Anno ſecundo

Georgii III. Regis.

An Act for enlarging the Term and Powers of ſeveral Acts of Parliament relating to the Harbour of *Whitehaven*, in the County of *Cumberland*, and to the Roads leading to the ſaid Harbour and Town of *Whitehaven*; and for further enlarging the ſaid Harbour; and for lighting the ſaid Town, and ſupplying the ſame with Water; and for regulating the Carmen there; and for repealing ſo much of an Act of the Twenty third Year of the Reign of His late Majeſty, as relates to the Road from *Calder Bridge* to *Egremont*, and directing how the ſaid Road ſhall be repaired; and for repairing ſeveral other Roads therein mentioned, in the ſaid County.



WHEREAS the Trade and Navigation to and from the Harbour of Whitehaven, in the County of Cumberland, being a Member of and belonging to the antient Port of Carliſle, in the ſaid County, is of late Years very much enlarged and improved: And whereas by an Act of Parliament made and paſſed in the Seventh Year of the Reign of Her late Majeſty Queen Ann, intituled, An Act for preſerving and enlarging the Harbour of *Whitehaven* aforeſaid, certain Rates and Duties upon Coals and other Goods and Wer- Preamble, reciting Acts

7 *Anne*,

Merchandizes, and upon Shipping, in the said Act particularly mentioned, were charged and granted, and to commence and take Effect from and after the Twenty fifth Day of March, One thousand seven hundred and nine, and to continue for the Term of Fourteen Years then next ensuing, and directed to be applied for making certain Moles and other Works for preserving and enlarging the said Harbour, and for deepening the same, and for other Purposes in the said Act mentioned; and it was thereby enacted, That from and after the Expiration of the aforesaid Term of Fourteen Years, One Third Part of the Rates and Duties thereby charged upon the Tonnage of Ships and Vessels, and no more, should for ever continue and be paid for the perpetual repairing, cleansing, and maintaining, the said Harbour: And whereas by another
10 Ann. Act of Parliament made and passed in the Tenth Year of the Reign of Her said late Majesty Queen Anne, all the Rates and Duties granted by the said former Act for the said Term of Fourteen Years, from the Twenty fifth Day of March, One thousand seven hundred and nine, were continued for the further Term of Fourteen Years from the Expiration of the said former Term; and the Trustees, in the said former Act named, were, by the said Act of the Tenth Year of the Reign of Her late Majesty Queen Ann, authorized and impowered to borrow Money to finish and complete the Works necessary for the Preservation and Improvement of the said Harbour; and which Money and the Interest thereof were thereby directed to be paid off and discharged, in Order and Course, out of the temporary Duties granted and continued by the said Acts; and it was by the said last-mentioned Act enacted and declared, That from and after such Time as the Principal and Interest should be paid off and discharged, and that the Justices of the Peace at the General Quarter Sessions for the said County of Cumberland should adjudge that the Works of the said Harbour were sufficiently repaired and secured, the temporary Duties thereby granted should cease and determine, and such Duties only should be paid from thenceforth as were granted in Perpetuity by the said former Act: And whereas by an
13 Geo. II. Act passed in the Thirteenth Year of His late Majesty King George the Second, intituled, An Act for making more effectual Two several Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen *Ann*, for preserving and enlarging the Harbour of *Whitehaven*, in the County of *Cumberland*, and for repairing and amending the High Roads leading to the said Harbour and Town of *Whitehaven*, which recites the said Two Acts of

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the Seventh and Tenth Years of Her late Majeſty Queen Ann, and further recites, That in purſuance and by virtue of the ſaid Two former Acts, the ſaid Harbour of Whitehaven had been conſiderably deepened and improved, and ſeveral ſtrong and ſubſtantial Moles and Bulwarks had, at a great Expence, been made and erected, whereby Ships in the ſaid Harbour, which formerly lay expoſed and liable to be driven out and caſt away upon the Rocks and Shoals of that Coaſt, could then lie in Safety and be ſecure from the Violence of the Sea, whereby the Shipping, Trade, and Navigation, within the Port and Town of Whitehaven, had been conſiderably increaſed and improved; and that the Sum of Two hundred and twenty Pounds, borrowed and taken up in purſuance and upon the Credit of the ſaid former Acts, and alſo the Sum of Seven hundred and eighteen Pounds, Seventeen Shillings, and Seven Pence Three Farthings, for Work done and performed in and about the ſaid Harbour, did then remain due and unſatisfied, notwithſtanding the Duties raiſed by the ſaid Acts had been ſtrictly applied to the Uſes of the ſaid Harbour, and to pay off the Debts incurred for the Service thereof; and further ſets forth, That in caſe the Moles, Bulwarks, and Works of the ſaid Harbour were enlarged and extended to Low-water Mark, ſuch Depth of Water might be obtained, that the largeſt Ships of the ſaid Port of Whitehaven might ſail in and out of the ſaid Harbour at Neap Tides, and that other Ships frequenting thoſe Seas might ſail in at Half-flood, which might tend not only to the Preſervation of the Lives of many of His Majeſty's Subjects, but alſo to the Improvement and Increaſe of the Trade and Navigation of the ſaid Town and Port of Whitehaven; but that it had been found by Experience, that the perpetual Duties granted and continued by the Two former Acts, and which took Place at Lady-day One thouſand ſeven hundred and thirty ſeven, when the temporary Duties granted by theſe Acts determined, were not ſufficient to keep the ſaid Harbour of a proper Depth, and the Moles and Bulwarks belonging to the ſame in neceſſary Repair, and to diſcharge the ſaid Debt due as aforeſaid; ſo that a Deſign ſo uſeful and beneficial to the ſaid Town and Port of Whitehaven, and to the Trade and Navigation of the Kingdom, could not be effected and carried into Execution, unleſs the temporary Duties granted and continued by the ſaid former Acts, and which were then determined, were revived for a competent Term of Years, and other Proviſions made for the Purpoſes aforeſaid; and therefore by

the said Act it is enacted, That the Duties granted by the said Two Acts of the Seventh and Tenth Years of the Reign of Her late Majesty Queen Ann, which determined on the Twenty fifth Day of March One thousand seven hundred and thirty seven, and all the Powers, Clauses, and Penalties, thereby enacted to be levied and executed, relating to the said Harbour and Port of Whitehaven (except such of them as were by the said Act altered, enlarged, or otherwise explained) should be revived and further continued from and after the Tenth Day of April, One thousand seven hundred and forty, for and during the Term of Twenty one Years; and it was thereby enacted, That from and after the Expiration of the aforesaid Term of Twenty one Years, One full Moiety of the Rates and Duties upon Tonnage of Ships and Vessels, by the said former Acts granted and continued, should continue to be paid, and should be applied to the repairing, cleansing, and maintaining, the said Harbour of Whitehaven for ever: And whereas by an Act passed in the First Year of the Reign of His present Majesty, intituled, An Act for continuing so much of an Act passed in the Thirteenth Year of King *George* the Second, intituled, *An Act for making more effectual Two Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen* Ann, *for preserving and enlarging the Harbour of* Whitehaven, *in the County of* Cumberland, *and for repairing and amending the High Roads leading to the said Harbour and Town of* Whitehaven, as relates to the preserving and enlarging of the said Harbour, after reciting the said Acts of the Seventh and Tenth of Her late Majesty Queen Ann, and of the Thirteenth Year of His Majesty King George the Second, and that the Trustees appointed to put the said Acts in Execution had made very considerable Improvements in the said Harbour, by enlarging and adding to the old Works of the Harbour, and by erecting several new, large, and extensive Moles, for the Protection of the Ships and Vessels within the said Harbour, and in order to perform the said Works, had been obliged to borrow the Sum of Five thousand nine hundred and eighty five Pounds, whereof Two thousand nine hundred and seventy Pounds remained still unpaid; and that it would not be possible to pay off the said Debt and compleat the said Work during the subsisting Term of the said Act; it was enacted, That all and singular the Rates and Duties upon Coals, and other Goods and Merchandizes, and upon Shipping, by the said Three former Acts granted and continued respectively, and all the Powers, Authorities, Clauses, Penalties, and

and 1 *Geo.* III.

