

## C H A P. XV.

*Further Regulations of PENAL POLICE on the River Thames, which may be enforced by the Lord Mayor and Aldermen of London, as Magistrates; and by other Justices of Peace, acting for the Cities and Counties adjoining the River. Respecting WATERMEN plying on the Thames; their Apprentices, Boats, &c. Gravesend Boats.—The catching and selling FISH.—The Importation and Sale of COALS.—Security against Accidents from GUN-POWDER, FIRE, &c. on the River.—Rules and Penalties under the WET-DOCK ACT.—The Acts respecting the Navigation of the Thames, WESTWARD OF LONDON.*

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IN addition to the various Regulations already detailed in the preceding Chapters, there remain to be noticed certain subjects of considerable importance to the Police of the River Thames and the Port of London; and which depend on the positive enactments of a multiplicity of Statutes, giving jurisdiction over Offences, on or near the River, to Magistrates in the adjoining Counties of *Middlesex, Surry, Kent, and Essex*. These, therefore, it becomes useful and important to bring under the Review of the

Public, in as concise a manner as may be, consistent with explaining the grounds and reasons on which those Laws have originated, and the Evils which they were intended to remedy.

The Laws thus to be considered may be arranged under the following heads :—

- I. The Acts relative to WATERMEN on the River Thames : Their Apprentices : Their Boats : And the Gravesend Boats.
- II. The Acts for preventing Frauds and Monopolies injurious to the Public, in the Importation and Sale of FISH.
- III. The Acts regulating the Importation and Sale of COALS ; and the Conduct of Colliers on the River.
- IV. Such Acts as inflict Penalties and Punishments on carelessness with respect to GUN-POWDER, FIRE, &c.
- V. The Provisions of the WET-DOCK ACT not noticed in any of the former Chapters ; as far as they relate to the improvement of the Navigation, and the security of the Docks and Works.
- VI. The Acts respecting the Navigation of the Thames WESTWARD of London exclusively.

An account of such Maritime Regulations and Offences, as respect the River Thames and Port of London,

London, in common with the other Ports of England, and nautical affairs in general, shall be reserved for a subsequent Chapter; which will be found important, not only to Merchants, Ship-Owners, and Seafaring persons, but to all who take an interest in the Welfare of this Commercial Metropolis; and to whom a general and summary view of the Penal Statutes which have been made for the Security of their Persons and Property, must be useful for the purpose of guarding them against convictions for Offences, of which it is to be feared that few are sufficiently aware.

#### I. RESPECTING WATERMEN.

The following Preamble to the Statute 2 and 3 Phil. and Mary, cap. 16. will shew the state of the Watermen on the River Thames, previous to the interference of the Legislature on the subject.

“ Whereas heretofore for lack of good Government and due Order amongst Wherry-men and Watermen exercising, using, and occupying Rowing upon the River of *Thames*, there have divers and many misfortunes and mischances happened and chanced of late years past, to a great number of the King and Queen’s subjects, as well to the nobility as to other the common people, that have passed and repassed, and been carried by water, by reason of the rude, ignorant, and unskilful number of Watermen,

men, which for the most part been masterless men, and single men of all kinds of occupations and faculties, which do work at their own hands, and many boys being of small age, and of little skill, and being persons out of the rule and obedience of any honest Master and Governor, and do for the most part of their time use Dycing and Carding, and other unlawful Games, to the great and evil example of other such like, and against the Commonwealth of this Realm: And all which said evil and ignorant persons, in the time of Pressing by Commission, for the service of the King and Queen's most Royal Majesties, upon the Sea, for that they have no known place of abiding, do for the most part absent and convey themselves into the Country and other secret places, practising there Robberies and Felonies, and other evil and detestable facts, to the great annoyance of the Commonwealth: And so after the said Commission of Pressing ended, oft-times the said evil persons do repair again to their former trade of Rowing, colouring their evil deeds; and also divers of them being very ignorant, for lack of convenient time of learning and exercise, in the which they might obtain sufficient knowledge of their occupation, do often times presume and enterprize to receive divers of our said Sovereign Lord and Lady the King and Queen's Majesties loving subjects into their Boats and Wherries, and do carry and convey their said subjects from place to place by water, upon the said  
River

River of Thames; whereby divers persons have been robbed, and spoiled of their Goods, and also drowned:

“ And for and by the occasion aforesaid, be daily put in fear and peril of their lives, the which is very lamentable, and not to be permitted or suffered in any Commonwealth: And by reason also, that a great number, and the most part of the Wherries and Boats now occupied and used, and of late time made for rowing upon the said River, been made so little and small in proportion, and so strait and narrow in the bottom, varying much from the old substantial sort and sure making of Boats and Wherries, which was used before the space of Twenty Years last past, insomuch as the most part of Boats and Wherries used at this day, been so shallow and tickle, that thereby great peril and danger of drowning hath many times ensued, and daily is like to ensue, unless some speedy remedy be herein had and provided.”

For the reformation of these Evils it is enacted, That there shall yearly be appointed by the Lord Mayor and Court of Aldermen, *eight* persons of the most wise, discreet, and best sort of Watermen, being Householders and employed as Watermen, to be *Overseers and Rulers of all the Wherry-men and Watermen on the River Thames, between Gravesend and Windsor.*

By § 6 of this Act, the Lord Mayor and Aldermen, and Justices of Peace in the Counties next adjoining

joining the River, within their respective Jurisdictions, are empowered, not only to hear and determine all Complaints, or Offences against the Act, when brought before them by the said Rulers; but also to correct and restrain the proceedings of the Rulers themselves, in cases where they have exceeded their Jurisdiction.

The next Statute of importance passed on this subject was the 11th and 12th William III. cap. 21. the preamble of which recites, that “ Notwithstanding the Laws that had been theretofore made for good Order, Rule, and Government, amongst the Watermen and Wherry-men, using and rowing on the said River of *Thames*, it had oftentimes happened, that divers persons passing by water upon the said River, had been put in danger of their Lives and Goods, and many times had perished and been drowned, and this occasioned by the unskilfulness and want of experience in Wherry-men and Watermen, and persons out of the Rule of any Master or Governor; and that the Rulers and Overseers of the Company of Watermen, were not sufficiently empowered to make Rules, Orders, and Constitutions, for the Government of Watermen and Wherry-men, rowing on the said River, with Pains and Penalties to enforce due obedience to the same, and easy recovery of the said Penalties; And that the Lightermen, rowing on the said River of *Thames*, were grown very numerous, and were at that time without Rule and Government, by whose rudeness and unskilfulness  
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in working of Lighters, and other large Craft, Ships and Vessels were hindered in the delivery of Coals, and were thereby frequently stopped in the proceed of their Voyages, and the Goods and Lives of divers of his Majesty's subjects were likewise frequently endangered and lost, and notorious Disorders were occasioned."

It is, therefore, enacted, That all Laws then in force respecting Watermen, shall be put in execution; and that every person being a Lighterman or Owner of any Lighter, between *Gravesend* and *Windsor*, shall be of the Watermen's Company; and the Wherry-men, Watermen, and Lightermen are declared to be one Company.

In addition to the Eight Rulers to be elected by the Court of Lord Mayor and Aldermen, under the 2d and 3d Phil. and Mary, *three* Rulers are also to be chosen out of twelve persons to be nominated to that Court by the Lightermen. The Elections are to be at the first Court of Aldermen after June 1st. annually; and the Eleven thus chosen are to be called the *Overseers and Rulers of all the Wherry-men, Watermen, and Lightermen*, on the Thames, between *Gravesend* and *Windsor*; who are to register the Lightermen: and to appoint Assistants, Auditors, &c. and to make Bye-laws for regulating the affairs of the Company, to be approved of by the Court of Aldermen, and confirmed by one of the two Chief Justices; with reasonable penalties to enforce the same. Powers are given to the Lord Mayor, Aldermen, and

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Justices

Justices of Peace, within their respective Jurisdictions to hear and determine Offences against the Act, or the Bye-laws so allowed to be made, and to levy the penalties imposed, by Distress and Sale.

By the Stat. 4 Ann. cap. 13. which alludes to a former Act, 1 Jac. I. cap. 16. as to Watermen's *Apprentices*, and recites that certain Bye-laws made respecting them could not be altered without the consent of this Company, or by authority of Parliament, Power is given to the Court of Lord Mayor and Aldermen, to review and amend the said Bye-laws (and all others) of the Watermen's Company, subject to the approbation of the Chief Justice of the King's Bench.

The Regulations of the foregoing Laws were further enforced by the Statute, 2 Geo. II. cap. 26. the preamble to which recites, that "Several Laws and Statutes had been theretofore made for the better regulating and governing all persons free of the Watermen's Company, owning, rowing, or working Boats or other Craft upon the River *Thames*, between *Gravesend* in the County of *Kent*, and *Windsor* in the County of *Berks*; but that the said Laws had by experience been found, to be ineffectual to answer the good ends and purposes thereof, and that it was necessary further to provide against the mischiefs which happened by intrusting Apprentices too weak, unable, and unskilful in the work, with the care of Goods, and the Lives of Passengers on the said River."

By § 3 of this Act, reciting the deficiency of  
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Power, in case no distress could be found to be made for the Penalties, authority is given to the Lord Mayor, Aldermen, and Justices of Peace, in their several Jurisdictions, to commit Offenders to the House of Correction, for any time not exceeding one month nor less than fourteen days : This Jurisdiction is also confirmed by the Act 10 George II. cap. 31. § 15.

The preamble of this Statute, 10 Geo. II. cap. 31. recites the Statutes, (2 and 3 Phil. and Mary, cap. 16; 1 Jac. I. cap. 16; 11 and 12 William III. cap. 21. and 4 Ann. cap. 13.) already alluded to; in consequence of the latter of which Watermen, Wherry-men, and Lightermen “ were at liberty to take what number of Apprentices, and at what age they thought fit, though they had not sufficient Business to employ and maintain such Apprentices, nor any Habitation or Place of Abode to retain and keep them at, and though such Apprentices were too weak for the work or labour required in such occupation, whereby such Apprentices became idle and profligate, and many and great damages had frequently happened to Goods and Passengers, by the unskilfulness of such Apprentices; and the good intention of the said Act for breeding able and sufficient Seamen for the Royal Navy was eluded.”

By § 12 of the same Statute, it is stated, “ That many inconveniences and casualties had frequently happened, and often arose to the endangering of the Lives of his Majesty’s Subjects, passing and re-passing  
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by water, to and from *London* and *Gravesend*, in Tilt-boats, and other Boats and Wherries, navigated for hire or gain, for want of a due regulation of the time of departure, of the said Tilt-boats, and other Boats and Wherries, at and from the said respective Ports and Places of *London* and *Gravesend*; and for want of navigating the said Boats respectively, with good and able hands."

By this Act, 10 Geo. II. cap. 31. therefore, various Regulations were introduced with respect to the taking Apprentices, and the number of Passengers in Wherries and the Gravesend Boats; which shall be duly noticed in the subsequent pages of this Chapter.

The last Statute on the subject of Watermen on the Thames, is that of 34 Geo. III. cap. 65. the Preamble to which recites, that by the said Statute 2 and 3 Phil. and Mary, cap. 16. (already noticed) it was enacted "That the Mayor and Court of Aldermen should, at their discretion, limit and assess, the Fares to be taken by persons authorised to row upon the River of *Thames*, betwixt *Gravesend* and *Windsor*; with the approbation of two members of the Privy Council; and that Watermen taking more than their Fare should forfeit for every Offence Forty Shillings, and also suffer imprisonment *by one half year*;" it also recites, that for many years, "the said punishment had been considered *much too severe for the Offence*, and there being no powers for mitigating the same, the Offenders *had generally escaped punishment* for their extortion."

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This Preamble also recites the provisions of the said Act, 11 and 12 William III. cap. 21. for appointing Rulers and making Bye-laws, and giving jurisdiction over offences, to the Lord Mayor and Aldermen and Justices, as has been already stated.

It then proceeds to recite, that "in pursuance of the said Act, 11 and 12 William III. cap. 21. certain Rules and Orders had, from time to time, been made for the better rule and government of the Company, but that the same had proved inadequate and ineffectual: And that it would tend to the more speedy and effectual Administration of Justice, and be of great Public utility and convenience, if so much of the said Act, 2 and 3 Phil. and Mary, cap. 16. as subjects persons taking more than their Fare, to the fine of Forty Shillings, and also to half a year's imprisonment, should be repealed: And if the Court of Mayor and Aldermen were authorised and empowered to make reasonable Rules, Orders, and Constitutions, for governing and regulating the Watermen, Wherry-men, and Lightermen, upon the River Thames: And if the Lord Mayor, Recorder, or any one Alderman, and the Justices of the Peace, within the Shires and Places next adjoining to the said River Thames, between *Gravesend* and *Windsor*, should respectively have full power, and authority to adjudge, ascertain and settle the several Penalties, and to enforce payment of the same, and to put the Laws, Statutes, Rules, Orders and Constitutions, made, and to be made, in execution: And effectually

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to punish Offences and Misbehaviours by Watermen, for Offences against the several Bye-laws or Statutes.’

