, signed by their Chairman, to remove any of the said Offices or Stations to any other Situation or Place which the said Commissioners shall deem more convenient: Provided always, that in case the said Mayor, Aldermen, and Commons, in Common Council assembled, shall, after such Request of the said Commissioners, signified as aforesaid, neglect or refuse to comply with such Request, it shall be lawful for the said Commissioners from Time to Time to rent or hire any Buildings, Ground, and Hereditaments, and to adapt and fit up the same for the Purposes aforesaid, and also from Time to Time to repair and maintain the same, and to remove any of the said Offices or Stations to any other Situation or Place.

Commissioners to provide Tackle for the Use of Vessels discharging

XVI. And be it enacted, That it shall be lawful for the said Commissioners to provide and keep from Time to Time such Stages, Planks, Gins, Baskets, Shovels, and other Tackle and Implements, as are commonly used in the Discharge of Cargoes of Coals, and of such Description and in such Quantities as they shall think sufficient, and to supply to such Ships as may require the same such Tackle and

Implements, upon Payment of such Sum for the Use thereof as may be fixed by the said Commissioners, not exceeding in any Case the Sum of Seven Shillings and Sixpence *per* Cargo when the Vessel is of Two hundred and fifty Tons Burden or upwards, and not exceeding Five Shillings *per* Cargo when the Vessel is of less Burden than Two hundred and Fifty Tons; and if any Person whomsoever shall let out to Hire, or permit to be used, for the Discharge of the Coals from any Vessel by registered Coalwhippers engaged from the Coalwhippers Office under this Act, any Tackle or Implements to or by any Person or Persons (except on behalf of the Coalwhippers Office), every Person so hiring out or permitting to be used any such Tackle or Implements shall, for each and every Occasion of hiring out or permitting to be used the same, forfeit the Sum of Five Pounds: Provided nevertheless, that nothing herein contained shall prevent the Master of any Vessel laden with Coals in the Port of *London* from using such of the aforesaid Tackle and Implements as may be required, and as may belong to the Owner of such Vessel, notwithstanding the Cargo of such Vessel shall be discharged by Coalwhippers engaged from the Coalwhippers Office, or shall prevent any such Master from hiring, or any Person whomsoever from letting out to Hire, any such Tackle or Implements as aforesaid, in any Case in which such Vessel shall be lawfully unladen according to the Provisions of this Act by Persons not being registered Coalwhippers.

their Cargoes.

Penalty on other Persons letting out Tackle or other Implements.

Nothing to prevent Owners, &c. from using their own Tackle.

XVII. And be it enacted, That it shall be lawful for the said Commissioners to appoint such and so many Branch Registrars, Clerks, and other Officers and Servants as they may think necessary for carrying this Act into execution, with such Salaries and Allowances as they may think reasonable, and as the said Lords of the said Committee of Her Majesty's Privy Council shall approve, and to supply Vacancies among them caused by such Removal as hereinafter is mentioned, or by Death, Resignation, or otherwise: Provided always, that it shall be lawful for the said Lords of the said Committee of Her Majesty's Privy Council from Time to Time to remove the Registrar, Branch Registrars, Clerks, and other Officers and Servants appointed by the said Commissioners by virtue of this Act, and any Person so removed shall not be afterwards appointed to any Office or Situation under this Act without the Consent of the Lords of the said Committee: Provided always, that the present Registrar, Branch Registrars, Clerks, and other Officers shall continue in Office until they shall respectively die or resign or be removed as aforesaid.

Commissioners to appoint Officers, and award such Salaries as Board of Trade shall approve of.

IV. *Coalwhipping.*

XVIII. And whereas, in order to secure the Objects of this Act, it is expedient to make certain Provisions respecting the Discharge of the Cargoes of Vessels laden with Coals in the Port of *London*; be it therefore enacted, That the Master or Mate of every Vessel laden with Coals, the whole or Part of the Cargo whereof it shall be intended to discharge in the Port of *London* by Coalwhippers, or some other Person on behalf of the Master, shall make Application in Writing to the Head Office or the nearest Branch Office of Coalwhippers, stating the certificated Quantity of Coals, and, if only Part of the Cargo is wanted, the Quantity of Coals required to be discharged, and the Time at which he desires that the Discharge of such

Where Cargo to be discharged by Coalwhippers, Shipmaster to apply to the Coalwhippers Office.