and Forfeitures, thereby enacted to be levied and executed, and therein inserted and contained, relating to the said Harbour, Port, and Town of Whitehaven, should be revived, and should be further continued, and be in full Force and Effect from and after the Expiration thereof, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, and should, during the said Term, be levied, collected, executed, managed, and disposed of, by such Persons, and by such Ways and Means, and under such Penalties and Provisoes, and with such Powers and Authorities, and for such Intents and Purposes, as in and by the said former Acts were provided; and in as full, large, ample, and beneficial Manner, to all Intents and Purposes, as if the same had been expressly inserted and re-enacted in the Body of the said Act: And whereas the said Sum of Two thousand nine hundred and seventy Pounds remains still unpaid, and though the said Harbour is rendered much more commodious than it formerly was, yet it is still capable of further Improvements; and that if a new Pier or Mole on the North East Side of the said Harbour was added, and the Limits of the said Port and Harbour enlarged, and other Works made for the further Improvement thereof, it would admit Ships and Vessels of greater Burden, and would be an additional Security to the Navigation of those Seas, of greater Utility to the Town of Whitehaven in particular (the Trade whereof is very much increased) as well as the Publick in general; but that it is found such Improvements and Additions will be attended with very large and considerable Expence, and cannot be effectually made and completed under the Duties, Powers, and Terms granted and continued by the said former Acts: And whereas the Duties and Powers granted by the said Acts of the Seventh and Tenth of Queen Anne, and of the Thirteenth Year of His late Majesty, and continued by the said Act of the First Year of His present Majesty, so far as relate to the said Harbour, have, in many Instances, been found insufficient and defective, and require in many Particulars to be increased, enlarged, altered, and varied: May it therefore please Your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Rates and Duties upon Coal and other Goods and Merchandizes, and upon Shipping, by the said former Acts granted

Duties upon Coal, Goods, Shipping, &c.

granted and continued by the former Acts, and all Powers, &c. therein, relating to the Harbour, Port, and Town, revived and further continued for 21 Years.

granted and continued respectively, and all the Powers, Authorities, Clauses, Forfeitures, and Penalties, thereby enacted to be levied and executed, and therein inserted and contained, relating to the said Harbour, Port, and Town of Whitehaven (except so far as the same, or any of them, are in and by this present Act enlarged, altered, or otherwise explained) shall be and are hereby revived, and shall be further continued, and be in full Force and Effect, from and after the Expiration thereof, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, and shall, during the said Term, be levied, collected, executed, managed, and disposed of, by such Persons, and by such Ways and Means, and under such Penalties and Provisoes, and with such Powers and Authorities (except where the same shall be altered or varied by this Act) and for such Intents and Purposes, as in and by the said former Acts and this present Act are provided, and in as full, large, ample, and beneficial Manner, to all Intents and Purposes, as if the same had been expressly inserted and re-enacted in the Body of this present Act.

The Harbour to be enlarged.

And whereas the Limits of the said Harbour of Whitehaven, by the Increase of Trade and the Shipping belonging to that Port, hath been found insufficient, and, in order to remedy the same, Sir James Lowther Baronet, to whom the Ground adjoining doth of Right belong, as Lord of the Manor of Saint Bees, in the said County of Cumberland, has generously consented for himself, his Heirs, and Assigns, to give up all his Right, Title, and Interest, or so much thereof as may be necessary for this laudable Purpose and the Benefit of the Publick; and that the Limits of the said Harbour may be enlarged, and thereby be rendered more capable of receiving Ships and Vessels; be it therefore further enacted by the Authority aforesaid, That the Limits and Extent of the Harbour of Whitehaven aforesaid shall, from hence forth for ever hereafter, extend and be as follows; that is to say, Beginning near the Wharf at the North End of Marlborough Street, Thirty Yards from the North Corner of Thomas Hartley's House, in a Line parallel to the Range of the same Street; from thence in a Line near East-North-East, till it intersect the North East Side of the Sugar-house Bulwark or Counter-Mole, Thirty Yards distant from the North West Corner of the Timber Yard belonging to Sir James Lowther Baronet, near adjoining to the said Mole; from thence in a Line parallel to the North West Wall of the said Timber Yard

Limits described.

in Length One hundred and forty yards, along the Ground of the said Sir James Lowther Baronet, to the North East Corner of the Ground whereon the North East Pole is now proposed and intended to be built; and from thence, along the North East Side of the said Ground whereon the said proposed North East Pole is to be built, and including the same in a Line ranging therewith to Low-water Mark; from thence by the Low-water Mark to the new Pier, and so along the North West and South West Sides of the said Pier, including the new Platform, till it join upon the old Pier at the old Platform; and from thence, including the said old Platform, along the new Wharf, till it meet with the Wharf of the West Strand, near the House of Master Lancelot Simpson, formerly Mistress Mary Addison's; from thence along the same Wharf, by the Custom-house Quay, in a straight Line, to the West Side of the Timber Yard belonging to the said Sir James Lowther, and so along the Range of the Wall of the same Yard to a Point Ten Yards distant from the North West Corner thereof; and from thence Ten Yards distant from the North West Wall of the same Yard, till it meet with a Point Thirty Yards from the North Corner of Thomas Hartley's House where it begun; and the same, so set out and bounded as aforesaid, shall be, from henceforth for ever, appropriated to the lying, anchoring, and mooring of all such Ships, Vessels, and Boats, as shall have Occasion at any Time or Times hereafter to make use of the said Harbour.