The Penalties imposed by the Stat. 2 and 3 Phil. and Mary, cap. 16. on Watermen taking more than their Fare, are accordingly *repealed*: The Court of Lord Mayor and Aldermen are empowered to make Rules and Orders for the government of Watermen, Wherry-men, and Lightermen, between *Gravesend* and *Windsor*: and jurisdiction is given to the Mayor, Recorder, or any one Alderman within the City, and the Justices of the Peace of the Counties and Places next adjoining to the River, to put all Laws, Rules, and Orders, made by the said Court of Mayor and Aldermen, or by the Rulers of the Watermen’s Company, and approved of by the Court, in execution against Watermen and others, guilty of any Offence against such Laws, Rules, and Orders.

Such Rules may be enforced by Penalties and Forfeitures, not exceeding 3*l.* for any Offence, and are to be approved of by one of the Chief Judges. A copy of them being thirty days previously sent to the Watermen’s Company, who may submit objections to the Judges. Within thirty days after, being allowed, copies of the Rules are to be sent to the Public Offices in Middlesex and Surrey, and to the Clerks of the Peace of the Counties and Places adjoining the River.

Authority is also given to the Lord Mayor, Recorder, or one Alderman of London, and to any Justice  
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or Justices of the Peace, within their respective Jurisdictions, to summon Offenders (within six days after any Offence is committed) and, on the refusal to appear, to apprehend them by Warrant, and to punish them by Fine, not exceeding the Penalty imposed for the Offence; or, in case of refusal to pay the Fine, by Imprisonment not exceeding one month.

A like authority is given to summon, apprehend, and punish persons refusing to pay Watermen their Fares, &c.

Authority is also given to two of the Rulers of the Watermen's Company (as well as to the Mayor, Aldermen, Recorder, and Justices) to hear Complaints between Watermen and Watermen, their Widows, Apprentices, &c.

An Appeal is by this Act given from the Mayor, Aldermen, Recorder, Justices or Rulers of the Company, to the Quarter Sessions.

HAVING thus stated the rise and progress of these Laws, respecting Watermen, and the Jurisdiction given by them to Magistrates, it will next be necessary to recapitulate the Penalties imposed on the several Offences created and made punishable by the Acts.

1ST. *As to Apprentices.*

Apprentices, bound to Watermen, &c. shall, in case their Masters' Habitation be not registered with  
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the Clerk of the Watermen's Company, be turned over to other Masters, 2 Geo. II. cap. 26. § 1.

No Apprentice shall have the sole care of any Boat till he is sixteen years of age, if he be the son of a Waterman; and seventeen years of age being the son of a Landsman; nor unless he shall have worked on the River for two years at least, before he attained such age, on pain of *the Master's* forfeiting 10s. or being committed to hard labour, for not exceeding one month, nor less than fourteen days. 2 Geo. II. cap. 26. § 2, 3.

No Apprentice to any Waterman or Lighterman shall be taken under fourteen years of age, nor above twenty years: And all such Apprentices shall be bound by Indentures, and enrolled in the Rolls of the Watermen's, &c. Company, to serve on the River for seven years: Any Master acting contrary shall forfeit 10*l.* or be committed to the House of Correction, not exceeding one month nor less than fourteen days, 10 Geo. II. cap. 31. § 1, 2, 15.

By § 3 of the same Act, 10 Geo. II. Every Apprentice bound otherwise than the Act directs, besides not obtaining any Freedom by such Apprenticeship, is liable to pay for every time he shall work or row any Barge, Boat, &c. 10*l.*

By § 4. not more than two Apprentices shall be retained by any Waterman or Lighterman at one time: And the second Apprentice is not to be bound until the first has served four years (except that a Waterman or Lighterman owning twelve Lighters, &c.  
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may take two Apprentices at the same time, and owning twenty Lighters, &c. may take four) on Penalty of 10*l*.

By § 5, No Apprentice shall be taken by any Waterman or Lighterman, until he has a settled Habitation to lodge him in, on pain of forfeiting 10*l*.

Apprentices who shall be imprisoned for any Offence, shall serve (in addition to the seven years for which they are bound) a space of time equal to the time, during which they shall have been imprisoned. 34 Geo. III. cap. 65. § 11.

2DLY. *As to the built of Boats and Wherries on the Thames, and the number of Passengers to be taken.*

By § 7 of the Statute 2 and 3 Phil. and Mary, cap. 16, If any person shall make any Wherry, with the intent to carry people on the River Thames, which shall not be  $22\frac{1}{2}$  feet in length, and  $4\frac{1}{2}$  feet broad in the midship, or which shall not be sufficient to carry two persons on one side tight, the Boat shall be forfeited.

By § 3. of 8 Geo. I. cap. 18. (continued by various Statutes) If any Boat, Barge, or Galley, rowing, or built to row with more than four oars, shall be found upon the water, or in any place within the Counties of *Middlesex, Surrey, Kent, or Essex*, or in the *Thames*, or within the limits of the Ports of *London, [Sandwich, or Ipswich, or the members or creeks*

to them belonging] such Boat, &c. with her Tackle, or the value thereof, *shall be forfeited*, and may be seized by any Officer of the Customs, and the Owner thereof, or any person using or rowing in such Boat, &c. shall forfeit 40*l.* And after seizure and condemnation, the principal Officers of the Customs in the place are to cause such Boat, &c. to be burnt, and the Tackle, &c. to be publicly sold to the best advantage; or by 12 Geo. I. cap. 28. § 10. the same may be used by the Custom-house Officers; or by 3 Geo. III. c. 22. publicly sold.

[This Act does not extend to any Barge or Galley, belonging to the King or Royal Family; or to any Long Boat, Yawl, or Pinnace, belonging to any Merchant Ship; or to such Boat, &c. as shall be licensed by the Admiralty in writing, which Licences shall be granted without Fee. The Statute 28 Geo. III. cap. 34. also prohibits certain rowing and sailing Boats in any Port, or within four leagues of the Coast.]

By § 9 of the Statute 10 Geo. II. cap. 31, No person shall work in any Tilt-boat, which shall not be of the burthen of 15 Tons; nor any Boats, which shall not be 3 Tons, in the Long Ferry between *London Bridge* and *Gravesend*, except such Boat shall be hired by one person for his own use, on pain of 10*l.*

By § 8 of the same Statute 10 Geo. II. cap. 31, It shall not be lawful for any person working or navigating any *Tilt-boat* or *Row-barge*, for hire or gain,

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to take at one time any more than thirty-seven Passengers, and three more Passengers only, if brought on board by the way ; nor to carry in any other Boat or Wherry, more than eight Passengers, and two Passengers more if called in by the way ; nor to carry in any Ferry-boat or Wherry allowed to work on Sundays, more than eight Passengers. Any person carrying a greater number, for the first Offence shall forfeit 5*l.* for the second Offence 10*l.* for the third Offence shall be disfranchised from working any Boat, &c. for twelve months : And in case any greater number of persons shall be carried as aforesaid, and any Passenger shall be drowned, every person working such Boat offending therein, and being convicted, shall be deemed *guilty of Felony*, and be transported as a Felon.

3DLY. *As to Gravesend Boats.*

By § 12, 13, and 15, of 10 Geo. II. cap. 31, The Rulers of the Watermen's Company are to appoint two Officers to attend at Billingsgate, at High Water, and at Gravesend at the first of Flood, who shall ring a Bell, to give notice to the Tilt-Boats and Wherries, who design to pass the Ferry between London and Gravesend, to put off, on pain of forfeiting 5*l.*

If every such Boat shall not, after the ringing such Bell within fifteen minutes, immediately depart, and effectually proceed on his respective voyage, &c.

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without lying by in the said River, or putting again on Shore, within two miles of Billingsgate or Gravesend; or if any such Boats shall not be navigated by two sufficient and able-bodied men, the youngest at least eighteen years of age, the Owner of such Boat, &c. shall forfeit 5*l.*

*ATHLY. General Conduct of Watermen, and the Watermen's Company.*

Any person who shall be elected, or appointed Ruler, Assistant, or Auditor of the Watermen's Company, and shall obstinately refuse to take upon him the place, to which he shall be so elected, or shall negligently exercise the same, shall forfeit 5*l.*—11 and 12 William III. cap. 21. § 5, 7.

If any person not having served for seven years to any Waterman or Lighterman (except Trinity-men, Ballast-men, and persons employed in navigating Western Barges, Dung Boats, Gardeners' Boats, Chalk Hoys, &c. and by 4 Geo. II. cap. 24. Ferry-boats to Kingston, &c.) shall work any Boat, Wherry, Lighter, or Craft, upon the said River Thames, for hire or gain, between Gravesend and Windsor, he shall forfeit 10*l.* and for want of payment or discharge thereof, be committed to the House of Correction, for any time not exceeding one month nor less than fourteen days.—2 Geo. II. cap. 26. § 4.

Rulers, &c. of the Watermen's Company may appoint forty Watermen to work on Sundays, between  
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Vauxhall and Limehouse, for carrying Passengers cross the River, at one penny each ; and the Watermen so appointed, are to pay the money received every Monday morning to the Rulers, &c. and be only allowed for their labour, on penalty of 40s.— 11 and 12 William III. cap. 21. § 7, 13.

Persons refusing to pay Fares to Watermen, &c. and to give their Names and Residence, or giving fictitious Names or Places of Abode, shall forfeit 5*l*.— 34 Geo. III. cap. 65. § 8.

THE Reader has thus before him all the Statute Law on this important branch of River Police. But it is matter of much regret, that the wholesome provisions of these Laws are not more effectually put in operation, by those to whom their execution is intrusted. *Six years* have now elapsed since the passing the most modern, and as it was hoped, the most effectual of those Laws ; yet no *Rules and Orders* have yet been made in consequence of the power conferred by that Act. Repeated attempts have indeed been made by the City and their Officers, so to accommodate and arrange matters, as to frame a set of Ordinances with the least possible violence to the prejudices of the parties to be controlled. But in matters of this nature, private feelings must give way to public benefits : It is believed and hoped, that effectual measures will now soon be adopted : If not the Metropolis has a right to expect, that the Legislature will take up the business, and no longer suffer

those Evils to exist, which have arisen from the minuter details of these Regulations of Justice, being delegated to subordinate Bodies, whose interests or whose passions may interfere with each other, to the obstruction of Public Justice and Convenience.

## II. RESPECTING FISH.

It has been repeatedly remarked by successive writers, that there is not perhaps a country in the world better situated to be plentifully and constantly supplied with Fish than Britain; yet it is well known, that in *London* Fish is seldom seen but at the Tables of the Rich; and, excepting Sprats and Herrings, which are caught only during a short season, none are tasted by the Poor, though Fresh Fish of some kind or other, might be sold all the year, much cheaper than Butchers' meat, if no sinister arts were used to prevent it. These arts, however, have been known chiefly in their effects; and it has, therefore, (as has been already noticed Chap. XI. p. 303, &c.) been always difficult to frame Laws, by which the practice of them would be prevented. By the detection of various artifices from time to time, it was found that it had been usual for the Fishmongers to contract with the Fishermen for their whole Cargoes, and oblige them to stop at Gravesend, instead of coming up to Billingsgate; then they caused the Fish to be brought up to market only by Boat-loads at a time, the remainder of the Cargo being shifted  
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into a Well-boat, under the care of some servant, who sent it up by degrees, as the Fishmonger directed. Thus the best Fish was dealt out in small quantities, and great part remained beind *a month, and sometimes six weeks*, before it was ordered up; and having then been so wasted as to be unwholesome, it was destroyed to make way for Fresh: so that perhaps not a twentieth part of the Fish that had been caught was sold, while the Poor were distressed for food. To secure a continuance of this fraud, they became Owners of Fishing Vessels themselves, hired Fishermen to go Masters, and obliged the Fishermen's Apprentices to be bound not to the Fishermen, but to them, as Fishmongers, though the Fishermen are a distinct Company.

As to the Fish brought to market by the Fishermen, the Fishmongers in conjunction employed persons as their Buyers at the market, to take up all the best Fish, and then divided it among themselves by such lots or parcels as they thought proper; so that when it came into their shops, they enhanced the price at pleasure, and were sure not to be undersold.

When a new Fish Market was, in the year 1749, attempted to be established at Westminster, (by Statute 22 Geo. II. cap. 49.) the Trustees and the inhabitants, raised a large sum of money by Subscription, and purchased Fishing Vessels, to be employed solely in supplying this New Market. Yet such was the influence of the Fishmongers, and the Fishermen in  
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their interest, over those employed in these Fishing Vessels, that though they were bound under Covenants, with large Penalties, they broke through them all, so that the market was deserted for want of a supply, and the Subscribers ultimately lost their money.

Manifold have been the attempts to put a stop to these Frauds and Monopolies: The Statutes 29 Geo. II. cap. 39. and 30 Geo. II. cap. 21. were passed containing such Regulations, as it was hoped would prove effectual. And Jurisdiction was given to the Justices in *Kent* and *Essex*, as well as to the Mayor, Recorder, and Aldermen (being Justices) of the Corporation of *Queenborough* and *Gravesend*, to enforce the Penalties.