IV. *Coalwhipping.*

such Coals shall commence, and the Time within which it shall be completed, and the Rate *per* Ton which he agrees to pay for the Discharge thereof.

Duties of Clerks, &c. as to the Employment of Coalwhippers in unloading Vessels.

XIX. And be it enacted, That the Clerk or other Officer appointed under this Act, upon every such Application for Coalwhippers as aforesaid, shall forthwith give Notice of the Application to the Gangs of Coalwhippers in attendance at the Office where such Application shall have been made, and, in case several Gangs shall offer to unload the Cargo mentioned in the Application at the Price named, shall permit the Gangs in attendance to tender to unload the Cargo at any lower Price, and shall select for the Performance of the Work the Gang who shall offer the lowest Terms; and in case of no such lower Tender, or of Equality of Tenders, the Gang, who, according to the Bye Laws of the Commissioners, shall stand next in Rotation for Employment, and shall be willing to accept the same, shall be so selected; and if no Gang shall be willing to accept the Terms proposed in such Application, the said Clerk or other Officer shall permit the Gangs in attendance to tender to unload the Cargo mentioned in the Application at any higher Price, and shall select for the Performance of the Work (subject to the Consent of the Master or other Person as aforesaid making the Application) the Gang who shall offer the lowest Terms, and in case of Equality of Tenders, the Gang who shall stand next in such Rotation for Employment as aforesaid; and the said Clerk or other Officer shall forthwith, by Notification in Writing, acquaint the Master or other Person as aforesaid making the Application with the Price (if any) at which the selected Gang has agreed to perform the Work, or (as the Case may be) with the Fact that no Gang is willing to perform the Work; provided always, that such Notification in Writing shall be given to the Master or other Person making the Application within One Hour after the Receipt of the Application by the Clerk or other Officer of the Coalwhippers Office, if such Master or other Person shall still be in attendance at the Office, but if he shall have previously quitted the Office, then as soon afterwards as he shall apply for the Information: Provided also, that such Notification in Writing shall, in all Proceedings in any Court or before any Justice or Justices of the Peace against any Party for employing Persons not being registered Coalwhippers, contrary to the Provisions of this Act, be received as Evidence, and be deemed sufficient Proof of the Price at which the Gang or Gangs therein referred to have offered to perform the Work therein mentioned, or (as the Case may be) of the Fact that no Gang has offered to perform the Work therein mentioned.

Clerk to send a proper Gang with Tackle to the Vessel to be unladen.

XX. And be it enacted, That the said Clerk or other Officer shall send, and he is hereby required to send, within One Hour of the Time appointed in such Application for the Discharge of such Coals, the Gang or Gangs or Part of a Gang of Coalwhippers who shall have been so selected as aforesaid, with the necessary Tackle and Implements, if required, to the Vessel to be unladen, for the discharging of the Cargo or Part thereof; and if such Clerk or other Officer shall neglect or refuse on such Application to send such Gang or Part of a Gang

Gang with such Tackle and Implements, and within such Time as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty on Master not permitting Vessels to be discharged.

XXI. And be it enacted, That the Master or other Person having the Charge of the Vessel in respect of which the Application for the Discharge of Coals shall have been so made as aforesaid shall permit the same to be discharged by the Coalwhippers sent from the Coalwhippers Office, according to the Provisions herein contained; and if any Master or any other Person or Persons shall prevent, obstruct, or interrupt, or attempt to prevent, the Discharge of such Coals being proceeded in and completed by the Coalwhippers to be sent from the Coalwhippers Office in consequence of such Application, or shall wilfully obstruct or prevent any Person in the Execution of this Act, then and in every such Case the Person so offending shall forfeit any Sum not exceeding Ten Pounds.

Penalty on Shipmaster employing non-registered Persons as Coalwhippers.