And be it further enacted by the Authority aforesaid, That no Houses, Inclosures, or Buildings whatsoever (save and except such Docks, Erections, Buildings, Steaths, Hurries, or other Works, as shall or may be from time to time necessary, convenient, useful, or proper for the shipping, loading, or unloading, landing or discharging of any Goods, Wares, or Merchandizes, or Coals, which it shall and may, at all Times hereafter, be lawful to erect, build, maintain, or support, within the said Limits of the said Harbour, by and with the Consent and Approbation of Sir James Lowther Baronet, his Heirs or Assigns, Lords of the Manor of Saint Bees aforesaid, and Five or more of the rest of the said Trustees) shall, at any Time hereafter, be made within the Limits of the said Harbour, as in and by this Act is set out and appointed; but that all the Spaces aforesaid shall be left free and open, for the Purposes aforesaid, and for the erecting of Posts for the mooring of Ships and Vessels, and for other Uses and Purposes for the Convenience of the Shipping in Repairs, or otherwise;

No Buildings to be erected within those Limits.

and that nothing shall be taken or demanded by the said Sir James Lowther Baronet, his Heirs or Assigns, Lords of the Manor of Saint Bees aforesaid, in the said County of Cumberland, for or upon account of any Anchorage or Wharfage for the Use of any of the said Wharfs or Quays, nor for Cranage thereon, unless the said Sir James Lowther, his Heirs or Assigns as aforesaid, and Eleven or more of the rest of the Trustees herein after appointed, for the time being, shall agree to erect or make any Crane or Cranes, or other Engine, on the said Wharfs, or any of them (which they are hereby impowered to do, as they shall think convenient, and to pay the Expence by them, their Workmen, Servants, or Agents, incurred in the doing thereof, out of the Money arising or to arise by the Rates and Duties by the former Acts or this present Act granted or continued, or the Money to be borrowed upon the Credit thereof) for the better loading or unloading of any Goods, Wares, or Merchandizes; in which Case, a reasonable Cranage or Recompence, not exceeding Three Pence per Ton, shall be paid for the Uses of the said Harbour, by such Merchants or other Persons as shall be willing to and do make use of the same, and not otherwise; and which said Duty for Cranage, to be paid by all such Persons making use of the same, shall and may be collected and recovered in like Manner, and by such Ways and Means, and by such Methods, as are prescribed by the said Act of the Seventh Year of the Reign of her late Majesty Queen Anne, for collecting, levying, and recovering, the Duties laid by the said Act upon Goods, Wares, and Merchandizes, imported or brought into the said Harbour of Whitehaven.

Limits for the landing and exporting Goods.

Limits of the Harbour for landing and exporting Goods.

And be it further enacted by the Authority aforesaid, That the Limits and Extent for the importing, or exporting, landing, or discharging, lading or shipping of any Goods, Wares, or Merchandizes, within the said Harbour of Whitehaven, shall, from henceforth for ever hereafter, be as follows; that is to say, Beginning on the South West Side of the Sugar-house Bulwark or Counter-mole, Twenty five Yards distant from the North West Corner of the Timber-yard belonging to Sir James Lowther Baronet, near adjoining to the said Mole; from thence in a Line, near North West, ranging with the South West Side of the said Counter-mole, till it intersect the Line of the Back of the Old Pier; from thence along the Back of the Old Pier, till it joins the Old Platform; and from thence along the West Side of the New Wharf adjoining the Coal Stearh, till it meet

with

with the Wharf of the West Strand, near the House of Master Lancelot Simpson, formerly Mistress Mary Addisons; from thence along the South Side of the said Wharf, by the Custom-house Quay in a straight Line, to the West Side of the Timber-yard belonging to the said Sir James Lowther, and so along the Range of the Wall of the same Yard, to a Point Five Yards distant from the Corner thereof; and from thence Five Yards distant from the North West Wall of the same Yard, till it meet with a Point Twenty five Yards distant from the North Corner of Thomas Hartley's House at the North End of Marlborough Street, in a Line parallel to the Range of the same Street; from thence in a Line near East North East, till it intersect the South West Side of the Sugar-house Bulwark or Counter-mole, Twenty five Yards distant from the North West Corner of the Timber-yard belonging to the said Sir James Lowther Baronet, near adjoining to the said Mole first mentioned and described; and that the same so set out and bounded, and all other Places within the same, shall be, and are hereby appointed to be, Places, Quays, or Wharfs respectively, for the importing or exporting, landing or discharging, lading or shipping, of any Goods, Wares, or Merchandizes whatsoever; and that the Limits, Extent, and Bounds, for shipping and landing of Goods, Wares, and Merchandize, within the said Harbour of Whitehaven (such Goods, Wares, and Merchandize being brought to, and discharged at, the Custom-house Quay) shall, from henceforth for ever hereafter, be as follows; that is to say, Beginning at the South West Side of the Sugar-house Bulwark or Counter-mole, Twenty five Yards distant from the North West Corner of the Timber-yard belonging to Sir James Lowther Baronet, near adjoining to the said Mole; from thence in a Line parallel to the North West Wall of the said Timber-yard, in Length One hundred and sixty Yards, along the Ground of the said Sir James Lowther Baronet, to the North East Corner of the Ground whereon the North East Mole is now proposed and intended to be built; and from thence along the North East Side of the said Ground whereon the said proposed North East Mole is to be built, and including the same, and ranging therewith to the West End thereof; and that the same, so set out and bounded, and all Moles, Quays, or Wharfs, and other Places within the same, for ever hereafter, shall be lawful Places for importing and exporting, landing, lading, and shipping, of any Goods, Wares, and Merchandizes whatsoever; the same being

Limits for the Port for landing and shipping Goods.

being brought to, and discharged at, the Custom-house Quay within the Harbour of Whitehaven aforesaid.

Duties by the Act 7 *Anne* how to be paid.

And be it further enacted by the Authority aforesaid, That the Rates and Duties granted upon all Goods, Wares, and Merchandizes, by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Anne, shall be paid upon all Goods, Wares, and Merchandize, which shall be imported and landed, brought Coastwise, or discharged out of any Ships or Vessels in the said Harbour, during the Continuance of this Act; all which Sums of Money, and Duties upon Importation, landing, bringing Coastwise, or discharging, shall be paid by the Merchant or other Person into whose Custody or Possession, or by whose Order, the said Goods, Wares, and Merchandizes, shall be delivered.

Duty on Rice, Logwood, Deer Skins, and Battery.

And be it further enacted by the Authority aforesaid, That there shall be paid from henceforth, and during the Continuance of this Act, for every Ton of Rice which shall be imported or brought into the said Harbour, and landed or discharged out of any Ship or Vessel, the Sum of One Shilling; and for every Ton of Logwood, the Sum of One Shilling; and for every Hundred of Deer Skins, the Sum of One Shilling; and for every Ton of Battery, the Sum of Two Shillings.

And whereas by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Ann, the Duties granted upon Ships or Vessels driven into the said Harbour by Stress of Weather, are limited to One Fourth of the Duties granted by the said Act upon Ships or Vessels lading or discharging at the said Harbour: And whereas Ships so driven into the said Harbour by Stress of Weather, or otherwise coming into the same, for their Preservation or Conveniency, do oftentimes lay therein for a long Space of Time, and have the Use, Benefit, and Advantage, of the said Harbour, to the Inconveniency of the Ships belonging to the same; be it therefore further

Duties on Ships driven into the Harbour by Stress of Weather.

enacted by the Authority aforesaid, That there shall be paid for every Ship or Vessel, which, during the Continuance of this Act, shall, by Stress of Weather, be driven into the said Harbour of Whitehaven, or shall otherwise come into the same, for Security, Preservation, or Conveniency, the Whole of the Duties of Tonnage upon Shipping granted by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Ann; any thing in the said Act contained to the contrary notwithstanding.