The Fishmongers, however, still continued to keep the Fish wasting in their Well-boats at *Gravesend*, beyond the time limited by Law, by causing the holds of these Well-boats to be divided into several cells, with partitions between them. When a Fishing Vessel came in, as part of the Fish only was forwarded to the market directly, the remainder was put into one of these Cells or Receivers: another Vessel, two or three days after, left part of her Cargo in another Receiver of the same Boat, and so on till all the Receivers were full; where it was kept as long as the Fisherman pleased. When the Inspector (appointed by virtue of the Acts last mentioned) came to see whether the Fish had been forwarded to market as it ought, and found it remained beyond the time, he was told, that what he saw came by after Vessels, and  
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that the time for sending it forward was not expired ; which he not being able to disprove, the Fraud passed unpunished. It had been provided by these Acts, that an entry should be made of the Fishing Vessels, as they came in, under a very considerable Penalty ; but this was frequently eluded by prevailing upon those who had the charge of making the Entry, to leave the Entry to be made by some Waterman, who took the Entering Money, and made the Entry upon pieces of paper, which remained with him, before they were posted in the Entering Book, perhaps twenty days. If the Inspector, upon finding no Entry made, gave himself no trouble, the end was answered ; if he did and prosecuted, the Defendant produced the Waterman's Paper, which brought the Entry within time ; and though this Paper might be forged, as the proof of the Forgery was scarcely possible ; the end of the Fisherman was still answered, and he cheated the Public with impunity.\*

To remedy these Evils and some others the last Act of Parliament passed, and now in force, material to be considered, as respects the Port of London, is the Statute 33 Geo. II. cap. 27. of which the following is the substance.

The Master of every Fishing Vessel, within three days after his arrival at the Nore with Fish, shall report the time of his arrival to the deputed Clerk, in the Coast-Office at the Custom-House in London, under 50*l.* Penalty, and the Clerk is to enter the Re-

\* See *Noorthouck's History of London.*

port in a Book kept for that purpose. The Master is also to leave a true account of all Fresh Fish which have been brought alive to the Nore in his Vessel, upon pain that the Owners of such Vessel shall forfeit 20*l.* If any person on board such a Vessel after her arrival, shall destroy or cause to be destroyed, any Fish which shall have been brought from Sea, that is not unmarketable, such Offender shall be committed to hard labour for any time not exceeding two months, nor less than one month. The Clerk at the Coast-Office is on Monday, Wednesday, and Friday, in every week, to return to the Mayor of London, and to such persons as the Trustees of the Fish-Market at Westminster shall appoint, in the City of Westminster, and to the Inspector of the Fishing Vessels, at such place as the said Trustees shall appoint; a true account of the time when every such Vessel shall have been entered as arrived at the Nore, and also of the Fish, &c. which shall have been entered; under the Penalty of 5*l.*

None of the Fish mentioned in the Act (viz. Salmon, Salmon Trouts, Turbots, and Ling, fresh Cod, and half-fresh Cod, Haddock, Scate, fresh Ling, Lobsters, Soles, and Whitings,) shall, at any time after their arrival at the Nore, be put into a Well-boat, or Store-boat, under the Penalty of 20*l.* nor be delivered out of any Fishing Vessel (unless when sold by retail) but into the Vessel employed to carry it directly to Billingsgate or Westminster; and no Vessel is to remain above one tide with the Fish, accidents of wind and weather excepted. If any one  
offends

offends in the premises, he is to be committed to the House of Correction, for any time not exceeding two months, nor less than one month : and the Inspector of the Fishing Vessels is duly to execute his Office under the Penalty of 20*l*.

By the Statute 2 Geo. III. cap. 15, made to encourage the supply of the Metropolis with Fish, by Land-carriage, but which did not succeed to any beneficial extent ; No person who shall sell or be concerned in the sale of any Fresh Fish by Commission, is to buy or be concerned in the buying of any Fresh Fish to sell again, on his own account, or for the joint account of him and any other person, under the forfeiture of 50*l*. No person is to sell at any Fish-market within the Bills of Mortality, or within one hundred and fifty yards of such Fish-market, and during the market-hours, any of the Fish specified in the Act, before he shall have first placed up a true account of all the Fish which he shall then have to sell, distinguishing the several sorts of such Fish, and the quantity of every sort respectively, under 10*l*. Penalty ; and no person is to have in his possession, or expose to sale, any Spawn of Fish, or any Fish unsizeable or out of season, or any Smelt, which shall not be five inches from the nose to the utmost extent of the tail.

By the two last stated Acts, a general Jurisdiction over Offences created by them, is given to all Justices of the Peace, within their respective Jurisdictions.

### III. RESPECTING

## III. RESPECTING COALS.

In the instance of this necessary of Life, we have another proof how inadequate the most salutary laws are to restrain the avaricious pursuits of mankind (not only in the present but former times,) in due bounds; without the continual interference of a superintending Police, to give life and vigour to that which will otherwise soon become and remain a dead letter on the Statute Book, or be suffered to expire from mere carelessness and inattention.

Some of the inconveniences suffered in the Coal Trade have been already laid before the Reader in Chapter III. (p. 142—146) of this Work. It will no doubt be additional matter of surprise, that these and other evils should continue to oppress and harass the Community, particularly the Lower Classes, after such excellent Laws have been passed for their prevention; but the regular continuance, amendment, and due execution of those Laws, can never be hoped for till a certain responsibility is imposed by the Legislature, on persons willing and capable to take on them the necessary exertions.

Although the Laws on all the various branches of this subject are intimately connected with each other; it may be more convenient, for the sake of reference, to class them under the following heads, rather than in Chronological Order. Several provisions are also contained in the Acts cited, which are not here detailed, as they do not so immediately relate to the Police of the River.

FIRST. The Statutes to prevent unlawful Combinations for enhancing the Price of Coals, as sold wholesale.

SECONDLY. The Statutes respecting the Measure and Sale of Coals *to the Consumer*: and the establishment of the *Land Coal-Meters' Offices*, in London, Westminster, and Surry.

THIRDLY. Suggestions as to the Relief of Coal Heavers.

FIRST, *Therefore, of the Statutes against unlawful Combinations of Coal-Owners and others.*

The Statute 9 Ann. cap. 28, (which is made perpetual, by Statute 1 Geo. I. Statute II. cap. 26) is entitled "An Act to dissolve the present and prevent the future *Combination of Coal-Owners, Lightermen, Masters of Ships and others*, to advance the Price of Coals, in prejudice of the Navigation, Trade, and Manufactures, of this kingdom; and for the further encouragement of the Coal Trade."

The preamble of this Act recites, that "the having Coals at cheap and reasonable Prices, tends greatly to the improvement of the Manufactures and increase of the Trade and Navigation of this Kingdom, and to the relief of the Poor; and that it was necessary, that the Coal Trade should be free and open."

It is, therefore, enacted, That every Contract, whether in writing or not, between any Coal-Owners, Lightermen, Fitters, Masters, or Owners of Ships,  
Crimps,

Crimps, Coal Factors, or other persons whatever, concerned in the Coal Trade, *for engrossing Coals*, or for restraining or hindering any person from freely selling, buying, lading or unlading, navigating or disposing of Coals, shall be *illegal*, null and void: And that if any Coal-Owner, &c. shall be concerned in any such illegal Contract, directly or indirectly, they shall incur the following Penalties, viz. Coal-Owners or Proprietors of Coal-Mines, 100*l.*—Fitters, 50*l.*—Masters or Owners of Ships, and Clerks, Agents or Servants, 20*l.*

To prevent Frauds and Abuses; it is also enacted, That every Fitter, or person selling or delivering Coals, shall give a certificate to the Ship-Master, on every voyage, stating the quantities, price, &c. of the Coals sold and loaded on board his Ship; which Certificate shall, within forty-eight hours after the arrival of the said Ship at the Port of *London*, be registered at the Cocquet Office appointed by the Lord Mayor: [or, in any other Port, at the Custom-House;] under Penalty, upon all parties guilty of neglect, of 10*l.*

By § 3 of the same Act, a Penalty of 50*l.* is imposed on any Lighterman, Ship-Master, Crimp, Coal-Factor, or other person dealing in Coals, who shall (by himself, his Servants or Agents) receive or take any Salary, Gratuity, Money [Allowance in Coals] or Reward whatever, from any Coal-Owner, Fitter, &c. *for disposing of any particular sort of Coals, in preference to any other sort, or for lading any Ship, or disposing of any Coals from on board any Ship, before any*  
*other*

*other Ship*, or shall sell one sort of Coals, as and for another sort.

By § 4 of the Statute 3 Geo. II. cap. 26. this Penalty is increased to 500*l.* which is also imposed on the Coal-Owner or Fitter, giving or agreeing to give any such Gratuity or Reward.

By § 7 of the same Act, 9 Ann. cap. 28. reciting that "Several persons acting as Crimps, Husbands, Agents, or Factors, for Masters of Ships importing Coals into the Port of *London*, under colour of such their employments do often fraudulently vend the Coals intrusted to them by the said Ship-Masters as aforesaid, to their own Agents, Partners, Servants, or other persons, for their own use and benefit, and at rates below the Market Price, and when so sold, do again greatly advance the Rates thereof, to the prejudice and discouragement of the said Ship-Masters, and great oppression and hindrance of the Manufacturers, and other Consumers of Coals;" a Penalty of 50*l.* is imposed on all Crimps, &c. selling Coals to their own Agents, in trust for themselves.

All the Penalties in this Act are recoverable only in the Courts at Westminster.

By the Statute 3 Geo. II. cap. 26. "for the better Regulation of the Coal Trade," it is enacted, That Dealers in Coals, may in future use their own Lighters, provided they are navigated by Lightermen, properly qualified and entitled to work on the River Thames: and the Lighters are to be entered with

the Watermen's Company, and subject to their Rules.

For the making more effectual all Agreements between Ship-Masters, and Buyers of Coals, all bargains for Coals at *Billingsgate* Market, or other Place of Sale in the Bills of Mortality, must be entered in the Factor's Book, signed by the Buyer and Seller, and witnessed by the Factor, who shall give a copy of the Contract to both, under Penalty of 50*l.* And by 11 Geo. II. cap. 15. (§ 6, 7) a like Penalty of 50*l.* is imposed on both Buyer and Seller refusing to sign the Contract: and on the Ship Master refusing to produce to his Owners, when required, copies of the Contracts, from the Factor's Books. These Penalties are recoverable in the superior Courts.

By § 9 of 3 Geo. II. c. 26, a Penalty of 100*l.* is imposed on the Masters of Ships in the Coal Trade, refusing to give yearly Accounts to their Owners: or refusing to obey the Owners' directions; "provided that nothing be contained in such directions, which shall relate to the *restraining or enhancing the price of* Coals in the River Thames or to *keeping of turn* in delivering of Coals there:" By Statute 4 Geo. II. c. 30. a Penalty of 100*l.* (recoverable in the Courts at Westminster) is imposed on Owners giving directions as to keeping turn, and on all persons obeying such directions: and Masters of Ships are, on Penalty of 50*l.* to deliver their Cocquets within four days after the arrival of the Ship at *Gravesend*, and not let them  
remain

remain in the hands of any Agents on behalf of the Owners: a method which it appears had been used to oblige Coal Ships to keep turn, notwithstanding the Laws to the contrary.

By the Statute 28 Geo. III. cap. 53, The before-mentioned Acts, 9 Ann. cap. 28. and 3 Geo. II. cap. 26. and the Penalties imposed thereby, on persons receiving gratuities from Coal-Owners are recited; and it is stated, that “notwithstanding the said two Acts, it had for many years been usual and customary for the Owners of Colliers, in Northern Ports, to charge a higher price to Ships lading Coals for the London Market, than to those lading for the Outports; and in consequence thereof *to make certain allowances to the London Coal Buyers*, at stated periods; which allowances had constituted the principal part of the *reasonable profit* of the *London Coal Buyers*; yet that great numbers of actions had been commenced against various persons in the said Trade, as well Owners as Buyers, on the ground that such allowances were contrary to the said Acts.” The Preamble goes on further to state, “That the persons against whom the actions were brought did not introduce the practice complained of, but found it an *existing custom* prevalent in the Trade, when they embarked their fortunes in it; and that the actions so brought, *should the informer succeed in them*, might be attended with the ruin of many of the persons, against whom such actions had been brought.” The persons against whom such actions had been brought

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are,

are, therefore, indemnified by the Act, against all Penalties and Forfeitures incurred, paying the Informers all their Costs of Suit.

It might be thought invidious to make any further remarks on the foregoing Preamble and Enactment, than that they serve pretty fully to prove the truth and justice of the observations, by which the present division of this Chapter has been introduced. The Acts thus indemnified against are left in full force.

By another Section of the same Act, 28 Geo. III. cap. 53, it is stated, "That a certain number of Coal Buyers had formed themselves into a Society, and held private meetings at the Coal Exchange in London, professing to make *Regulations*, for the purpose of carrying on the Trade in Coals, which Regulations *may have a tendency* to prevent the said Trade from being free and open:" It is, therefore, enacted, That any number of persons united in Covenants or Partnerships, or in any way whatsoever, consisting of more than five persons for the purchasing of Coals for Sale, or for making Regulations with respect to the manner of carrying on the said Trade in Coals, shall be deemed *an unlawful Combination*, to advance the price of Coals; and every person concerned therein, shall be punishable by indictment or information in the Court of King's Bench.

SECONDLY.