XXII. And be it enacted, That if the Master of any such Vessel as aforesaid or any other Person shall employ, or permit or suffer to be employed, any Person not being a Coalwhipper registered and sent from the Coalwhippers Office under this Act (except such Persons or in such Cases as are mentioned in the Provisoes hereinafter contained) to labour in the Discharge of the Coals from such Vessel, or of any Part thereof, by the Process of whipping, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds: Provided nevertheless, that it shall and may be lawful for the Master or other Person having the Charge of any such Vessel as aforesaid to employ in the Discharge of Coals therefrom, by the Process of whipping, any Person or Persons being actually Part of the Crew thereof, or of any other Vessel in the Port of *London*, and also for the *bonâ fide* Owner or Purchaser of the Cargo of any Vessel laden with Coals, or of any Part thereof, to employ his actual Servants or Labourers, having been *bonâ fide* engaged in his Service for a Period of not less than Fourteen Days, to labour in the Discharge of such Cargo by whipping, and also for the several Dock Companies herein-before mentioned to employ such their Servants and Labourers as aforesaid to labour in the Discharge of Coals, by the Process of whipping, from any Vessel which shall be in the respective Docks of the said Companies respectively, and to make Application for and obtain, in the Manner herein-before mentioned, the Services of a sufficient Number of Coalwhippers, although less than a complete Gang, to assist the Persons so employed: Provided always, that it shall be lawful for the Master or other Person having the Charge of any such Vessel as aforesaid to employ Persons not being registered Coalwhippers to discharge such Coals by whipping in the following Cases; (that is to say,) in case he shall not, within the Time within which the Clerk or other Officer is herein-before required to send a Gang or Gangs of Coalwhippers for the Discharge of such Coals, be supplied with such Gang or Gangs and such requisite Implements and Tackle as are mentioned in his Application, or in case he shall receive from such Clerk or other Officer such Notification as aforesaid that no Gang of Coalwhippers have declared themselves willing to discharge such Coals at the Price named in his

Shipmaster may employ Crews of Colliers to discharge the Coals by the Process of whipping.

Shipmaster may employ non-registered Coalwhippers in certain Cases.

IV. *Coalwhipping.*

Application; and the several Persons not being registered Coalwhippers who shall be employed in the before-mentioned Cases shall not be liable to the Penalties herein-before imposed upon non-registered Persons for discharging Coals from Vessels by whipping: Provided nevertheless, that if such Clerk or other Officer shall state in such Notification that a Gang or Gangs of Coalwhippers are willing to discharge such Coals at some stated Price *per* Ton higher than that named in such Application, and such Master or other Person shall not agree to such higher Price, it shall not be lawful for such Master or other Person to pay to the Persons not being registered Coalwhippers whom he shall employ to discharge such Coals a greater Price than that which is so stated in such Application, or to allow to such Persons a longer Period or any other Advantage to complete the Discharge of such Coals than the Time mentioned in that Behalf in such Application; and if he shall pay to such Persons any such greater Price, or shall allow to such Persons any such longer Period, or any other Advantage, he shall be liable to forfeit for every such Offence any Sum not exceeding Ten Pounds.

Proviso.

After Discharge of Cargo, Shipmaster to pay Wages to the Person authorized from Coalwhippers Office to receive the same.

XXIII. And be it enacted, That immediately after the Discharge of the Cargo or the Part thereof undertaken to be discharged by the Coalwhippers sent from the Coalwhippers Office shall be finished, the Master of the Vessel in which they were employed, or such other Person as aforesaid, shall pay to some Person authorized by the said Commissioners the full Hire and Wages due in respect of the Labour of such Coalwhippers, and the Charge for Baulk Days by reason of Detention, and for the Hire of Tackle (if any), in current Money of the United Kingdom, and in default thereof the Master or such other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and so much of the said Act passed in the First and Second Years of the Reign of Her present Majesty as relates to the Payment of the Wages of Persons employed in the Discharge or Delivery of Coals from Vessels laden therewith in the Port of *London* shall be and the same is hereby repealed: Provided always, that such Master or other Person as aforesaid shall not be compellable to pay such Hire or Wages except on board the Vessel.

So much of 1 & 2 Vict. c. 101. as relates to Payment of Wages, repealed.

Recovery of Wages, &c.

XXIV. And be it enacted, That all Money due for Labour performed and for the Hire of Tackle under the Provisions of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty or of this Act, and for Baulk Days by reason of Detention, shall be recoverable in like Manner and in all respects as Wages due to Seamen for Labour performed on board Ship.