And whereas the erecting Wet and Dry Docks, and making Dock-yards, within or near adjoining to the said

said Harbour, would be of considerable publick Utility and very great Convenience, in the building, careening, rebuilding, refitting, and repairing of Ships and Vessels belonging to or coming into the said Harbour of White-haven, and making use of the same; be it therefore further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the said Trustees for the time being, appointed in pursuance of the said Act of the Seventh Year of her late Majesty Queen Ann, and continued and nominated in and by this Act, at any Time hereafter, to erect, build, construct, and make any and all such Wet and Dry Docks and Dock-yards, within any Part of the Limits of the said Harbour of White-haven, or near or adjoining to the same, and for that Purpose to contract or agree with any Person or Persons, as they shall judge expedient, for the Purchase, Hire, or Use of any Land or Ground near the said Harbour, or adjoining thereto, convenient or proper for the same, and from time to time, and at all Times hereafter, to support, sustain, repair, and amend all such Wet or Dry Docks or Dock-yards, so erected, built, constructed, and made, and to pay the Expence and Charge of the Purchase or Hire of such Land or Ground, and of such Works and Erections, by them, their Workmen, Servants, or Agents, done, executed, or performed, for this Purpose, and in this Behalf, out of the Monies arising or to arise by the Rates or Duties by the former Acts or this present Act, granted or continued, or the Money to be borrowed upon the Credit thereof; and also that it shall and may be lawful to and for the said Trustees, or their Collector or Collectors, Agent or Agents, Servant or Servants, appointed according to and in pursuance of the said former Acts, and of this Act, to ask, demand, take, and receive, and in case of Refusal or Nonpayment thereof, recover in like Manner, and by the like Ways and Means, and by such Methods, as the other Rates and Duties in and by the said former Acts and this Act granted and continued, are prescribed to be collected, levied, and recovered, of and from all Person and Persons making use of the same Wet or Dry Dock or Docks or Dock-yards, any Sum not exceeding the Sum of Three Pounds, for opening the Gates of such Dock or Docks or Dock-yards; and also any Sum not exceeding the Sum of Two Pence per Ton for each and every Ship or Vessel, for every Twenty four Hours such Ship or Vessel using the same

Trustees may erect Wet and Dry Docks, and make Dock-yards.

shall

shall lay in such Dock or Docks, Dock-yard or Dock-yards (Sundays excepted)

And whereas the said Harbour of Whitehaven being a dry Harbour, it is extremely necessary for the Preservation thereof, to take the greatest Care in carrying away the Ballast of Ships or Vessels trading to and using the same, not only out of the Limits of the said Harbour, but also to such Points and Places at a Distance therefrom, as may sufficiently prevent the Return thereof into the said Harbour by the Flux of the Sea: And whereas by Experience it hath been found, that the carrying out of the Ballast of Ships in Carts is attended with many bad Consequences, not only by dropping and scattering thereof within the Limits of the Harbour, but also as it is almost impossible therewith to carry the Ballast out to such a proper Distance as it ought to be: And whereas, in order to Remedy such Inconveniencies, and for the Preservation of the said Harbour from choaking or filling up, it hath been adjudged necessary to make Trial of the Hoppers constructed by Master Richard Liddell, for the Purpose of carrying Ballast out to Sea to such a Distance as may be necessary to prevent the Return of it, or being washed back again into the Harbour; and, at the Expence of upwards of One thousand five hundred Pounds, Four Ballast Hoppers have been contracted for with the said Master Richard Liddell for this Purpose, and have of late been used and employed in carrying out Ballast to such proper Distances at Sea as to prevent the Return thereof, not only to the very great Advantage and Benefit of the said Harbour, but also greatly to the Conveniency and Ease of all Ships and Vessels using the same, and coming into the said Harbour; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, it shall not be lawful for any Ship or Vessel coming in or using the said Harbour of Whitehaven, to lighten or discharge any Ballast into, or by or with any Cart or Carts (except in case of urgent Necessity, such Necessity being first made known to the Pier Master of the said Harbour, or his Assistant or Assistants, and Leave in Writing obtained therefore from Seven or more of the said Trustees, for the time being; in which Case, and in such Manner, it shall and may be lawful to have and use the same) but that all Ships, Vessels, or Boats, using and coming into the said Harbour of Whitehaven, shall, from henceforth hereafter (excepting in such Case of Necessity, and in Manner aforesaid) lighten, unload, and discharge all their Ballast into such Hopper or Hoppers, so provided as aforesaid, or hereafter to be provided, by

Machines to be used for removing Ballast,

the said Sir James Lowther, his Heirs and Assigns (all aforesaid, and the rest of the Trustees for the time being,) in Manner herein after mentioned, to be by such Hopper and Hoppers carried out so far to Sea as to prevent any Return thereof, and as shall be ordered and directed by the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seven or more of the rest of the Trustees for the time being; and all and every Master or Commander, Owner or Owners of such Ship or Vessel, who shall neglect so to do, or offend therein, or act any wise contrary hereto, and not comply herewith, shall, for every such Neglect and Offence, forfeit and pay unto the Trustees of the said Harbour for the time being, for the Use thereof, the Sum of One hundred Pounds, to be recovered and levied in like Manner as the other Penalties and Forfeitures, in and by this Act inflicted, are directed to be recovered and levied. on Penalty of 100*l.*

And, in order that a proper Number of such Hoppers, sufficient to answer the Exigencies of the Ships using and coming into the said Harbour of Whitehaven, may be had and provided, be it therefore further enacted and declared by the Authority aforesaid, That the said Trustees of the said Harbour for the time being are hereby required, out of the Monies arising or to arise by the Rates and Duties by the former Acts or this present Act granted or continued, or the Money to be borrowed upon the Credit thereof, and the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the said Trustees for the time being, are hereby authorized and impowered to provide and keep from time to time, and at all Times hereafter, a sufficient Number of Hoppers of the like or some other more useful Construction, and so many as may be requisite and necessary for the Exigency and Convenience of lightening, unloading, and discharging the Ballast out of all Ships and Vessels using and coming into the said Harbour of Whitehaven with all convenient Expedition; and that it shall and may be lawful to and for the said Trustees for the time being, their Collector or Collectors, Pier Master, Assistant or Assistants, Agent or Agents, Servant or Servants, appointed by them for that Purpose, to collect, take, demand, and receive, of and from all and every Master or Masters, Commander or Commanders, Owner or Owners, of all such Ships or Vessels, for lightening and discharging such Ships or Vessels of their Ballast, and carrying out the same, any Sum or Sums of Money, not exceeding Six Pence per Ton, for every Ton of Ballast so carried out from each Trustees to provide Machines, and take Tonnage of the Masters, &c. of Ships, &c.