SECONDLY. *The Statutes as to the Measure and Sale of Coals to the Consumers :*

By an ancient Statute of 7 Edward VI. cap. 7. "for the assize of fuel" it is enacted, That every Sack of Coals shall contain *Four Bushels* of good and clean Coals," on penalty of 3s. 4d. per Sack. The Act then goes on, in the quaint but nervous and expressive language of the time, to state, That "forasmuch as by the greedy appetite, and covetousness of divers persons, Fuel, Coals, and Wood, runneth many times *through four or five several hands or more* before it cometh to the hands of them, that for their necessity do burn or retail the same, "It is therefore, enacted, That no person shall buy any Coals [Wood or Fuel] but only such as will burn or consume the same ; or such persons as shall sell the same again by retail, to such as shall burn or consume the same, for their own occupying, without Fraud or Covin ; or Wharfingers or Bargemen ; under forfeiture of treble the value." This Act is, however, now partly repealed and partly considered as obsolete.

By the Statute 16 and 17 Charles II. cap. 2. for regulating the Measures and Price of Coals, it is enacted, That "for avoiding the manifold deceits, exactions, and abuses, used in the Measure and Sale of Coals," All sorts of Sea Coals brought into the River Thames and sold, shall be sold by the Chal-dron, containing thirty-six Bushels heaped up, and

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according

according to the Bushel, scaled for that purpose at Guildhall in London; and so for a greater or less quantity; and that all other sort of Coals coming from Scotland and other places, commonly sold by Weight and not by Measure, shall be sold by Weight after the proportion of 112*lb.* to the hundred of Avoirdupois Weight without any fallacy or deceit, upon pain of forfeiture of all the Coals, which shall be otherwise sold or exposed to Sale, by any Woodmonger or Retailer of Coals, and the double value thereof, to be recovered by any Prosecutor in any Court of Record, or by way of complaint made unto the Lord Mayor of *London*, and Justices of Peace within the City of *London* and Liberties, or to any two of them, or to the several Justices of the Peace, of the several Counties and Places where such Coals shall be exposed to Sale, or any of them.

The Lord Mayor of *London* and Court of Aldermen, and the Justices of Peace or any three or more of them, whereof one to be of the *Quorum*, are by the said Act empowered to set the Rates and Prices of all such Coals as shall be sold *by Retail*, as they shall judge reasonable, allowing a competent profit to the Retailer, beyond the price paid by him to the Importer, and the ordinary charges thereupon accruing.

The continuance of this Act was limited to three years: But by the Statute 2 William and Mary, Statute 2. cap. 7. reciting, that it had been found “very useful and beneficial to this kingdom,” it was revived and continued for seven years; and finally,

by

by 7 and 8 William III. cap. 36. § 2. *it was made perpetual.* And the provisions of the Act as to settling the *Retail Price of Sea Coals*, were found so generally beneficial, that by Statute 17 Geo. II. c. 35, they were extended all over the kingdom; authority being given to three Justices (one being of the Quorum) for that purpose, in their several Jurisdictions.

By 12 Ann. Statute 2. cap. 17. § 11, The Coal Bushel is to be made round with an even bottom, and to be  $19\frac{1}{2}$  inches from outside to outside, and to contain one Winchester Bushel, and one Quart of Water, according to the standard for the Winchester Bushel described by 13 and 14 William III. cap. 5. § 28. In the Act referred to, the Winchester Bushel is described as  $18\frac{1}{2}$  inches wide throughout (in the inside no doubt) and eight inches deep: And by 3 Geo. II. cap. 26. § 13, it is directed, that this Bushel shall be used by all Dealers in Coals, by the Chaldron or lesser quantities in *London* and *Westminster*, or within ten miles thereof, and the Sack shall contain *three* such Bushels; on penalty of 50*l.* The Bushel to be sealed or stamped at Guildhall, London, or the Exchequer Office, Westminster, on penalty of 50*l.* on persons using it unstamped or diminishing its size.

By § 10 of the Act, 3 Geo. II. cap. 26. already quoted, reciting, That "by ancient custom in the Port of London, one Chaldron of Coals is allowed in to every score bought on board Ship, and so in proportion for a greater or less quantity, which is called

*Ingrain*; notwithstanding which many persons dealing in Coals, do load the same from on board Ship bare measure, without the said *Ingrain*, to the great injury of the Consumers;” a penalty of 100*l.* (recoverable in the superior Courts) is imposed on all Lightermen, and others selling any quantity of Coals, as and for *Pool Measure* (viz. such measure as is usually given or allowed in the Pool or River Thames) and not delivering to such Purchaser, their full quantity of Coals, together with the *Ingrain*, as measured to him from on board by the Meter.

*The Sale of Coals to Consumers is most materially regulated by the following Acts, establishing the LAND COAL-METERS' OFFICES, in London, Westminster, and Surry, and at the Wharfs on the River Thames, within those Districts :*

By the Statute 7 Geo. III. cap. 23. (continued to June 1st, 1812, by 38 Geo. III. c. lvi.) “ to prevent Frauds and Abuses in the Admeasurement of Coals, sold by Wharf-measure, within the *City of London*, and the Liberties thereof; and between *Tower-Dock* and *Lime-house Hole* in the County of Middlesex,” it is enacted, That a Public Office shall be erected and continued within the City, in or near Thames-street, to be called, *The Land Coal-Meters' Office*, for the City of *London*, &c. to be kept open every day (Sundays excepted) from five in the morning till nine in the evening, in the summer half-year; and from

six in the morning till six in the evening, in the winter.

The first Manager of the Office is named in the Act; and at his decease, the appointment of that Office is vested in the Court of Common Council.

The said Manager and the principal Coal-Meters, and their Deputies and Servants, are declared to be subject to the control of the Court of Mayor and Aldermen; to be dismissed or suspended by that Court, on complaint or proof of any Fraud, Neglect, or Misbehaviour, to be heard and determined by the Court in a summary way.

The Penalties, &c. under this Act, above 5*l.* are recoverable only in the Courts at Westminster. All others by complaint to any one Justice for London or Middlesex; with an appeal to the Quarter Sessions: But it is observable, that a Justice has power to *convict*, in certain instances, where a Penalty of 10*l.* is incurred.

This Statute 7 Geo. III. cap. 23. is further explained and amended by cap. 83 of the Session, 26 Geo. III. By cap. 14 of the same Session, a like Office was established for twenty-one years, for the several Parishes lying between *Putney* and *Rotherhithe*, both inclusive; to be provided and continued near Blackfriars Bridge, with five subordinate Offices, at *Putney*, *Wandsworth*, *Battersea* and *Lambeth*; and in *Tooley-Street*.

Two Managers are appointed by this Act and subjected (with the principal Land Coal-Meters, and their

their deputies) to the control of the *Surry* Quarter Sessions.

The Statute 26 Geo. III. cap. 108. (for explaining, amending, and reducing into one Act of Parliament, several former Acts) establishes a like Office for the City and Liberty of *Westminster*, and certain Parishes in *Middlesex*: subject to the control of the respective General or Quarter Sessions for the City and County: and the Penalties are recoverable if above 5*l.* in the superior Courts; or else before any one Justice of the City or County; with an Appeal to the *Middlesex* Quarter Sessions.

*The united effect of these Acts is next to be considered, with the Penalties imposed on Offences, in each District; where, as is sometimes the case, any difference is made by the provisions of the respective Statutes.*

The *principal Land Coal-Meter*, in each District, is to take an oath for the due execution of his Office; and to appoint a sufficient number of persons to be *Labouring Coal Meters*, one of whom shall attend at every Coal-Wharf, Warehouse and Place of Sale, to measure out all such Coals, as shall be sold by Wharf-measure; these *Labouring Coal-Meters*, are also sworn to the execution of their duty.

In *Surry*, the principal Coal-Meter is also to appoint a *Deputy Coal-Meter* at each of the subordinate Offices; and a general Penalty of 20*l.* is imposed on the principal Meter neglecting to appoint, and of 5*l.* on the labouring Meter neglecting to attend:

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A like Penalty was also imposed in Westminster by an Act now repealed.

Upon notice given to any labouring Coal-Meter, or left at the principal Coal-Meter's Office for a labourer to attend at any Wharf or Place named in such notice, in order to measure the Coals of the person giving the notice, a labouring Meter shall attend within one hour or sooner if possible; under Penalty of 20s. on the Labourer neglecting to attend, and a like Penalty on the principal Meter neglecting to send.

If the principal Coal-Meter, or any person employed under him shall, during their continuance in Office, be directly or indirectly interested (otherwise than officially, though this saying is omitted in the *Westminster* Act) in the Sale of any Coals whatsoever, they shall (in *London*) be dismissed from their employment, and disabled from ever holding the same, and forfeit for every Offence 20*l.*: In *Westminster* or *Surry*, the principal Meter is to forfeit 100*l.* and the labouring or deputy Meter 20*l.* In *Surry* both Parties; in *Westminster* only the labouring Meters, are to be dismissed from their Office.

To prevent Confederacy the stations of the labouring Meters are to be frequently varied.

All Coals sold as and for Wharf-Measure, at any Wharf, Warehouse or Places within the limits of the respective Acts, shall be measured in the presence of one labouring Coal-Meter; who is empowered to fill

any Bushel, appearing deficient, out of the Seller's stock.

*Four-pence* per Chaldron is to be paid by the Keeper of the Wharf, Warehouse, &c. from which the Coals are carted, or by the Seller, to the principal Coal Meter, to be applied by him in defraying the expences of his Office, and hiring the labouring Meters; on payment of this Metage Duty, the Seller or Carman, who carts away the Coals, is to receive *a ticket* (signed by the principal Meter, and countersigned by the labouring Coal-Meter attending) containing the names of the Seller and Consumer, the quantity, the date, the metage charge, and the Carman's name, with a notice to the Purchaser, that if he is dissatisfied with the measure, he must tell the Carman so, before any part of the Coals are unladen. This ticket the Carman is to deliver to the Consumer. A penalty of 40s. is imposed on the labouring Coal-Meter refusing to deliver the ticket to the Carman (on payment of the Metage Charge) and 10s. on the Carman altering the ticket, or refusing to deliver it to the Consumer.

If any Cart, in which shall be any quantity of Coals exceeding seventeen Bushels, shall be sent from any Wharf, &c. within the said limits, without the Coals having been so measured, and the Ticket obtained, the Vender of such Coals shall (on conviction before one Justice) forfeit for every such Offence, 10*l.*

If any Wharfinger or Dealer in Coals shall make

use of any Sack, for the carrying Coals within the limits of the respective Acts, less than four feet in length and two in breadth, he shall forfeit for every such Offence, 5*l.* A penalty of 40*s.* is imposed on labouring Meters using or permitting Sacks of less dimensions.

The Sacks, at the time of their being made, and marked, and sealed, by the proper Officer, are to be four feet four inches long, and two feet two inches wide.

If any Wharfinger or Dealer in Coals, shall directly or indirectly give to any labouring Coal-Meter, any Reward or Gratuity, besides the four-pence *per* Chaldron allowed, he shall forfeit for every such Offence, in *London*, 20*l.*—in *Westminster* and *Surry*, 50*l.*

If any labouring Meter shall deliver a false Ticket to any Consumer, Carman, or other person, with intent to defraud; or shall receive from any Dealer in Coals, any Gratuity, &c. besides the four-pence *per* Chaldron; or shall wilfully make or suffer any false measure of Coals, or deliver any Ticket for Coals not measured in his presence, he shall be rendered incapable of serving ever after in his Office: and *the principal Coal-Meter* (in *London* and *Westminster*) shall pay a fine of 40*s.*—in *Surry* the fine is imposed in the first instance on the Labourer; and if not paid within one month is then to be paid by the principal Meter.

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If any labouring Meter shall suffer any Coals, sold for Wharf-measure (exceeding seventeen Bushels) to be sent from any Wharf or Warehouse within the limits of the respective Acts, without being duly measured in manner directed, and shall not give information thereof, at the principal Land Coal-Meter's Office, within two days after the Coals shall be so sent, he shall forfeit 5*l.* and be disabled.

Any person dissatisfied with the measure of any Coals, may, on delivery to him of the Meter's Ticket, signify his desire to have the same remeasured; on which the Carman is to stay with his Cart and the Coals (at the rate of 2*s.* 6*d.* per hour) till they are remeasured under penalty of 5*l.* on the Master of the Cart, and 20*s.* on the Carman. The Purchaser is then immediately to send notice to the Seller, that the Coals are going to be remeasured, and also to send notice to the Land Coal-Meters' Office, for the District in which the Coals are sold; on which a principal or labouring Meter (not being the Meter under whose inspection the Coals were originally measured) must within two hours attend to remeasure the Coals, and shall remeasure the same Sack by Sack in the presence of the Seller and Purchaser (if they attend) and also in the presence of one principal or labouring Coal-Meter from the two other Districts; (whose attendance within *London* and *Westminster*, is enforced by a penalty of 5*l.* but not in *Surry*;) for this attendance the Purchaser is to pay each Coal-Meter attending six-pence

pence per Chaldron. If the Coals prove deficient in Measure, the Seller shall forfeit 5*l.* for every Bushel deficient, and also, forfeit the Coals to the Poor. The labouring Meter under whose inspection the Coals were measured at the Wharf, shall also forfeit 5*l.* per Bushel deficient; to be recovered (if not paid in five days) of the principal Coal-Meter; and the Coal-Porters, 2*s.* 6*d.* per Bushel deficient.