Person authorized by Commissioners shall pay the Coalwhippers the Wages due to them, after making the requsite Deductions.

XXV. And be it enacted, That the Person so authorized as aforesaid by the said Commissioners shall receive the Money to be paid as Hire or Wages for the Labour of the Coalwhippers so discharging the Cargo, or Part thereof, of such Vessel as aforesaid, and for Baulk Days, and for the Hire of Tackle (if any), and shall forthwith pay the same at the nearest Head Office or Branch Office to the Clerk or other Person appointed by the said Commissioners to receive the same; and if any such authorized Person as aforesaid shall neglect or refuse

IV. *Coalwhipping.*

refuse to pay the Money received by him as aforesaid at the Time and Place aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and the Person so authorized as aforesaid by the said Commissioners, after deducting therefrom the Sum or Proportion prescribed under the Authority of this Act, not exceeding One Farthing in each Shilling, shall forthwith pay and divide the Residue of the Monies so received for Wages and Baulk Days to and among the Coalwhippers so employed, without any other Deduction or Abatement, except as herein-after mentioned, and without imposing any Terms or Conditions whatever; and if any such Clerk or other Person as aforesaid shall make any other Deduction than as aforesaid, or shall impose any Terms or Conditions on making such Payment, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty.

Application of Fractions.

XXVI. And whereas in dividing the Monies aforesaid Fractions undivisible in the usual Coin of the Realm will occasionally occur; be it therefore enacted, That it shall be lawful for the said Commissioners to deduct and retain such undivisible Fractions, and to distribute the same for the Benefit of the registered Coalwhippers, as the said Commissioners shall see fit, and that an Account shall be kept of the same, to be called the "Fraction Fund."

V. *Regulations.*

Commissioners to make Bye Laws for the Government of the Coalwhippers, and Management of the Offices.

XXVII. And for better carrying into execution the Purposes of this Act, be it enacted, That it shall be lawful for the said Commissioners to make, when and as they shall deem necessary, Bye Laws and Regulations for keeping the Register by this Act established, and prescribing the Testimonials, Proofs, and Particulars to be required of Persons before or upon Registration therein, and settling the Terms of Entry therein, and of the Certificates to be delivered, and fixing the Fees, not exceeding in any Case the Sum of Four-pence, for any such Registration or renewed Certificate, to be paid for Registration and renewed Certificates under this Act, and for fixing the Amount, not exceeding the Sum herein-before limited, of the Deduction to be made out of such Hire or Wages for the Purposes of this Act; and for the settling of Demands, the paying in and withdrawing of Monies, the Payment of Orders, and the Disposal of Funds, and the keeping, auditing, and Publication of Accounts under this Act; and for determining the Time of Attendance of the Coalwhippers at the Coalwhippers Office or its Branches, their Division into Gangs, and the Rotation of their Employment; and for securing the due Performance on the Part of the Coalwhippers of their Contracts to discharge Coals, with reference to the Time, Price, and other Terms specified in each such Application as aforesaid; for the Completion of the Discharge of the Cargo, or Parts of Cargoes, as well as in other respects; and for annulling such Contracts in case of their Misbehaviour, or other sufficient Cause, and for promptly substituting other Coalwhippers in such Cases for the Fulfilment of such Contracts; and for the Guidance, Government, and Control in all respects of the Coalwhippers certificated, and for the Management of the Offices and Stations established, and the Officers and Servants appointed under this Act; and for securing the due Performance of the Contracts entered into by Masters of Ships and other Persons employing Coalwhippers