Ship or Veſſel; and in caſe of Refuſal to pay the ſame, and Nonpayment thereof, to recover and levy the ſaid Duty and Tonnage in like Manner, and by ſuch Ways and Means, and by ſuch Methods, as are preſcribed by the ſaid Act of the Seventh Year of the Reign of her late Majeſty Queen Ann, for collecting, levying, and recovering, the Duties laid by the ſaid Act upon Goods, Wares, and Merchandizes imported or brought into the ſaid Harbour of Whitehaven.

And whereas for the Convenience of Trade, and diſcharging of Goods, Wares, and Merchandizes, out of Ships and Veſſels within the ſaid Harbour, it is neceſſary to employ great Numbers of Carts and other Carriages within the ſaid Harbour, and on the Quays, Moles, Piers, and other Works and Places within the ſame: And whereas by the Negligence and Misbehaviour of Carters, Draymen, and Waggoners, and their riding upon Horſeback with their Carts, Drays, Waggons, and other Carriages, upon the Quays, Moles, Piers, and other Places within the ſaid Harbour of Whitehaven, and within the Streets, Paſſages, and Lanes, of the ſaid Town of Whitehaven, leading thereto, frequent and great Damage is done to the ſaid Quays, Moles, Piers, and other Works, within the ſaid Harbour, and many Accidents happen, to the great Injury and Hurt and common Nuiſance of his Majeſty's Subjects: For Remedy whereof, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Sir James Lowther, his Heirs and Aſſigns as aforeſaid, and any Eleven or more of the reſt of the ſaid Truſtees for the time being, from time to time, and at all Times hereafter, to make ſuch Orders, Rules, and Regulations, as may to them ſeem requiſite and neceſſary for the better Government and Direction of all ſuch Carters, Draymen, Waggoners, and other Perſons driving any Carts, Drays, Waggons, or other Carriages, upon the Quays, Moles, Piers, and other Places within the ſaid Harbour, or within the Streets, Paſſages, and Lanes, of the Town of Whitehaven; and that if any Carter, Drayman, Waggoner, or other Perſon, driving any Cart, Dray, Waggon, or other Carriage, ſhall at any Time hereafter offend againſt all or any ſuch Orders, Rules, or Regulations, or ſhall at any Time hereafter ride upon Horſeback with any Cart, Dray, Waggon, or other Carriage, not having ſome other Perſon on Foot to conduct the ſame, every ſuch Carter, Drayman, Waggoner, or other Perſon ſo offending, and being convicted thereof by the Oath of One or more credible Witneſſes, before any

Truſtees to regulate Carts and Carriages.

One

One or more of his Majesty's Justices of the Peace in and for the said County of Cumberland (which Oath such Justice or Justices is and are hereby impowered to administer) shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings; which, in case of Non-payment thereof, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of any One or more Justice of the Peace for the said County of Cumberland; rendering the Overplus, if any be, to the Owner or Owners thereof, the Costs and Charges of such Distress and Sale being first deducted; and if no Goods or Chattles of such Offender or Offenders can be discovered, whereon such Distress may be had, then and in that Case it shall and may be lawful to and for the said Justice or Justices of the Peace respectively before whom such Offender shall be convicted, to commit such Offender to the House of Correction, there to remain and be kept to hard Labour for any Time not exceeding One Month, unless Payment thereof before that Time shall be made.

Application of the Duties collected by this Act.

And be it further enacted by the Authority aforesaid, That all and every the Sum and Sums of Money and Duties which shall be raised, levied, and collected, by virtue of this Act, shall be applied and disposed of as directed by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Ann, and by this present Act; and that the said Sir James Lowther, his Heirs and Assigns as aforesaid, with any Seventeen or more of the rest of the said Trustees for the time being, shall have, and they are hereby declared to have, full Power and Authority to erect, or cause to be erected, any Platforms or other Works whatsoever; and to do all other Acts necessary for the Protection, Defence, Security, Preservation, Accommodation, Cleansing, and Deepening, Improvement, Maintenance, and Advantage, or any other Uses of the said Port and Harbour of Whitehaven, and also for the more convenient Docking, Repairing, Careening, and Refitting of Ships, Vessels, or Boats, as they shall from time to time find necessary or expedient; and to pay the Expence of all such Works, Matters, and Things whatsoever, by them, their Workmen, Servants, or Agents, done, executed, or performed, for the Purposes aforesaid, out of the Monies arising or to arise by the Rates and Duties by the former Acts or this present Act granted or continued, or the Money to be borrowed upon the Credit thereof.

Provided always, That no other Walls, Inclosures, Breastworks, Piers, Wharfs, Moles, Platforms, or

No Works, but what are directed by this Act, to be made without the Consent of Trustees.

other Works whatsoever, save what is directed by this Act, be made at any Time hereafter within the Limits of the said Harbour, as by this Act intended to be enlarged, or for the Protection, Defence, Security, Preservation, Improvement, Maintenance, and Advantage, of the said Port and Harbour of Whitehaven, upon any Pretence whatsoever, without the Consent and Approbation of the said Sir James Lowther, his Heirs and Assigns as aforesaid, and of Seventeen or more of the rest of the said Trustees for the time being.

Penalty by former Acts insufficient.

And whereas the Penalties inflicted by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Ann, have by Experience been found insufficient to hinder the Offences intended thereby to be restrained; for Remedy whereof, be it further enacted by the Authority aforesaid, That if, from and after the passing of this present Act, any Person or Persons shall unload any Ballast into any Hopper, Keel, Lighter, Boat, or Cart, within the said Harbour, without a sufficient Port Sail duly fixed and spread, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds: And that if any Person or Persons shall heave any Ballast or Stones from any Ship, Vessel, or Boat, into the said Harbour, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds, for every Ton, and for every single Quantity less than a Ton, so heaved or delivered; and the like Penalties if they do not forthwith remove the same, upon Notice given them for that Purpose by the Pier Master, or any Assistant under him; and that if any Person or Persons shall heave any Stones, Ashes, Dung, Rubbish, or other Annoyance, into the said Harbour, or into the Poe, or into Bransty Beck, running into the same, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds, and the like further Penalty if the same be not removed upon Notice as aforesaid; and that if any Person or Persons shall keep any Fire on any Pretence whatsoever, or any Candle lighted (except in a Lanthorn, on board any Ship or Vessel lying within the said Harbour, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds; which said several Penalties and Forfeitures shall be recovered and levied in Manner herein after directed.

Masters of Ships to be answerable for their Crews.

Provided always, and be it further enacted and declared by the Authority aforesaid, That the Owner or Owners, Master or Commander, of each and every Ship or Vessel, shall be, and he is hereby declared to be, answerable for every Offence committed against this Act, or the

Act of the Seventh Year of the Reign of Her late Majeſty Queen Ann, by any of the Crew belonging to the Ship or Veſſel of which he or they ſhall be reſpectively Owner or Owners, Maſter or Commander; and that after Proof made of every Offence ſo committed, on the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace for the County of Cumberland (which Oath ſuch Juſtice is hereby authorized to adminiſter) and Demand made of the Penalty or Penalties thereby incurred on ſuch Owner or Owners, Maſter or Commander, of each and every ſuch Ship or Veſſel, and Refuſal or Nonpayment thereof by the Space of Three Days after ſuch Demand made, it ſhall and may be lawful to and for ſuch Juſtice, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whatſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattles of any ſuch Owner or Owners, Maſter or Commander, of each and every ſuch Ship and Veſſel, whereſoever they may be found, or the Tackle, Apparel, or Furniture, of, upon, or belonging to ſuch Ship or Veſſel, whether the ſame be fixed to the ſaid Ship or Veſſel, or otherwiſe, rendering the Overplus, (if any be) after deducting the Coſts and Charges of ſuch Diſtreſs and Sale, unto the Owner or Owners of the Goods and Chattles ſo to be diſtrained as aforeſaid.