Drivers of Carts or other persons belonging thereto, taking or suffering to be taken or delivered out of their Cart, Coals, under their care, otherwise than to the Owner or Purchaser, shall forfeit 40*s.* or on non-payment be committed to Gaol, for not less than one month nor more than three, unless the forfeiture is sooner paid.

The Author has done his utmost endeavour to state as accurately as possible, all the minute variations in these Statutes; but, it is surely to be wished, that this, as well as every System of Legislation, should be uniform in its operation; the uncertainty and variety of the Penalties, for Offences in their nature perfectly similar, tending only to produce confusion and vexation. The different periods at which these Acts are liable to expire, may also cause some perplexity; which has in fact already taken place, in one instance.\*

## THIRDLY.

\* The Profits to the City on the Coal (and Corn) Meters' *£.*  
 Places has been stated at per Ann. . . . . 9,000  
 Groundage of Colliers, and Balliage of Coals . . . . . 850

Carried over *£.*9,850  
 Here

THIRDLY. *Suggestions as to the Relief of Coal-Heavers.*

The oppressions and impositions suffered by the Coal-Heavers, particularly from the circumstances of the Undertakers being chiefly Publicans, have already been stated (p. 144—146.) The Reader will no doubt join with the Author in regretting, that the salutary Act of 10 Geo. III. cap. 53, made to restrain this very evil should have been suffered to expire; having been originally enacted only for three years, and never since renewed. The provisions of that Act are here shortly stated as a guide to any who may hereafter be inclined to render a service to that very laborious and industrious class of men, by calling the attention of the Legislature to this subject.

“ No Coal-Undertaker shall take or demand from any Coal-Heaver, any Money or other Thing as Commission, or as a Gratuity in procuring such Coal-Heavers to be employed in unlading Ships laded with Coals, between *London Bridge* and *Greenwich*, nor under pretence of furnishing Shovels, &c. nor on any pretence whatsoever, on pain of forfeiting for every such Offence, 5*l.*

Brought forward £.9,850

Here also may be noticed their Revenue from two other Articles already mentioned. See Chap. XI. p. 331.

|                                      |       |
|--------------------------------------|-------|
| Scavage and Package Duties . . . . . | 4,500 |
| Balliage ditto. . . . .              | 1,000 |

£.15,350

“ Every

“ Every Coal-Undertaker, before he shall undertake to procure Coal-Heavers to unlade any Ship laden with Coals, shall take an Oath before the Lord Mayor, or one of the Aldermen of London, to observe the directions of the Act, on pain of forfeiting for every Ship, for the discharge of which he shall so undertake, 5*l*.

“ No such Coal-Undertaker shall be a Victualler or directly or indirectly concerned to receive any part of the profits of such Trade, or in any other manner in the selling eatables, *or spirits, or drink of any kind, or tobacco*, on pain of being rendered incapable, and to forfeit 5*l*.

“ If after conviction in any of the above Cases, any Coal-Undertaker, shall again undertake to procure Coal-Heavers to unlade Coal-Ships, he shall, for every Ship he shall so undertake, forfeit 5*l*.

“ Persons discharging Coal-Ships shall be allowed 1*s*. 6*d*. per Score, and so in proportion; and if any Captain, Owner, &c. having the care of any Ship, shall pay to any Coal-Heaver any greater Wages than as aforesaid, or Gratuity in lieu of Wages (except such price shall have been previously altered by the Lord Mayor and Aldermen, which they are empowered to do,) he shall forfeit for each Offence, 10*s*.

“ After any Ship, &c. shall be unladed, the Master, &c. is to pay to *the Foreman of the Gang*, the money due for unlading, and such Foreman shall pay to each man his share; and if the money shall not  
be

be paid on demand, the Lord Mayor or one Alderman (before whom the Penalties are recoverable, and who are empowered to determine all Disputes, with an Appeal to the London Quarter Sessions) is authorised to compel payment, and order 20s. Costs."

It may perhaps be thought by some, that the Author has run rather too much at length into the inquiry on the whole of this subject; but the interesting nature of it, not only as it relates to the Police of the River, but all the Inhabitants of the Metropolis in general, will doubtless plead his excuse.

IV. *Of the Penalties and Punishments, to prevent dangers from FIRE, on board Ship, &c.*

By § 21 of the Statute 10 Ann. cap. 17, reciting that "It had become a common practice, that Merchant-Ships and Vessels carrying Merchandise, did very often stop and ride at the Moorings appointed and laid out for the use of her Majesty's Ships and Vessels, and at her Majesty's Ships and Hulks in Harbour, near, and adjoining, to her Majesty's Dock-yards, Storehouses, and Magazines, such Merchant or Trading Ships, or Vessels not being forced thereto by any necessity or want of Tide, by which means her Majesty's Ships, Vessels, and Magazines, were subjected to accidents by Fire, and other damages, through the carelessness of the persons left on board such Merchant-Ships, as well as to charges, by weakening and wearing the Moorings;

ings; and the persons left on board such Merchant-Ships, by their long staying at such Moorings, had great opportunities of running of Goods and embezzling her Majesty's Naval Stores:" For the prevention thereof, it is enacted, That if any Merchant-Ship, or any other Ship or Vessel, not being a Ship of War, or belonging to the Royal Navy, or employed in her Majesty's service, or such Ships as shall come to deliver Stores into her Majesty's Yards, during their delivery thereof, shall stop or fasten to any of the Moorings, or fix themselves to any of the Ships or Hulks, the Captain, Master, Commander, or Person, having the care or command of such Merchant-Ship or Vessel, shall forfeit the sum of *Ten Pounds* for *each and every Tide*, such Merchant-Ship or Vessel shall stay at the said Moorings, unless it appear that such Merchant-Ship or Vessel was necessitated so to do, by want of Tide, stress of Weather, or other unavoidable accidents: The Penalty is recoverable by Action in the Courts at Westminster, and goes half to the Informer, and half to Greenwich Hospital.

If any Commander, or other Officer of any Ship, (except his Majesty's Ships,) shall, while such Ship shall be in the River of *Thames*, between *London Bridge* and *Blackwall*, keep any *Gun* *shotted*, or shall Fire, or permit to be fired any Gun, on board any Ship, before Sun-rising or after Sun-setting, such Commander or Officer, shall, for every such  
Gun

Gun so kept shotted, forfeit 5*s.* and for every Gun so fired, 10*s.* And if any Commander, or other Officer of any Ship, or any other person on board, shall, while such Ship shall be in the River between *London Bridge* and *Blackwall*, heat or melt, or permit to be heated or melted on board such Ship, any *Pitch, Tar, Rosin, Grease, Tallow, Oil,* or other Combustible Matter whatsoever, the Offender shall forfeit 5*l.*—5 Geo. II. cap. 20. § 4.

No Master, &c. of any Ship, &c. lying in the *Thames* outward-bound, shall receive on board such Ship, except for the King's service, more than 25*lb.* of Powder, before the arrival of the Ship, at, or below *Blackwall*.—And the Master of every Ship, &c. coming into the *Thames*, shall put on shore all the Gunpowder on board such Ship, &c. except 25*lb.*; either before the arrival of the Ship at *Blackwall*, or within twenty-four hours after her coming to an Anchor there, if the weather shall permit, on pain of forfeiting, for every Offence, all the Gunpowder found on board above 25*lb.*; and also 2*s.* for every pound of Gunpowder above 25*lb.*—12 Geo. III. cap. 61. § 24.

For the Powers given to the Trinity-house, to enforce the foregoing Regulations, see *ante* p. 346.—The Penalties under the first of these Acts, are recoverable and applicable as stated in that page:—Under the latter Act, 12 Geo. III. which confirms the power of the Trinity-house, to appoint Searchers for

for Gunpowder, (who need not under this Act be *Elder Brethren*;) the Penalties are given half to the King, and half to the Informer, and are recoverable before any two Justices.

Under the Wet-Dock Act, 39 Geo. III. cap. lxix. the following very useful Provisions are made on this subject.

All such Vessels as shall have on board any Gunpowder, exceeding the quantity of *one Pound*, shall, before they enter any of the Docks, Basons, or Cuts, land all their Gunpowder, and unlade and clear their Guns; and no Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or Combustible Matter of any kind, shall be suffered to be, or remain on the Quays or Wharfs, in or near the said Docks, or any part thereof, or upon the Deck of any Ship or other Vessel in the said Docks, Basons, or Cuts, above the space of twelve hours, under Penalty, on the Owner of such Goods, &c. or the Commander, Master, or Mate of the Vessel, making default therein, not exceeding 10*l.* nor less than 5*l.*

§ 102.

For more effectually preventing Accidents by Fire in the said Docks and Dock Premises, no person shall have or keep any Fire, Candle, or Lamp, lighted within any of the said Docks, Basons, Cuts, and the Quays, Wharfs, Warehouses, and Works, belonging thereto, at any time whatsoever, (except only necessary Lamps by the sides of Ways without

the Dock Walls, and such Fires, or lighted Candles, or Lamps, as shall be necessary to be used in the Making, Building, Finishing, Repairing, Altering, or Improving of the Docks, Basons, Cuts, Quays, Wharfs, Warehouses, and other Works, or any of them,) under forfeiture for every Offence, not exceeding 10*l.* nor less than 5*l.* § 103.

V. *Penalties incurable under the WET-DOCK ACT, 39 Geo. III. cap. lxix. not hitherto noticed.*

These may be classed under the following heads, for the more easy reference to them.

FIRST. The Mooring of Vessels; paying Duties, &c. and the Powers of the Harbour-Masters and Dock-Masters.

SECONDLY. The impeding the Navigation of the Canal, Docks, &c.

THIRDLY. Injuries to the Dock, Works, Buildings, &c. by malice or carelessness.

FIRST. After the Canal, Docks, &c. shall be so far completed as to admit Ships, no Vessel shall lie at either of the Mooring Tiers in the River *Thames*, immediately above or below the entrances into the Canal, Docks, Basons, or Cuts, but those only which are intended to go into, or within twelve hours shall have come out of the said Canal; and every Master, Pilot, and Person, having the charge of any Vessel lying at the said Tiers, shall remove therefrom

therefrom such Vessel whenever required by the Harbour-Masters, or Dock-Masters, or their Assistants, by an order in writing, left on board the Vessel, within twelve hours after each notice, under the penalty of a sum not exceeding 10*l.* nor less than 5*l.* for every twenty-four hours such ship shall remain after the time limited by such notice. § 94.

No Vessel shall land or ship her Cargo, or any part thereof, by the sides, or upon, or along the Banks of any of the said Docks, Basons, or Cuts, except at such Quays, Wharfs, and Landing-places, as shall be made and assigned for the purpose, on pain of forfeiting for every Offence not exceeding 100*l.* as also, all such Goods so landed or shipped, as shall be liable to the payment of Customs, &c. which Goods may be seized accordingly, by any Custom-house or Excise Officer. § 98.

On any dispute respecting the Tonnage of any Vessel liable to pay the Dock Duties, the Collector, &c. may stop the Ship, and Measure and Gauge the same: And if any Ship-Master or other person shall obstruct or hinder the Collector, &c. from Weighing, Measuring, or Gauging such Ship or Vessel, he shall forfeit not exceeding 10*l.* above the said Rates. § 143.

No Collector of the Customs in the Port of *London*, shall, on any pretence whatever, permit any Vessel, liable to pay the Dock Duties, to be entered inwards from Foreign parts, or Coastwise, or to be cleared outwards, until the Master, &c.

shall have paid the said Dock Duties, and produced to the said Collector a certificate of payment of the Dock Duties inwards, under the hand of the person appointed to collect the said Duties: on clearing outwards the payment of the Dock Duties is to be ascertained by the signature of the Receiver to the Manifest, Cocket, Sufferance, or other Document, which must necessarily be produced to the Collector of the Customs at the time of clearing out; which Certificates and Signatures, the Receivers of the Dock Duties are required to sign, and give without Fee or Reward, under forfeiture of 20*l.* to be recovered with the Costs of Suit, in any Court of Record. § 144.

If any Harbour-Master, Dock-Master, Lock-Keeper, Wharfinger, or other Officer, shall give undue preference to, or in any manner unnecessarily retard or obstruct any Vessel passing into or out of the said Port or Docks, or from one station to another therein, or through any Lock or Flood-Gate upon the said Canal, or any of the said intended Basons, Cuts, or other Works, or in Lading or Unlading any Goods, at any of the Wharfs, Cranes, &c. he shall forfeit not exceeding 10*l.* § 93.

No Vessel of any description whatsoever, shall lie across in, or in any wise unnecessarily obstruct, any of the Entrances, Passages, or Outlets of the said Port or Canal, Docks, Basons, or Cuts, or be permitted to strike or run upon any of the Locks, Flood-Gates, or Bridges thereof: And if any

Vessel,

Vessel, Navigating, Lading or Unlading upon the River *Thames*, within the Port, or upon the Canal, or any of the Docks or Works, shall be placed or suffered to remain, so as unnecessarily to obstruct the Navigation thereof, the Master, &c. shall immediately upon request made remove the same, under a Penalty not exceeding 10*l.* and also, not exceeding 5*l.* for every hour of such obstruction after such requisition: And the Harbour-Master, Dock-Master, or other proper Officer, is empowered to cause any such Vessel, to be removed in such manner, and to such places as shall be proper for preventing such obstruction, or to be Unladen, if necessary, and to seize or distrain such Vessel, and the Lading or any part thereof, until the charges occasioned by such removal be paid. § 97.