V. *Regulations.*

whippers or hiring Tackle under this Act, and for carrying this Act fully into execution; and to impose the Suspension or Forfeiture of the Employment of Coalwhippers, or of any Office or Place created under this Act, or to fix any reasonable Penalties (not exceeding the sum of Five Pounds for any Offence) for the Breach or Non-observance of any such Bye Law or Regulation; and from Time to Time, by any other Bye Law or Regulation, to rescind, suspend, alter, or vary any Bye Law or Regulation by them made: Provided always, that the said Commissioners shall submit all Bye Laws and Regulations proposed to be made by them to the Lords of the said Committee of Her Majesty's Privy Council for their Consideration and Supervision, and shall receive and consider any Amendments which they may suggest therein; and One Week after such Submission the said Commissioners shall cause a Copy of such proposed Bye Laws and Regulations to be publicly affixed in some conspicuous Place in the Coal Market, and (if the same shall be established) in the Head Coalwhippers Office in *London*; and if such proposed Bye Laws and Regulations should be sanctioned by the Lords of the said Committee without Alteration, or if the Amendments which they shall suggest therein shall be adopted, or if the said Committee should fail to express an Opinion on the Bye Laws and Regulations to them submitted within the Space of Four Weeks next after such Submission, the said Commissioners shall make public such Bye Laws and Regulations by the Advertisement thereof once in the *London Gazette*, and by affixing Copies thereof in some conspicuous Place or Places in the Coal Market and Custom House of the City of *London*, and in the Head Coalwhippers Office (if any) established under this Act, and in the respective Custom Houses at *Gravesend*, *Newcastle*, *Sunderland*, *Stockton-on-Tees*, and *Leith*, and at such other Places and in such other Manner as to them shall seem fit: Provided also, that the Bye Laws and Regulations made under the Powers contained in the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, and now in force, shall continue and be the Bye Laws and Regulations under this Act, until the same shall have been rescinded, suspended, altered, or varied under the Provisions of this Act.

Proposed Bye Laws to be submitted to the Board of Trade.

Publication of Bye Laws as sanctioned by the Board of Trade.

Board of Trade to notify Sanction, Disapproval, or Amendment within Four Weeks.

XXVIII. And be it enacted, That it shall be lawful for the said Lords of the said Committee of Her Majesty's Privy Council to sanction or to disapprove of such proposed Bye Laws and Regulations, or to suggest any Amendments therein, so that such Sanction or Disapproval or such suggested Amendments be notified to the said Commissioners within the Space of Four Weeks next after the Submission of such proposed Bye Laws and Regulations to the said Committee.

Time when Bye Laws to come in force.

XXIX. And be it enacted, That such Bye Laws and Regulations shall have full legal Effect at the Termination of Four Weeks from the Time when they were so made public by the said Commissioners, and a Copy purporting to be made of any such Bye Law or Regulation, and authenticated by the Signature of the Chairman for the Time being of the said Commissioners, shall, without any further Proof, be received as Evidence of the Bye Law or Regulation of

which it purports to be a Copy, and of such Bye Law or Regulation having been duly made, submitted, issued, and published.

V. *Regulations.*

Penalty on Commissioners being interested in any Contract.

XXX. And be it enacted, That if any Person, being a Commissioner under this Act, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of the said Commissioners for or concerning any Work to be done under this Act, or Materials to be employed therein, every such Contract shall be void, and the Person who, being a Commissioner, shall be so interested or concerned, shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same.

VI. *Legal Proceedings.*

Recovery and Application of Fines and Penalties not exceeding 25*l.*

XXXI. And be it enacted, That all Fines, Penalties, or Forfeitures by this Act, or by any Bye Law or Regulation made in pursuance thereof, imposed, not exceeding Twenty-five Pounds, shall be sued for within Three Calendar Months after the Offence or Offences committed; and all such Fines, Penalties, and Forfeitures shall be levied and recovered before any Justice or Justices of the Peace for the County, City, or Place where the Offence shall be committed; and such Justice or Justices is and are hereby empowered and required, upon Information or Complaint to him or them made, to grant a Summons or Warrant to bring before him or them such Offender or Offenders at the Time and Place as shall be in such Warrant specified; and if, on the Conviction of the Offenders respectively, either on his, her, or their Confession, or on the Evidence of any One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer), such Fine, Penalty or Forfeiture shall not be forthwith paid, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice or Justices; and the Overplus of the Money (if any) raised by such Distress and Sale, after deducting the Fine, Penalty, or Forfeiture, and the Costs and Charges of making such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of Distress, or in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall and may be lawful to and for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offence shall be committed, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid; and all such Fines, Penalties, and Forfeitures, when recovered, shall be paid as herein-after directed.

If Penalties not paid the same may be levied by Distress.

If Distress not sufficient, Offender may be committed.