And whereas Power is given, by the ſaid Act of the Seventh Year of Her late Majeſty Queen Ann, to the Truſtees therein named, and their Succeſſors, to make Orders and Bye-laws for the better Government and Regulation of the then Harbour, and the Wharfs thereunto belonging, under any Penalties not exceeding Six Shillings and Eight Pence: And whereas the ſaid Penalty, to which the Bye-laws are limited, is by no means adequate to the Damage which may be done by Perſons offending againſt the ſame: For Remedy whereof, be it hereby declared and enacted by the Authority aforeſaid, That the ſaid Penalties and Forfeitures to be laid and impoſed by the ſaid Bye-laws ſhall and may be extended, ſo as not to exceed the Sum of Ten Pounds for any One Offence; and that it ſhall and may be lawful to and for the ſaid Sir James Lowther, his Heirs and Aſſigns as aforeſaid, and any Seventeen or more of the reſt of the ſaid Truſtees for the time being, at all Times hereafter, to make any Orders or Bye-laws; and from time to time, as they ſhall ſee Occaſion, to alter, explain, amend, and revoke the ſame, and make new ones, for the better Government, Management, Direction, and Regulation, of the Shipping, and of the Harbour as by this Act enlarged

Power for making Bye-laws enlarged, as to the Penalties allowed to be inflicted by them.

ed and ſet forth, and the Wharfs, Quays, Moles, Docks, and other Works thereof, or belonging thereto, and under ſuch Penalties and Forfeitures as to the ſaid Sir James Lowther, his Heirs and Aſſigns as aforeſaid, and any Seventeen or more of the reſt of the ſaid Truſtees for the time being, ſhall ſeem reaſonable, not exceeding the Sum of Ten Pounds for any One Offence.

Copies of Bye-laws to be publiſhed.

And be it further enacted by the Authority aforeſaid, That Copies of all ſuch Bye-laws and Orders as ſhall from time to time be ſo made, purſuant to the Powers and Directions of the ſaid Act of the Seventh Year of the Reign of Her late Majeſty Queen Ann, or of this Act, ſhall from time to time within Three Days after the making thereof reſpectively, be fixed upon the Light-houſe within the ſaid Harbour, and upon the Door of the Cuſtom-houſe within the ſaid Port of Whitehaven; and from the time of their being ſo fixed and publiſhed, the ſame ſhall be deemed binding and concluſive to all Parties and Perſons concerned, who, in caſe of offending againſt the ſame, ſhall be ſubject to the Penalties thereby inflicted, and liable to the Payment thereof; the ſame to be recovered and levied in Manner herein after directed.

Power of appointing a Scavenger;

And whereas by the ſaid Act of the Seventh Year of Her late Majeſty Queen Ann, a Power is given to certain Perſons therein mentioned to appoint a Scavenger within the ſaid Town of Whitehaven from time to time, and at all Times thereafter, and to contract with him for carrying away the Dirt, Aſhes, and other Annoyances, from the ſaid Town; and, for defraying the Expence thereof, the ſaid Perſons are impowered to lay a Pound Rate upon the reſpective Houſholders within the ſaid Town, not exceeding Six Pence in the Pound: And whereas the Method preſcribed in the ſaid Act, for raiſing and levying the ſaid Rate, hath been found ineffectual: For Remedy whereof, be it further enacted by the Authority aforeſaid, That, from and after the paſſing of this preſent Act, it ſhall and may be lawful, at all Times hereafter, to and for the ſaid Sir James Lowther, his Heirs and Aſſigns as aforeſaid, and any Fifteen or more of the reſt of the ſaid Truſtees for the time being, after due and publick Notice given for that Purpoſe in all the Churches and Chapels within the Town of Whitehaven, and they are hereby authorized and impowered to make an equal Pound Rate or Rates, Aſſeſſment or Aſſeſſments, not exceeding Six Pence in the Pound, in like Manner, and according to the Valuation and Method made uſe of within the ſaid Town of Whitehaven for raiſing Money towards the Relief of the Poor, upon all and every Perſon

Rates to be made for that Purpoſe.

or Persons who do or shall inhabit, hold, occupy, or enjoy any Land, House, Shop, Wharf, Warehouse, or other Tenement, and also upon the Landlords or Owners of any Lands, Houses, Shops, Wharfs, Warehouses, Buildings, and Erections, divided into or let out in separate Tenements or Parcels within the said Town of Whitehaven, for and towards defraying the Expences aforesaid; which said Rate or Rates, Assessment or Assessments, so to be made, being first allowed and confirmed by Two Justices of the Peace for the said County of Cumberland; and all Arrears due upon the same shall be collected by Two equal half-yearly Payments, or in such other Manner as the said Persons making such Rates or Assessments shall direct, from the said Inhabitants, Occupiers, and Landlords or Owners, by such Person or Persons as shall be appointed respectively to collect and receive the same; and in case any of the said Inhabitants, Occupiers, Landlords, or Owners, shall refuse or neglect to pay the Sum or Sums so rated and assessed upon him, her, or them, it shall and may be lawful to and for such Collector or Collectors, by Warrant under the Hands and Seals of any Two such Justices of the Peace, to levy the same by Distress and Sale of the Goods and Chattles of the Party so neglecting or refusing, wheresoever the said Goods and Chattles can be found; rendering to him, her, or them, the Overplus, if any be, the reasonable Charges of making the said Distress and Sale being first deducted; and, for want of such Distress, by Warrant under the Hands and Seals of any Two such Justices of the Peace, to commit the Offender or Offenders to the Common Gaol of the said County, there to remain without Bail or Mainprize for One Month, unless Payment thereof before that Time shall be made.

Scavenger to be nominated.

And it is hereby further enacted and declared, That it shall and may be lawful to and for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees for the time being, to nominate and appoint such Scavenger as aforesaid; and to pay and discharge, out of the said Scavenger's Rate so directed to be raised by them as aforesaid, all such Expences, Costs, and Charges, as shall arise by the Appointment of a Scavenger within the said Town of Whitehaven, or on account of any Contract or Contracts to be made in pursuance thereof with such Scavenger so to be appointed as aforesaid, or any other Person whatsoever, for carrying away or removing the Dirt, Ashes, and other Annoyances, from the said

Town of Whitehaven, or from or by reason of any Order or Orders which shall or may at any Time hereafter be made by the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees for the time being, for preventing and removing all Annoyances from the said Town, and for the orderly cleansing and paving the Streets of the said Town of Whitehaven, and for making Sewers for that Purpose; which Appointment, Contracts, Rules, and Orders for the Purposes aforesaid, the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees for the time being, are hereby fully authorized and impowered to make, and from time to time to alter, revoke, and amend, in such Manner, and by such Ways and Means, as they shall find most conducive to the Ends and Purposes aforesaid.