All Laden Vessels going into any of the said Docks, Basons, or Cuts, shall Unlade and Discharge their Cargoes as soon as conveniently may be after entering therein; and shall then, without loss of time, be removed into such part of the said Docks as shall be set apart for Light Vessels: And the Dock-Masters are authorised to order and cause to be removed all such Light Ships, or Vessels, as are unfit for service, or not intended to be laden or fitted out for the *West-Indies*; and in order that the Dock-Masters may have knowledge of Ships so circumstanced, the Master or Owner of every Ship, shall, within six weeks after She shall have entered any of the said Docks, give notice to the Directors,  
that

that such Ship is unfit for service, or is not intended to be laden or fitted out for the *West-Indies*, as the case may be, or on failure therein, shall forfeit not exceeding 20*l.* Any Master, Owner, or Person, having the charge of any Vessel, who shall refuse or neglect to remove the same, within forty-eight hours after notice in writing, shall forfeit not exceeding 10*l.* nor less than 5*l.* and the Dock-Masters or their Assistants, may remove such Vessel out of the Docks, &c. and moor the same in such part of the River *Thames*, within low-water-mark, as shall be directed by the Harbour-Master, or in any other of the said Docks and Basons: And upon demand of payment by such Dock-Masters, from the Owner, Master, or Agent, of any such Vessel, of the charges of Removing and Mooring the same, (such charges being first allowed by the Directors,) and upon neglect or refusal of payment of such Charges, *immediately* the same shall be recoverable by Distress and Sale of the Ship, her Tackle, Apparel, or Furniture, or any part thereof. § 101.

SECONDLY. *As to impeding the Navigation of the Canal, &c.*

Before any Vessel shall enter or pass into the said Canal, Docks, Basons, or Cuts, she shall have her Sails lowered, so that she may not enter into, or Navigate in any of the said Works under Sail; under penalty on the Master, Commander, Pilot,

or person having the care of the Ship, not exceeding 10*l.* nor less than 5*l.* § 95.

If any Draw-bridge or Swivel-bridge, shall be laid across the said Canal, or any Cut, &c. every person opening such Bridge, shall, as soon as may be, shut and fasten the same; and no person shall wilfully open any such Bridge when no Vessel is to pass the same, so as to interrupt a free passage for Travellers, Cattle, or Carriages, under a penalty not exceeding 40*s.* and if any such Bridge shall be left open longer than necessary for the passage of any Vessel, through the negligence or carelessness of any person belonging to such Vessel, then the Master, or Owner, shall forfeit for every such offence, not exceeding 5*l.* but in case the same shall happen by the neglect or default of any Officer or Servant of the City, or of the Dock Company, such Officer or Servant shall forfeit not exceeding 40*s.* § 96.

If any person shall float, or place any Timber upon the said Canal, Docks, Basons, Cuts, or Wharfs, otherwise than as allowed by the City, or the Dock Company respectively, and on payment of such Rates as may be agreed upon, or shall suffer the lading of any Vessel, navigating in any of the said Works, to be over the side thereof, and shall not immediately, when required, remove such obstruction; or if any person shall wantonly, carelessly, or negligently open, any Lock-Gate Paddles, belonging to any Lock, to be erected on the said  
Works,

Works, or wantonly and mischievously, flush, or draw off, water from the said Canal, Docks, &c. or shall suffer any Vessel, to strike or run upon any of the Bridges or Locks thereof, every person so offending, shall forfeit not exceeding 5*l.* § 97.

If any Owner, Master, Seaman, or Servant, belonging to any Vessel, or any person whosoever, shall throw, or put any Ballast, Earth, Ashes, Stones, &c. into, or upon any of the Works, to the prejudice thereof, or into the River *Thames*, or in any place between *London-bridge* and the Mouth of the River *Lea*, or do any other annoyance to the same respectively, or any part thereof, on complaint upon Oath, by any Harbour-Master, &c. or other person, the same shall be examined into by any one Justice for the County, or place wherein such offence shall be committed, who may fine the Offender not exceeding 10*l.* for each offence; and in case of non-payment, levy the same with Costs, by Distress of the Offender's Goods, or of the Tackle, Apparel, or Furniture, of such Vessel; and in default of sufficient Distress, may commit such Offender to the House of Correction, for any time not exceeding thirty days, unless such penalty shall be sooner paid. § 99.

No Owner or Occupier of any Mill, or other Works, near the Canal, Docks, Basons, or Cuts, or his Servants, shall at any time after the completing of the said Canal, &c. use, or draw down the water from them, or the slips or trenches communicating

municating therewith, without the licence of the City or the Dock Company, and making such compensation as may be mutually agreed upon: The City and Company are empowered, to cut off such communications of Water on every such Trespass; and every person trespassing, shall, for every such offence, forfeit not exceeding 50*l.* § 100.

THIRDLY. *Respecting Injuries to the Docks and Works.*

The Corporation of London are authorised and empowered to bring Actions, and to prefer Bills of Indictment against any persons who shall Cut, Damage, or Injure, any of the Works to be erected or repaired by the City; or who shall injure or destroy the same whilst doing, or impede the doing thereof, or shall steal, or purloin any Stores, Lead, Iron, Wood, Bricks, or other Materials, or any of the Machines, Engines, or Utensils, used therein; or who shall wilfully do or suffer, or consent to any thing whereby damage may accrue to the Houses, Erections, and Buildings to be purchased, or to be made or erected by virtue of this Act. § 30.

Any person who shall wilfully and maliciously set on fire any of the Works, or any Vessel in the said Canal, or in any of the Docks, Basons, Cuts, or other Works, shall be judged guilty of Felony, without Benefit of Clergy; and whoever shall wilfully, or maliciously, break down, demolish, cut, or destroy any of the Works, or any Ship or Vessel lying in the said Canal, or in any of the said Docks,

or

or Works, shall be punished by Fine, Imprisonment, or Transportation, at the discretion of the Judge before whom such Offender shall be convicted. § 104.

Any person who shall wilfully or maliciously cut, break, or in any manner destroy, any Rope, &c. by which any Vessel lying in the said Canal, Docks, Basons, or Cuts, or in any place in the River *Thames*, between *London Bridge* and the mouth of the River *Lea*, shall be moored or fastened, shall forfeit not exceeding 10*l.*: But this shall not restrain the Harbour-Masters and Dock-Masters, or their Assistants, from exercising any of their Powers or Authorities in a due and reasonable manner. § 105.

If any person shall steal, damage, break, demolish, or throw down any Lamp, Lamp-Iron or Post, set up near unto and about the said Canal, Docks, Basons, or Cuts respectively, or about any Buildings erected on or near the said Canal, &c. or shall wilfully extinguish the Lights in the Lamps, or damage the Iron or other Furniture thereof, any person who may see such Offence committed, or any other person may arrest the Offender without Warrant, to convey him into the custody of a Peace-Officer, in order to be taken before any Justice of Peace, for the place where the Offence shall be committed, who may convict the Offender, and punish him by a penalty not exceeding 40*s.* for each Lamp, Lamp-Iron, &c. so damaged, or for every Light extinguished; and the Offender shall also make satisfaction to the Parties injured, for the damage so done, or be imprisoned not exceeding thirty days. § 106.

The

The Master or Owner of any Vessel, or of any Raft or Float of Timber, is made answerable for damage or mischief, done by such Vessel, Raft, or Float, or any of the Watermen belonging to the same, to the Canal, Docks, or Works; or to any of the Sluices, &c. or by lading or unlading any Vessel; and for any Trespass or Damage done to the Owners or Occupiers of any Buildings, Wears, or Lands, adjoining the said Canal, &c. by leaving open Gates or otherwise, or by any other Trespass whatsoever; such Damages to be recovered of the Owner, &c. in any Court of Record, with full Costs of Suit; and the Servants shall be liable to repay such Damages, &c. to their Master or Employer. § 107.

Penalties under this Act (except where otherwise specifically directed) are recoverable before one Justice of Peace, and may be mitigated to one half.—An Appeal is given to the Quarter Sessions.—Penalties may be levied by Distress and Sale, and on default of sufficient Distress, the Offender may be imprisoned six months.

Thus we see from the multitude of new Offences, which have been recently created, how necessary it will be to have a vigilant Police to carry these Laws into effect, without which (as has been heretofore the case) many excellent provisions would become a *Dead Letter*, and Abuses would multiply in proportion as Trade, Commerce, and Improvements, are extended.

VI. *Of the Statutes, regulating the Navigation of the Thames, WESTWARD of London.*

The first Statute applicable to this part of the subject, appears to have been passed in the year 1605, (3 Jac. I. cap. 20,) and which was entitled “An Act for clearing the Passage by Water from *London* to and beyond the City of *Oxford*.” In the preamble to this Statute it is stated, That the River Thames was then navigable from London till within a few miles of Oxford, and that by removing some few obstructions, it might be made navigable not only to Oxford, but to certain parts of that County, and the Counties of *Berkshire*, *Wiltshire*, and *Gloucestershire*, “which would redound to the great commodity, ease, benefit, and enrichment of the said Counties,” —“and be a great help to the bettering the Highways,” by decreasing the Travelling thereon. Eighteen Commissioners were, therefore, appointed, viz. One for the University, One for the City, and Four for the County of Oxford, and Four for each of the three other Counties, to manage the Navigation, and lay an Assessment on all such Inhabitants of the said Counties, as should receive benefit thereby.

This Act being found insufficient was repealed (A. D. 1623) by the Act 21 Jac. I. cap. 32, by which other provisions were enacted for attaining the same purposes.

This

This Act is entitled “ An Act for making the River Thames navigable for Barges, Boats, and Lighters, from the Village of Bercot in the County of Oxon, unto the University and City of Oxon.”— It recites, That the effecting this Navigation would be very convenient for conveying the stone from *Bullington Quarry* to *London*, for supplying Oxford with Coals and Fuel, and for preserving the Highways; Eight Commissioners are, therefore, appointed to conduct this part of the Navigation, and to raise the sum necessary for a Tax on the City and University of Oxford; A special provision is inserted in the Act, that the course and channel of the Thames shall not be diverted, and Licence is given to Bargemen, &c. as the passage from Bercot to Oxford is against the stream, to hale their Barges by Winches, Ropes, and Engines, worked by men and horses on the banks of the River.

The powers of the Commissioners under this Act are by § 22 of 28 Geo. III. cap. 51. transferred to the Commissioners for the Navigation of the *Thames* and *Isis* appointed under 11 Geo. III. cap. 45. stated at length in the subsequent pages.

In the year 1695, an Act was passed (6 and 7 William III. cap. 16,) “ to prevent exactions of the Occupiers of Locks, and Wears upon the River of Thames, Westward, and for ascertaining the Rates of Water-carriage upon the said River.” The preamble to this Act recites, “ That the Rivers of *Thames* and *Isis*, had time out of mind been naviga-

ble from London to *Bercot* in *Oxfordshire*, and from thence for some years past, somewhat further than *Lechlade* in *Gloucestershire*, and that for the convenience of the Navigation, there had been several Locks, Flood-Gates, &c. on the said Rivers, the Tenants and Occupiers of which, were entitled to take a reasonable price for all Vessels using the same, for their assistance in their passage; but that of late years they had raised their prices so high, that the price of Water-carriage had also been much raised, and that several abuses had been committed by the Bargemen on the Rivers:”

The Justices of Peace of the Counties of *Wilts*, *Gloucester*, *Oxford*, *Berks*, and *Bucks*, were, by the Act, appointed Commissioners, to make orders for ascertaining the prices to be paid by Boats for the use of the Locks; and for regulating the Navigation. A reservation was made, in favour of the powers of the Commissioners under the preceding Act, 21 Jac. I. cap. 32, and of the Jurisdiction of the City of London and other Corporations.

This Act, which was passed for nine years, was revived and amended by the Statute 3 Geo. II. c. 11. and further continued by § 1 of 22 Geo. II. c. 46: But at length was repealed by the Act next mentioned.

The Statute 24 Geo. II. cap. 8, was passed in the year 1751, “for the better carrying on and regulating the Navigation of the Rivers *Thames* and *Isis*, from *London*, Westward, to *Cricklade* in *Wiltshire* ;”

by

by this Act all persons rated to the Land-Tax, for 100*l.* a year in the Counties of *Middlesex, Surry, Berks, Bucks, Oxford, Gloucester,* and *Wilts,* with the Vice Chancellor and Heads of Colleges, in Oxford, and the Mayors of Corporation and Borough-towns lying on the said Rivers, were made Commissioners for carrying the Act into execution; and divers powers were conferred on them for that purpose; but almost all of which were virtually annulled or suspended by a subsequent Act in the year 1771.

One provision in this Act appears, however, to be still in force, and to which it may be doing the Public service, to draw the attention of Magistrates.

“ Any Bargeman, Boatman, or other person, being part of the Crew of any Barge, &c. stealing, selling, consuming, adulterating, or embezzling any Cyder, &c. Coals, Wheat, or other Goods, part of the Freight of such Barge, &c. shall forfeit 40*s.* And in default of immediate payment thereof be committed to the House of Correction, not exceeding two months, by any one Justice, for the County wherein, or adjoining to the place where the Offence is committed, 24 Geo. II. cap. 8. § 15.”