Justices may proceed by Summons in the Recovery of Penalties.

XXXII. And be it enacted, That in all Cases in which by this Act 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 this Act, or any Bye Law or Regulation made in pursuance thereof, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence

VI. *Legal Proceedings.*

to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such 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.

Power to the Justice to give Part of Penalties to Informers.

XXXIII. Provided always, nevertheless, and be it enacted, That it shall be lawful for any Justice or Justices before whom any such Conviction shall take place, if they or he shall think fit, to order and direct any Part, not exceeding One Half, of such Fines, Penalties, and Forfeitures, to be paid or applied to or for the Use of the Informer or Informers, or other Persons aiding or assisting in the Apprehension of the Offender or Offenders or any of them.

Power to Justices to order Expences of Witnesses &c. to be paid.

XXXIV. And be it enacted, That it shall be lawful for any Justice or Justices before whom any Person or Persons shall be brought or convicted for any Offence for which a Penalty is imposed by this Act, or by any Bye Law or Regulation made in pursuance thereof, to direct all or any Part, according to the Discretion of such Justice or Justices, of the reasonable Expences of any Constable, Police Officer, or other Witness of the Matter which shall be charged, and of such Compensation (if any) for the Time and Trouble of such Witness, as such Justice or Justices shall think reasonable, to be paid either by the Offender or Offenders, or the Complainant or Complainants; and the Sum so ordered to be paid shall and may be recovered, together with any Penalty of which the Person by whom the same shall be ordered to be paid shall have been convicted, or without, in the same Manner as any Penalty is directed to be recovered by this Act, and shall be paid to such Constable, Police Officer, or other Witness.

Persons convicted may appeal to the Quarter Sessions, upon giving Security.

XXXV. And be it enacted, That it shall and may be lawful to and for any Person or Persons so convicted by any Justice or Justices of the Peace as before mentioned of any Offence or Offences against this Act, or against any Bye Law or Regulation made in pursuance thereof, to appeal to the Justices of the Peace assembled at the next General Quarter Sessions or General Sessions to be holden for the County, City, or Place where such Conviction shall be made, on giving immediate Notice of such Appeal, and finding sufficient Security to the Satisfaction of such Justice or Justices for prosecuting the said Appeal with effect, and abiding the Determination of the Court therein; and such Justices in such General Quarter Sessions or General Sessions shall hear and determine the Matter of such Appeal, and may either confirm or quash and annul the said Conviction, and award such Costs to either Party, as to them the said Justices shall seem just and reasonable; and the Decision of the said Justices therein shall be final, binding, and conclusive; and no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form only, or be removed by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

XXXVI. And

VI. *Legal Proceedings.*

Justices may summon Witnesses.

Penalty on Persons refusing to attend when summoned.

XXXVI. And be it enacted, That it shall and may be lawful to and for any such Justice or Justices of the Peace before whom any such Fines, Penalties, or Forfeitures shall be sued for to summon before him or them any Person who shall, in or by the Complaint or Information made to him or them, appear to be a necessary Witness as to the Matters thereby charged, to appear before him or them at a Time and Place to be specified in the Summons; and in case such Person so summoned shall not appear according to such Summons, then, upon due Proof of the Service of such Summons in manner aforesaid, such Person so summoned, and not appearing in compliance therewith, shall forfeit and pay the Sum of Twenty-five Pounds, to be levied and recovered in such Manner and by such Ways and Means as are herein-before directed as to other Penalties; and it shall and may be lawful to and for the said Justice or Justices to cause such Person to be apprehended by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, and to be brought before him or them; and thereupon, whether such Person shall appear upon Summons as aforesaid, or shall be apprehended as aforesaid, such Justice or Justices shall and may proceed to examine him or her upon Oath as to the Matter of such Complaint or Information; and in case such Person shall refuse to be sworn or to answer or to give Evidence therein, then and in every such Case it shall and may be lawful to and for such Justice or Justices, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Person so refusing to be sworn or to answer or to give Evidence as aforesaid to the common Gaol or House of Correction of the City, County, or Place in or for which such Justice or Justices shall then act, there to remain for any Space of Time not exceeding Six Calendar Months.

Persons giving false Evidence liable to Punishment for Perjury.