Powers of the Act of 7 Q. *Ann* to extend to the Limits appointed by this Act.

And be it further enacted and declared by the Authority aforesaid, That all Powers, Clauses, and Authorities, given in and by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Ann, shall extend, and shall be taken, deemed, and construed to extend, and is and are hereby declared to extend, unto the Limits of the Harbour of Whitehaven, as in and by this Act is set forth, and to all Places within the same; and that the Penalties and Forfeitures in and by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Ann, inflicted on Offences committed within or to the Prejudice of the said then Harbour of Whitehaven, or against the Orders and Bye-laws made for the Government thereof, shall in like Manner extend, and are hereby declared to extend (save wherein it is otherwise directed or altered by this Act) to all Offences not only committed within the then Harbour, or to the Prejudice thereof, or against the Orders and Bye-laws made for the Government and Regulation thereof, but also to all such Offences as shall be committed within the Limits of the said Harbour, as now set out and extended by this Act, or to the Prejudice thereof, or against the Orders and Bye-laws hereafter to be made for the better Government and Regulation thereof; and that the Rates and Duties thereby enacted and directed to be paid, levied, and collected, in and by the said former Acts of the Seventh and Tenth of her late Majesty Queen Anne, or the Thirteenth of His late Majesty King George the Second, or the First of his present Majesty, or by this Act, or by any of them, upon Coals, and upon Goods, Wares, and Merchandizes, and upon Shipping, or any

Power to appoint Assistant Pier Masters

or

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of them, shall be, and they are hereby directed and enacted to be paid and collected not only within the former Limits of the said Harbour of Whitehaven, but also in like Manner as therein directed, within the Limits and Extent of the said Harbour of Whitehaven, as in and by this Act is set forth; and that the Methods prescribed by the said Act of the Seventh Year of the Reign of Her late Majesty Queen Anne, for collecting, levying, and recovering the Rates and Duties laid by the said Act upon Goods, Wares, or Merchandize, imported into the said Harbour of Whitehaven, and upon Shipping, shall be, and are hereby declared to be extended to the Recovery of all the Rates and Duties laid by this Act upon any Goods, Wares, or Merchandizes, imported, landed, brought Coastwise, or discharged, within the said Harbour of Whitehaven, as now enlarged and extended, and upon Shipping, as fully and effectually as if the same were repeated and re-enacted in the Body of this present Act.

Powers of the Act of 7 *Anne* to extend to the Limits appointed by this Act.

And whereas by the said Act of the Seventh Year of Her late Majesty Queen Anne, the said Trustees are impowered to dig and remove any Stones, Gravel, or Sand, within the Precincts of the said Harbour, and to lay the same in some convenient Place, between the high and low Water Marks, on the North East Side of the then intended Counter Mole: And whereas the laying such Stones, Gravel, and Sand, in the Place described in the said Act, would be inconsistent with the Enlargement thereof, intended by this Act; be it therefore enacted, That so much of the said Clause as directs the laying the said Stones, Gravel, or Sand, in that particular Place, shall be repealed; and that it shall and may be lawful to and for the said Trustees to lay such Stones, Gravel, or Sand, in any other convenient Place or Places, as the said Sir James Lowther, his Heirs and Assigns as aforesaid, together with any Five or more of the rest of the said Trustees for the time being, shall direct and appoint, so as no Injury shall thence accrue to the Lands, Tenements, or Hereditaments, of any Person or Persons whatsoever.

Stones, Gravel, and Sand, &c. to be removed to a further Distance than described by 7 *Anne*.

And whereas the Trustees are, by the said former Act, impowered to appoint One Pier Master only: And whereas it is become necessary, on account of the Increase of the Shipping within the said Port, to have other Persons assistant to him; be it therefore enacted by the Authority aforesaid, That from and after the passing of this present Act, the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Eleven or more of the rest of the said Trustees for the time being, shall and may,

Power to appoint Assistant Pier Masters.

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if they shall think proper, appoint a Pier Master, and also so many and such fit Person or Persons to be Assistant or Assistants to such Pier Master as they shall think necessary; and shall and may allow to such Pier Master and Assistant or Assistants, such reasonable Salaries or Rewards, for such their Care and Trouble in the Execution of their respective Offices, as the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Eleven or more of the rest of the said Trustees for the time being, shall think reasonable, not exceeding the Sum of Fifty Pounds a Year, as a Salary for such Pier Master, and Thirty Pounds a Year for each and every such Assistant or Assistants to be appointed; such Salaries or Rewards to be paid out of the Tolls or Duties arising by the said former or this present Act, or out of any Monies to be borrowed upon the Credit thereof.

Directions for mooring and anchoring of Ships and Vessels.

And whereas, for the Regulation of Shipping, and better Direction thereof, in the laying, mooring, anchoring of any Ship or Vessel, or loading, shipping, or discharging, of Goods, Wares, and Merchandize, or in regard to the heaving out, or delivering or taking in, Ballast, and the Government of the Shipping in all other Respects whatsoever, within the said Harbour, it is extremely necessary that the Rules, Orders, and Directions, of the Pier Master, or such Person or Persons as shall be appointed Assistant or Assistants to him, should be strictly adhered to and obeyed, not only to prevent Confusion therein, but also as tending greatly to the Safety and Preservation of all Shipping coming into, laying, anchoring, or mooring within the said Harbour, and the Limits and Precincts thereof; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Pier Master, or such Person or Persons as shall be appointed Assistant or Assistants to him, from time to time, and at all Times hereafter, to give such Orders and Directions to all Ships, Vessels, Wherries, or Boats, as do, or shall or may, at any Time or Times hereafter, come into the said Harbour of Whitehaven, for their laying, mooring, anchoring, loading, shipping, or discharging, of any Goods, Wares, and Merchandize, or in regard to the heaving out, or delivering or taking in Ballast, and the Government of the Shipping in all other Respects whatsoever, within the said Harbour, as to him or them shall seem reasonable and meet; and that if the Owner or Owners, Master or Commander, of any Ship or Vessel, Wherry or Boat, shall disobey such Order or Orders, or Directions, given him or them, by such Pier Master