The subsequent Acts are to be considered under the two following Heads :

*First,* As they respect the Jurisdiction, West of the City Boundary at Staines'-Bridge.

*Secondly,* As they respect the Conservatorial Jurisdiction of the City of London.

FIRST: In the year 1771, an Act was passed 11 Geo. III. cap. 45, under which (as explained by the Statutes 15 Geo. III. cap. 11.; 28 Geo. III. cap. 51; and 35 Geo. III. cap. 106.) the Navigation Westward of the City Boundary, near *Staines'-Bridge*, is now regulated.

By this Act, 11 Geo. III. cap. 45. the Navigation of the Rivers *Thames* and *Isis*, from *London* to *Cricklade* in *Wiltshire*, was divided into six Districts, viz:

1st. District between *London* and the *City-stone* above *Staines'-Bridge*.

2d. District between the *City-Stone* and *Boulter's Lock*.

3d. District between *Boulter's Lock* and *Maple-Durham*.

4th. District between *Maple-Durham* and *Shillingford*.

5th. District between *Shillingford* and *Oxford*.

6th. District between *Oxford* and *Cricklade*.

In this Statute there was a saving of the Jurisdiction of the City of *London*: and the Commissioners under the Act were prohibited from erecting *Wears*, *Toll-Gates*, &c. within the City Jurisdiction. And as the management of the first of the above Districts is now vested wholly in the Corporation of *London*, by the Statutes 14 Geo. III. cap. 91, and 17 Geo. III. cap. 18, the detail of the provisions of those Acts, and of the penalties imposed by them, shall immediately

diately follow that of the Act 11 Geo. III. cap. 45. and its explanatory Acts; of which the following are the most interesting particulars.

The Act 11 Geo. III. cap. 45. sets out with reciting, that the Commissioners under the former Act, 24 Geo. II. cap. 8. for want of proper powers, had not been able to prevent frequent abuses and exactions by the Owners of Towing-paths, Locks, Flood-Gates, &c. and by the Barge-Masters and their Servants; by reason of which, the price of Water-carriage was much raised, and the Navigation greatly damaged;—And that the expence necessary to make Turnpikes, Embankments, Towing-paths, and Bridges, over small Streams, emptying themselves into the Rivers, in order to complete the Navigation would amount to a large sum of money:

For completing the Navigation, and preventing Abuses in future, Commissioners were appointed—who now (by 35 Geo. III. cap. 106.) must consist of the following description of persons, viz:

The members of Parliament for the Counties of *Wils, Gloucester, Oxford, Berks, and Bucks*, and all Cities and Towns therein; for the University of *Oxford*, for the Counties of *Middlesex* and *Surry*, and for *London, Westminster, and Southwark*:—The Lord Mayor and Aldermen of *London*;—The Vice Chancellor, and Heads of the Colleges of *Oxford*;—Dean and Canons of *Christ-Church*, and of *Windsor*;—Provost and Fellows of *Eton*:—The Rectors and Incumbents of the Parishes bordering on the *Thames* and

*Isis*, on both sides, from *Staines* to *Cricklade*;—The Mayors and Recorders of *Oxford*, *Abingdon*, *Wallingford*, *Reading*, *Henley*, *Maidenhead* and *Windsor*;—The senior Bridge-Warden of *Great Marlow*;—The Clerk of the Board of Works at *Windsor Castle*;—Every person seized in his own right, or in right of his Wife, of Freehold or Copyhold Lands, &c. of 100*l.* a year, in the five Counties above-named, or being Heir apparent to 200*l.* a year;—Every person, residing in either of the said Counties, having, or being Heir apparent to, Freehold and Copyhold Land, elsewhere in Great Britain to that amount, or possessed of a personal Estate of 3000*l.*—or finally, being a Holder of Loans on the Navigation, to the amount of 500*l.* Acting without being qualified, incurs a penalty of 200*l.*

The Commissioners are by 11 Geo. III. cap. 45. enabled to borrow 50,000*l.* and by 28 Geo. III. cap. 51. 25,000*l.* more; by this latter Act, and 35 Geo. III. cap. 106, the mode of proceeding at the meetings of the Commissioners, and the exercise of their powers, as relates to the management of these Funds, are regulated and ascertained; the Tolls and Works are vested in the Commissioners, and they are enabled to bring and defend Actions, in the name of their Treasurer, or General Clerk; and to make Byelaws, with Penalties not exceeding 10*l.* to enforce their regulations, in the several particulars, within their Jurisdiction.

Under the several Acts already quoted, the Commissioners

missioners are enabled to purchase Houses or Lands, for making Towing-paths, Banks, Roads, Bridges, Ferries, &c. to purchase and make Wharfs, Locks, Flood-Gates, &c. to make pound Locks, or Turn-pikes, to settle the Rates to be taken from all Barges, for the use of the Towing-paths, &c. either by men or horses, or for passing through, or using pound Locks, Wears, Ferries, &c. to distrain for Tolls, and to let them; to make Orders and Regulations as to the size and draught of Barges; to settle proper gages in the sides thereof, and how deep they shall lade, so as not to draw more than their proper depth of water, not exceeding three feet ten inches in any case; as also to make all other necessary Rates, Rules, and Regulations, concerning the Navigation, the use of the Towing-Paths, the management of Flood-Gates, the opening and shutting thereof, and the making satisfaction to Millers and Land-Owners, &c. for damages occasioned by their neglect, and as to the behaviour of Bargemen, &c. so as to remedy all Abuses whatever, committed in the Navigation; but not to divert the course of the River.

The price of Lockage is not to exceed *four-pence* per Ton per Lock, and is to be fixed up at each Lock: as the price of towing is to be, at the beginning and end of each Fare. The Commissioners are empowered to oblige persons to keep their Locks, Wears, Ditches, and Drains, in repair; and, on non-compliance, the Commissioners may repair the same, and levy the expence by Distress and Sale on the Owner.

Owner. They are to fix Water-marks on each Lock or Wear, below or above which, no Owner thereof shall let the Water fall or rise, unless for the purpose of repairing of the Locks or Mills, or for fishing at proper seasons: A Penalty of 50*l.* is imposed on all persons acting contrary to the above directions, by § 9 of 11 Geo. III. cap. 45.

By § 4 of 15 Geo. III. cap. 12. a Penalty of 10*l.* is imposed on the Tenants or persons intrusted with the opening and shutting of old Locks, Flood-gates, &c. who shall neglect to open the same, whenever the Water is above the High-water Mark, and to keep them open, until the Water is sunk below such Mark.

For the purpose of fixing these Water-marks, and keeping the Locks in repair, the Commissioners are authorised and directed to take views, and receive information on Oath, from time to time: And a Penalty not exceeding 50*l.* nor less than 10*l.* is imposed on Occupiers or Owners of Locks, &c. removing the Water-marks set by the Commissioners. 11 Geo. III. cap. 45. § 20.

On complaint that the Water runs over the Water-mark, and that Meadows are in danger of being overflowed, two Commissioners may order the Occupiers, &c. of Locks, to open the same; and ascertain the satisfaction due for the damage occasioned by overflowing; and the Tenants or Occupiers of such Locks, &c. not paying such compensation within three days, shall forfeit 40*s.* over and above the sum ordered to be paid: 11 Geo. III. cap. 45. § 21.

The Commissioners are directed to keep up a proper head of Water, for working Mills, &c. adjoining to Locks, &c. and in case of deficiency, in so doing, or in repairing the Locks, &c. the Owner may apply to two Justices, to view the Locks, &c. out of repair, who shall certify what repairs are necessary, to the Commissioners; and on their not repairing, the Owner may repair, and recover the amount from the Commissioners, or receive the Tolls at the Lock, till he is reimbursed. 11 Geo. III. cap. 45. § 11.

The Commissioners are empowered from time to time, to fix the Rates of Carriage of all Goods, in Barges, and the Fares for the use of Horses, from one place to another on the said Rivers; such Rates to be stuck up at the Locks, and at Market-places, Church-doors, &c. and published in the Newspapers: a Penalty of 20*l.* is imposed on Proprietors of Barges, taking more than their Fares so fixed, after twenty days from the publication thereof; and 50*l.* on any person acting contrary to any Rules or Orders, made by the Commissioners. 11 Geo. III. cap. 45. § 14.

Great Nuisances and Damages having happened on the said Navigation, to light-laden Vessels, by Timber and deep-laden Vessels, lying across or aground in the Rivers, and by Stones, Dung, and other Nuisances, lying on the Towing-paths, and obstructing the passage of such light-laden Vessels, any one Commissioner, on his own view, or on complaint may (by warrant under his hand and seal) order the Proprietor of such Timber, &c. and the Owners  
and

and Navigators of such deep-laden Barges, to remove such Obstructions, by carrying away the Timber, &c. or lightening the Vessels, so as to suffer the light-laden Vessels to pass; and on non-compliance, may levy on the Offender's Goods, or on the Tackle of the Barge, such Penalty, not exceeding 10*l.* nor less than 40*s.* as he shall think adequate to the Damage suffered by the Owner of such light-laden Vessel. 11 Geo. III. cap. 45. § 22.

No person whatever shall anchor or moor, or lie within any Barge, Boat, or Vessel, in any part of *Taplow Mill Stream*, between the Lock in the said Stream, and *Clemash Meadows*, under Penalty of 5*l.* on the Owner or person having the conduct of such Barge. 14 Geo. III. cap. 91. § 20.

All Wharfingers on the Banks of the Rivers, are directed to keep regular Entries of all Goods brought to their Wharfs for Carriage, and to give Receipts for the same if required; and every Bargemaster is to lade and forward the same, according to priority of Entry in the Wharfinger's Book, without any undue preference, except in case of Goods of a perishable nature; under Penalties not exceeding 5*l.* nor less than 20*s.* 11 Geo. III. cap. 45. § 25, 27.

Barge-Masters and Owners of Vessels, are made liable, in Actions of Trespass, &c. for any Damage or Mischief done or committed by their Vessel, or by the Crew, either to the Goods laden on board such Vessel; or to the Property of Persons in or on the Banks of the River. 11 Geo. III. cap. 45. § 38.

Bargea

Barges laden with Manure are exempted from Tolls; and a Penalty not exceeding 10*l.* is imposed on persons claiming any exemption not being entitled thereto. 28 Geo. III. cap. 51. § 9, 10.

By § 11 of the same Act, (28 Geo. III.) persons passing, or attempting to pass, any Locks without paying Tolls, shall forfeit 10*l.* over and above the Tolls; and may be apprehended and taken before a Justice, who may levy the Penalties by Distress on the Tackle of the Vessel, or commit the Offender to the House of Correction for three months.

By § 13 of that Act, every Vessel laden with Goods, is to have full *two inches of clear board* in the shallowest part of her Gunwale, *above the surface of the Water*; under Penalty of 20*l.* on the Owner or Person navigating the Barge.

By § 15 of that Act, every Barge drawing more than three feet ten inches Water, or more than shall be from time to time allowed by the Commissioners, or not having two inches clear board, in the shallowest part of her Gunwale, above the surface of the Water, shall pay *double Tolls*, and may be removed out of the navigable Channel, until lightened and reduced to its proper draft of Water.

The thirty-second Section of the Act, 35 Geo. III. cap. 106. deserves particular attention. It recites, That "the Navigation of the Rivers *Thames* and *Isis*, had long been a very useful Channel of Conveyance for cumbrous and heavy Goods, between several inland Counties; that the Commerce of the said  
River

River had of late increased, and was still increasing, by means of several Canals which communicate with the Rivers Thames and Isis, between Cricklade and the Port of London, so that it is become essentially necessary for these purposes, and to accommodate the general Commerce of the Kingdom, that the Navigation of the said Rivers should be rendered safe, easy, certain, at as little expence as possible; and that the several persons interested by residence or mercantile Undertakings, as well as the Public at large, should be thoroughly informed, from time to time, of the measures taken, and the sums expended, for the preservation and improvement of the said Navigation:”

The Commissioners are therefore required to make out, annually, an account up to the 31st of December, of all Money borrowed, and Tolls received, and of all Payments and Disbursements made, respecting the said Navigation, to be signed by seven Commissioners, and the General Clerk, and laid before both Houses of Parliament, between the 1st and 10th of February each year, or within ten days of the next sitting after those days: A Copy of the Accounts is also to be inserted in the *Oxford* and *Reading* Newspapers, and presented to the Epiphany Quarter Sessions for the Counties of *Oxford*, *Berks*, and *Bucks*.

By § 23 and 24 of 28 Geo. III. cap. 51, All Penalties and Forfeitures under that, or any of the preceding Acts, or inflicted by the Commissioners, may be recovered in a summary way, before one

Justice

Justice for the County where the Offence is committed, or before any three Commissioners at a District Meeting; and be levied by Distress and Sale; with an appeal to the General Meetings, or to the Quarter Sessions.

By § 35 of the Act 35 Geo. III. cap. 106, Jurisdiction is given to the Justices of the Peace, residing and acting for the Counties adjoining the Rivers, to take cognizance of any Complaint respecting any Offence committed on the said Rivers, or any part thereof; and by the Warrant of any such Justice, the Offender shall be apprehended, *if found on the said Rivers or any part thereof*, and taken before such Justice; who may examine into and determine on the said Offence, and order the same to be punished, as if the Offence had been committed, and the Offender apprehended, within the County for which the Justice is empowered to act.