XXXVII. And be it enacted, That if any Person or Persons, upon his, her, or their Examination upon Oath before any Justice or Justices of the Peace acting in execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or if any Person or Persons shall take or make any false Oath or Affidavit with respect to any Matter or Thing relating to this Act, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are subject and liable to.

Penalties above 25*l.* may be recovered by Action in Superior Courts.

XXXVIII. And be it enacted, That all Fines, Penalties, or Forfeitures exceeding the Sum of Twenty-five Pounds by this Act imposed for any Offence or Offences committed against this Act shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, by the Person or Persons who shall inform and sue for the same within One Calendar Month after the Offence or Offences shall be committed; and one Moiety of all such Fines, Penalties, or Forfeitures shall be to and for the Use of our Sovereign Lady the Queen, Her Heirs and Successors, and the other Moiety thereof (together with full Costs of Suit) shall be to and for the Use of the Person or Persons who shall inform or sue for the same.

XXXIX. And

VI. *Legal Proceedings.*

Distress not to be unlawful for Want of Form, nor the Parties to be deemed Trespassers ab initio.

XXXIX. And be it enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or the Proceedings relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained in an Action on the Case.

Form of Conviction.

XL. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn according to the following Form; (*videlicet,*)

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me One of Her Majesty's Justices of the Peace for the [*here specify the Offence, and the Time and Place when and where committed, as the Case may be*], contrary to an Act of Parliament made in the Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written.

'*C. D.*'

Plaintiff not to recover after Tender of Amends.

XLI. And be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants in any such Action, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall arise; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time

VI. *Legal Proceedings.*

Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, 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 Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover full Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

Pecuniary Forfeitures to go to the Fund of the Act unless otherwise applied.

XLIII. And be it enacted, That all pecuniary Penalties and Forfeitures which shall be recovered for any Offences against this Act, or any Bye Law or Regulation established under the Authority hereof, shall, unless the Application thereof be herein or therein or otherwise directed, be paid to some Officer on behalf of the Coalwhippers Office, and shall be applied in aid of the Fund established by this Act; and that the Enactments contained in an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, with respect to the Application of Penalties and Forfeitures, shall not extend to any Penalties or Forfeitures recovered under this Act.

2 & 3 Vict. c. 71.

VII. *Coalwhippers Fund.*

Monies received under the Act to be paid into the Chamber of the City, and to constitute a Fund.

XLIV. And in reference to the Monies to be received under or by the Authority of this Act, be it enacted, That all Monies which shall arise from the Deduction out of the Wages of Coalwhippers by this Act authorized to be made, and from the Fees or Payment for their Registration and for renewed Certificates to them delivered, and the pecuniary Penalties and Forfeitures which shall be recovered under this Act, and the Monies which shall remain (after Payment of all Expences) from the Produce of the Sale of any Materials or Hereditaments sold under this Act, or from the Hire of Tackle and the Rent of any Hereditaments let under this Act, shall be paid into the Chamber of the City of *London*, and shall be carried to the Account of the said Commissioners, and shall be and constitute the Coalwhippers Fund; and the said Monies in such Fund shall be appropriated and applied by the Order of the said Commissioners in Writing, signed by any Three or more of the said Commissioners, in the Order, Course, and Manner herein-after mentioned; (that is to say,) firstly, in defraying the Expences of or incident to the passing of this Act; secondly, in paying to the said Commissioners appointed or to be appointed under this Act, for their Attendance, such Sum or Sums of Money as the said Lords of the said Committee of Her Majesty's Privy Council may from Time to Time direct, not exceeding in the whole in any One Year the Sum of Two hundred and fifty Pounds; thirdly, in defraying the Salaries and Allowances of the Officers and Servants appointed under the Authority of this Act, the Rent, Repairs, Taxes, Interest, or Principal Money borrowed, and other current and incidental Expences of the Registrar, and the Offices and Stations to be established under the Provisions or Authority of this Act, or otherwise to be incurred in carrying this Act into execution; fourthly, in the Discharge of any Principal Money which shall have been raised on the Credit of the Coal Duty of One Penny *per* Ton for the Purposes of the said recited Act of the Sixth and Seventh Years of the Reign of

Appropriation of the Fund.

VII. *Coalwhippers Fund.*

Her present Majesty, or in refunding to the Stock or Fund created by the said first herein-before mentioned Act the Amount of any Principal Monies and Interest which shall have been so raised, and shall have been paid off and discharged by the said Duty; and the Residue, if any, shall be held over as a Balance of Account, or, if the Commissioners shall think fit, shall be 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, and shall from Time to Time be applied as the Commissioners shall think fit in diminution of the Deduction herein-before authorized to be made from the Hire or Wages of the Coalwhippers: Provided always, that all Monies which shall have accumulated at the Time of the Commencement of this Act, and shall then be in the Chamber of the City of *London* or otherwise to the Credit of the Coalwhippers Fund, shall be applied in the same Manner as if the same had been received under the Authority of this Act.

Account to kept, and Statement laid before Parliament yearly.

XLV. And be it enacted, That there shall be provided and kept One or more Book or Books in which all the Monies which shall be received and paid by virtue of this Act shall be entered and set down, with the Dates, Occupations, and Particulars of such Receipts and Payments; and the said Commissioners shall in each and every Year lay before both Houses of Parliament, within Six Weeks after the Time of their meeting, an Account of the Sums received and paid under the several Heads of Receipt and Payment herein-before enumerated.

VIII. *Miscellaneous.*

Limits of the Port of London.

XLVI. And be it enacted, That for the Purposes of this Act the Limits of the Port of *London* shall be considered to be so much of the Port of *London*, not higher than *London Bridge*, and not lower than *Gravesend* in the County of *Kent*, as shall be fixed from Time to Time by the said Commissioners; and that this Act and the Provisions thereof shall extend to Coals laden, transhipped, or reshipped in the said Port by the Process of whipping, as well as to Coals unladen therein by that Process; and the Term "whipping" shall be construed to mean the discharging of Coal from a Vessel by raising the Coal from the Hold in a Basket or Box by manual Labour only, with the Aid of Ropes and a Pulley, and shall include not only the Persons who so raise the Coal, but also those who fill and empty the Basket or Box so raised; and that the Word "Gang" shall be construed to mean not only a complete Gang, consisting of Nine Coalwhippers, but also a Portion of a Gang when the Services of a Portion of a Gang are required.

For staying certain Actions.

XLVII And be it enacted, That no Action, Bill, Plaint, or Information for any Fine, Penalty, or Forfeiture imposed by the aforesaid Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, or the aforesaid Act of the First and Second Years of the Reign of Her present Majesty, for not inserting in the Fitters Certificate the Day of the Month and Year of the Loading, or the usual Names of the several and respective Collieries out of which the Coals should be wrought and gotten, or the Price paid for the same, shall be commenced, or, if now or hereafter commenced, shall

VIII. *Miscellaneous.*

be prosecuted or carried on, by any common Informer, or by any other Person, except the Solicitor of the Corporation of *London*, or some Person interested in such Certificate, without the Consent in Writing of some Judge of one of the Superior Courts at *Westminster*; and that immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted for the Recovery of any such pecuniary Penalty or Penalties incurred under the said Acts or either of them, except as aforesaid, without such Consent in Writing as aforesaid, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been or may be sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts at *Westminster*, for an Order that such Action, Bill, Plaint, or Information shall be discontinued upon Payment of the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Form of such Court; and every such Court and Judge is hereby authorized and required, upon such Application, to make such Order as aforesaid; and upon the making such Order and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued: Provided always, that if it shall appear to the Satisfaction of the said Court or Judge, by Affidavit or otherwise, that any Penalty or Penalties sought to be recovered in any such Action, Bill, Plaint, or Information has or have been incurred by the Fraud of the Defendant or Defendants in such Action, Bill, Plaint, or Information, then and in every such Case it shall be lawful for such Court or Judge to refuse to make such Order as to such Penalty or Penalties, and thereupon to make such other Order as the said Court or Judge shall deem expedient.

Public Act.

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

Commencement and Continuance of Act.

XLIX. And be it enacted, That this Act, and the Provisions herein contained, shall take effect from and immediately after the End of this present Session of Parliament, and not before, and shall continue and be in force until the First Day of *January* One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament.

Act may be amended, &c.

L. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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