SECONDLY. *The Jurisdiction of the City of London on this part of the Thames, is next to be considered.*

This is regulated in the first place, by the Act passed in the year 1774, (14 Geo. III. cap. 91.) the Preamble to which recites, the Conservatorial Jurisdiction of the City on the River, (within the limits repeatedly stated in this Work :) It also recites the Act of 11 Geo. III. cap. 45, with the reservations therein mentioned of the City Jurisdiction; and states, that the Commissioners under that Act,  
being

being so restrained from exercising some of their principal authorities within the City District, had not attempted the execution of the Act there:—That the improvement of the Navigation in that District would be of great public utility:—That the City were willing to apply 10,000*l.* if necessary, out of their own Estates, to improve the Navigation, without imposing any Tolls within their Jurisdiction:—That the Powers enjoyed by the City, were not sufficiently effectual for completing the Navigation; and that it was apprehended that the Powers of the Commissioners under the Act 11 Geo. III. cap. 45, would clash with those necessary to be granted to the City:

So much of the Act 11 Geo. III. cap. 45, is therefore repealed, as gave any jurisdiction to the Commissioners under that Act, within the City District.

The Mayor, Aldermen, and Commons in Common-Council assembled, are authorised to improve and complete the Navigation within the City Jurisdiction, and for that purpose, to appoint a Committee with full Powers: but the Members of which must not have any Office or Contract under the Act.

Powers are given to the Common-Council to make such Orders as to the purchase of Lands, for Towing Paths, Wharfs, Locks, &c. as to the size and draught of Vessels; the opening and shutting Locks; the regulation of Barges; the behaviour of Bargemen; and reparations for Damages done, &c. *as to them shall seem meet.* And the necessary  
 Clauses

Clauses for purchasing and conveying of Lands, are inserted at full length.

The like Powers are given to set the Fares for Carriage of Goods, and the use of Horses within the said District, by the Common-Council, as are given to the Commissioners under the Act 11 Geo. III. cap. 45; sanctioned also by a Penalty of 20*l.* on persons taking more than the Fares so set, to be recovered in a summary way before the Lord Mayor, or one Alderman, or one Justice of the Peace for *Middlesex* or *Surry*; with an appeal to the Quarter Sessions in *London*, *Middlesex*, or *Surry*.

In the year 1777, was passed the Act, (17 Geo. III. cap. 18.) “for enabling the City of London to purchase the Tolls then payable for navigating on the Thames westward of London Bridge, within the City Liberties; and for laying a *small Toll* in lieu thereof for the purpose of more effectually completing the said Navigation.”

The Preamble to this Act, recites the foregoing Act 14 Geo. III. cap. 94, and states, that the City had proceeded to carry it into execution. That several necessary and expensive Works had been performed within their Jurisdiction to the improvement of the Navigation, and reducing the expences thereof—that the City had applied *near 10,000*l.** in this service, out of their own Estates, but found that further Works were still necessary to improve the Navigation, the probable expence of which had been estimated at 8,000*l.* more: besides a considerable

able annual expence to be incurred in supporting and repairing the Works—that the City were desirous of being enabled to purchase the existing Tolls, and proposed that they should then cease, as *they apprehended from the circumstances and nature of the said Tolls*, that they were attended with great inconveniences to the Navigation and the Public:—And finally, that the City in order to carry the good purposes of the former Act into execution, to enable them to purchase the existing Tolls, *and to complete the Navigation*, were also desirous of being empowered to lay a *small Toll* in lieu of the old Tolls upon Barges navigating the River within the City Jurisdiction:

Power was therefore given to the Corporation to purchase the Old Tolls and Duties from their Owners; immediately on which the said Tolls were to cease and determine.

In consideration of the great charges and expences that the City would be at, *in improving and completing the said Navigation*, and for keeping the Works in repair, and in purchasing the Old Tolls and Duties; the Corporation is empowered and authorised, to demand and receive, from all Barges and Vessels, (above three Tons burthen, and not being Pleasure-boats,) navigated on the said River, or on any part thereof, between *London Bridge* and the City Stone above *Staines' Bridge*, such Tolls, as the Corporation, (*upon due consideration of the expences of improving and completing the said Navigation*, and purchasing

the Old Tolls,) should think proper; not exceeding the following; viz.

|  | <i>per Ton.</i> |
|--|-----------------|
| For all Barges or Vessels navigated Westward of<br><i>London Bridge to Strand-on-the-Green, or Brentford</i> } | ½d.             |
| To <i>Isleworth or Richmond</i> . . . . .  | 1d.             |
| To <i>Twickenham or Teddington</i> . . . . .   | 1½d.            |
| To <i>Kingston or Hampton-Wick</i> . . . . .   | 2d.             |
| To <i>Ditton, Hampton-Court, Moulsey, or Hampton</i> . . . . .   | 2½d.            |
| To <i>Sunbury, Walton, Hawford, Shepperton, or<br/>Weybridge</i> }   | 3d.             |
| To <i>Chertsey or Laleham</i> . . . . .  | 3½d.            |
| To <i>Staines and upwards</i> . . . . .  | 4d.             |

The said Tolls to be collected, according to Regulations to be made by the Corporation; and in case of denial of payment, to be recoverable by Action, in any Court of Record; or by seizing and detaining the Vessels till payment; or, on non-payment within four days, the Vessel to be appraised and sold, as in case of Distress for Rent.

Every Owner of any Barge or Vessel passing on the River Thames, in the said limits, is to paint his name in white Capital Letters, six inches long, on each of the outsides of his Barge, higher than the same shall sink into the water when full laden: and also permit his Barge to be Measured and Gauged, and marked with the number of Tons burthen, at the expence of the City, whenever required; under Penalty of 40s. to be recovered in a summary way by information on Oath before the Lord Mayor, one Alderman,

Alderman, or one Justice of Peace, for *Middlesex*, or *Surry*, and leviable by Distress and Sale.

The Corporation is empowered to erect Toll-gates; and to appoint Collectors of the Tolls, who are to pay the same into the Chamberlain's Office, and account to the Court of Aldermen; or on refusal to account, &c. may be committed to *Newgate*, or the Common Gaol of the County, by the Lord Mayor, or one Alderman, or Justice of the Peace, till payment or composition made.

All Monies raised by Virtue of the Act, are vested in the Corporation, to be applied to the purposes of this and the former Act, "and an account of the said Tolls and Duties granted by this Act, shall be annually laid before Parliament." The execution of which latter Clause, is no otherwise provided for, than by the foregoing general words.

The Corporation is empowered to borrow 15,000*l.* on the Credit of the Tolls, and to assign them as a security: or to grant annuities, chargeable on the produce of the Tolls.

The Common-Council may appoint Committees, to carry the Act into execution, the Members of which must not hold any Place, or Contract, under the Act:—And an appeal is given from the order of any Justice, to the general Quarter Sessions in *London*, *Middlesex*, or *Surry*.

When the probable amount of the Tolls thus granted to the City, is taken into consideration, with the time (now twenty-three years) elapsed since

since the passing the last Act, in the course of which, it is to be presumed, that the City have had ample opportunity for purchasing the Old Tolls, and paying off any incumbrance caused by such purchase; It is to be lamented, that complaints should exist, of defects in the Navigation of that part of the River Thames, so peculiarly within the Jurisdiction of the Corporation of London.

The annual receipt of these Tolls, calculated at an average of 3*d.* per Ton on 800,000 Tons, will amount to 10,000*l.* It has been loosely stated, (see pages 312, 316,) that the City expend in repairing the avenues to the River, and Public Stairs, and Docks, and cleansing the River, 6,950*l.* To what part of the River this applies, is not very clear; but the following Extracts from a printed Memorial, are deserving the most serious attention of the Corporation and the Public.—With these Extracts, the Author will conclude this part of this subject; he has been induced to enlarge on it more particularly, as it is of the highest importance to the Trade of the Country, and as the Acts abridged and digested in the preceding pages, are not to be found in the general Editions of the Statutes at large, being of a local and confined nature: the insertion of all the Acts of which kind, would swell our Statute-book, perhaps, to nearly twice its present enormous bulk.

The Memorial alluded to, (and which comes from a body of persons deeply concerned and interested in the Free Navigation of the River Thames,

5 through

through which their Barges necessarily pass, in going to and from their respective Rivers,) represents "that considerable Shoals have been allowed to accumulate and continue in different parts of the Bed of the River Thames, and that the Towing Path in various places is suffered to fall into decay, by which the intercourse between the Metropolis and those Canals, which have cost the Proprietors *more than a Million of Money*, is much impeded and interrupted, and for a considerable portion of the year *entirely prevented*.

"One considerable Shoal presents itself at *Sunbury*, (within the City Jurisdiction,) where the River, in Summer and in dry Seasons is so shallow, that Barges laden only three feet deep are incapable of passing; and at such times it is not uncommon to see *thirty* or more Barges detained from ten to twelve or fourteen days; and higher up, where the River is at such times much shallower, Barges are detained *six* or more *weeks* from the same cause.

"In the beginning of February last, eight out of twelve Horses that were drawing two Windsor Barges, with ninety Tons of Goods on board, were lost, owing entirely, as it has been clearly and circumstantially stated, to a deep Slough in the Towing Path, about three or four hundred yards *on this side Kingston*; and there is another part equally defective near *the Mouth of the Wey*. Both these Places (being within the City Jurisdiction,) have been presented to an Agent for the City, but

nó notice has been taken of the Complaint, nor any remedy applied."

To show the importance of the Navigation of the Thames it is observed, that "there would be no possibility of diffusing over the interior parts of the Country the immense quantity of Goods brought to the Port of London, by the East and West-India, Baltic, Portugal, and Mediterranean fleets, but by the medium of that River, which is now connected by Canals, with nearly all the navigable streams in the Kingdom. Neither could the produce of the interior and distant parts of the Country, the Timber, Flour, Malt, Hops, Bark, and numerous other articles essential to the Trade, and almost to the existence, of the Metropolis, be brought in quantities sufficient to answer the necessities of its immense population, but by the same medium." This observation is fully justified and confirmed by a clause of the Statute 35 Geo. III. cap. 106. already quoted.\*

"The Goods carried by the Thames and Severn, Oxford, Kennet, Basingstoke, and Godalming Canals or Rivers, cannot be less than 300,000 Tons per annum; and there is reason to believe these form little more than a third part of the Goods that pass up and down the Thames, and if the Navigation of that River were to be put into as safe a state as it is practicable to put it, there is no doubt but that nearly the whole of the Goods now carried by Waggons to the more distant parts of the Kingdom, would be sent

\* See page 487 of this Chapter.

by Water, which would save to the Country the provisioning of many thousand horses, and consequently be one of the means of preventing the recurrence of seasons of scarcity.

“Supposing there are 800,000 Tons of Goods carried up and down the Thames in Barges in a year, it will amount to about 16,000 Tons per week, these employ (at forty Horses to every 1000 Tons,) about six hundred and forty Horses. But to convey 16,000 Tons of Goods by Land every week, would require four thousand of our largest broad-wheel Waggons, and allowing two Horses to each Ton, the usual average, thirty-two thousand Horses.

“Another circumstance, only inferior in its consequence to the former, is the great saving to the Public, produced by conveying Goods by Water instead of Land-carriage. Supposing the price of Land-carriage to be 3*l.* per Ton for every fifty miles, and the price of Water-carriage to be 1*l.* for carrying Goods the same distance; the expence of conveying 16,000 Tons of Goods by Land, would be 48,000*l.*; by Water it is only 16,000*l.* consequently the Public save by this conveyance 32,000*l.* per week.

“A great part of this Saving must be attributed to the different Navigable Canals communicating with the Thames. But if the Bed of the Thames is not kept free, and of a proper depth, so that the Barges may pass with ease, regularity and safety, instead of the Trade increasing to nearly double the quantity, which, if properly encouraged, may reasonably be expected, more than half of the present Trade will  
be

be lost; many Traders choosing rather to send their Goods by Land, at triple or quadruple the expence, than hazard their being detained on their passage.

“To these important nautical considerations is to be added, the loss occasioned to the Proprietors of the several Canals, many of whom have embarked a considerable part of their fortunes in these Undertakings, and depend upon their success for their future support; but as the end and object of the Proprietors was to obtain a free and safe communication by Water with London, if that is not obtained, their whole plan becomes abortive, which will not only materially injure, perhaps ruin many individuals, but will operate in preventing others from engaging in similar undertakings, and thus eventually prove injurious to the Public.”

It has been already stated, (page 23,) that the Tonnage below London Bridge, of Goods Imported from Foreign Parts, and brought Coastwise, may be estimated at 1,779,000 Tons. From the foregoing Document it appears, that the Trade of the Upper Thames extends to about 800,000 Tons yearly.— To enable the Reader to form a conception of the astonishing extent of the whole, the following General Estimate has been formed:—

|  | <i>Tons.</i>            |
|--|-------------------------|
| Tonnage of Goods imported                          | 1,779,000               |
| Ditto of Goods exported                            | 971,000                 |
|  | <hr/> 2,750,000         |
| Tonnage of Goods <i>Inland</i> on the Upper Thames | 800,000                 |
|  | <hr/> Total . 3,550,000 |