Maſter, or Aſſiſtant or Aſſiſtants, or ſhall refuſe or neglect to obey and comply therewith, ſuch Owner or Owners, Maſter or Commander, of all and every Ship or Veſſel, Wherry or Boat, ſo diſobeying, refuſing, or neglecting, to obey and comply therewith, ſhall, for each and every ſuch Diſobedience of ſuch Order or Orders, Direction or Directions, Refuſal or Neglect, forfeit and pay unto the ſaid Truſtees, for the Uſe and Benefit of the ſaid Harbour, the Sum of Twenty Pounds; to be levied and recovered on ſuch Owner or Owners, Maſter or Commander of ſuch Ship or Veſſel, Wherry or Boat, in like Manner, and by the like Ways and Means, as the other Forfeitures and Penalties inflicted by this Act are appointed to be recovered and levied; and alſo that in caſe of the Diſobedience of ſuch Orders or Directions of the ſaid Pier Maſter, or his Aſſiſtant or Aſſiſtants, in regard to the laying, mooring, or anchoring, of any Ship or Veſſel, or loading, ſhipping, or diſcharging, of any Goods, Wares, or Merchandize, that it ſhall and may be lawful to and for the ſaid Pier Maſter, or his Aſſiſtant or Aſſiſtants, to immediately unmoor any ſuch Ship or Veſſel, and to remove, or cauſe to be removed, ſuch Ship or Veſſel, Goods, Wares, or Merchandize, to ſuch Place and Mooring as to him or them ſhall ſeem convenient and proper; the Expence whereof ſhall be defrayed by the ſaid Pier Maſter, or his Aſſiſtant or Aſſiſtants, and ſhall be repaid by the Owner or Owners, Maſter or Commander, of every ſuch Ship or Veſſel; and in caſe of Refuſal to repay, the ſame ſhall be levied upon the Goods and Chattles of ſuch Owner or Owners, Maſter or Commander, of every ſuch Ship or Veſſel, in like Manner, and by the like Method, Ways, and Means, as in and by this Act is directed and appointed for the levying and recovering the Forfeitures and Penalties inflicted by this Act.

Provided always, That in caſe any Owner or Owners, Maſter or Commander, of any Ship or Veſſel, Wherry or Boat, or any other Perſon, ſhall think himſelf or herſelf aggrieved by any of ſuch Orders or Directions given by ſuch Pier Maſter, or Aſſiſtant or Aſſiſtants, or the Unmooring or Removal of ſuch Ship or Veſſel, or of ſuch Goods, Wares, or Merchandize, it ſhall and may be lawful to and for him, her, or them, within the Space of Twelve Hours after ſuch Order or Orders, Direction or Directions given, or Proceedings therein had, and ſuch Penalty incurred, to appeal to any Two or more Juſtices of the Peace for the ſaid County, who are hereby required and authorized immediately to hear the Mat-

Perſons aggrieved may appeal to the Juſtices.

ter of the said Appeal, and to determine upon the Examination of Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer) the Matter of the Complaint of any such Person or Persons, in a summary Way; and, if they see Cause, may, by their Order, revoke or disannul, at their Discretion, all or any such Orders or Directions and Proceedings of such Pier Master, or his Assistant or Assistants, or mitigate the said Penalty, or vacate or set aside the same, and set the Parties at Liberty, or otherwise may ratify and confirm the same; and all such Order or Orders, Direction or Directions, or Proceedings of such Pier Master, or Assistant or Assistants, with such Costs and Charges as to such Justices shall seem reasonable; and to make such Orders and Judgements in regard to the same, or give such other Relief to the Parties, as they shall think right or reasonable.

Impowering the Trustees to borrow Money on the Credit of the Duties.

And, forasmuch as the Money to be collected by the Receipts of the Duties by this Act imposed or granted, will not be sufficient for the speedy perfecting of the additional Works intended to be made to the said Harbour, be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, without any Stamp to be impressed thereon, to assign over or mortgage the said Duties granted by the said former Acts, or this present Act, or any Part thereof (subject nevertheless to the Payment of the said Sum of Two thousand nine hundred and seventy Pounds, now due and chargeable on the same) the Costs and Charges of such Assignment or Mortgage to be borne and paid out of such Duties, for any Time or Term for which the said Duties are by the said former Acts, and this present Act, made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for those Purposes, to such Person or Persons, or his, her, or their Trustees, as shall advance or lend the Money, and to secure the Repayment thereof, by and out of the Monies arising or to be collected by the said Duties, with such Interest for the same, as the said Trustees, or any Eleven or more of them, shall think fit and agree to give; which said Money so borrowed, shall be applied and disposed of, as the said Duties are by the said former Acts, and this present Act, directed to be applied and disposed of (the reasonable Charges expended in procuring this present Act of Parliament being first deducted and paid) and to no other

Use or Purpose whatsoever; and that all and every the original Mortgage or Mortgages, Assignment or Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book shall and may be perused, at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees, upon the Credit of the said Duties, unless Twenty Days Notice be given thereof in Writing, to be affixed upon the Light-house within the said Harbour, and upon the Door of the Custom-house in the said Port of Whitehaven.

Mortgagees may transfer their Securities.

And be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any Deed or Writing, under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer such Security or Securities by Writing, without any Stamp thereupon, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; and in case any Security so assigned shall not exceed the Sum of One hundred Pounds, it shall and may be lawful to and for the respective Person or Persons, then intitled to such Security or Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Security, Assignment or Assignments, to any other Person or Persons, without any Entry to be made with the Clerk or Treasurer, and so toties quoties, as often as they shall think fit; and such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereon due, or any Part thereof, or do any Act, to the Prejudice of his Assignee, or any subsequent Assignee.

And

Rivers *Poe* and *Branfty Beck* to be widened, deepened, covered, and turned.

And whereas a small River or Rivulet, called the Poe, runs into the present Harbour; and another small River or Rivulet, called Branfty Beck, runs within or near adjoining to the Limits of the Harbour, as now enlarged by this present Act, which by a proper Application, may be rendered very advantageous to the said Harbour; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees for the time being, or such Person or Persons as they shall appoint, within the now or hereafter Limits and Extent of the Town of Whitehaven, to open, enlarge, or deepen the Course of the said River Poe, and to cover the same for preventing Nusances and Obstructions being thrown therein; and to divert or turn the Course of the said River Poe, and also to divert or turn the Course of the said River or Rivulet called Branfty Beck, at any Place near the said Harbour, in such Manner as the said Sir James Lowther, his Heirs and Assigns aforesaid, and any Fifteen or more of the said Trustees for the time being, shall, by Writing under their Hands, direct and appoint for the Benefit of the said Harbour; making Satisfaction to such Person or Persons whose Buildings, Lands, or Grounds, may be used, or receive any Injury by such deepening, widening, turning, diverting, altering, or covering, the said Rivers or Rivulets, the Charges and Expences of such deepening, widening, turning, diverting, altering, or covering the said Rivers or Rivulets, to be borne and defrayed out of any Money which has arisen or shall arise by virtue of the said former Acts or this present Act. And if any Dispute or Difference shall arise between the said Trustees, and any Person or Persons interested in any of the Lands to be used as aforesaid, as to the Value thereof, and the Recompence to be paid for the Use thereof; that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace for the County of Cumberland, to settle, adjudge, and finally determine, what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid.

And whereas the erecting the now proposed Works, and performing and executing the same, will be attended with a very large Expence; and when the same are finished such Works, together with the present large and extensive Moles and Works of the said Harbour, made against the Sea, for the Security and Improvement thereof, will require a great Charge, and a constant and large annual Expence to keep the same in good and sufficient Repair;

in

in order thereto to have a Fund sufficient to support the Works of the said Harbour, and to prevent the same from going into Ruin and Decay; be it further enacted by the Authority aforesaid, That from and after the Expiration of the aforesaid Term of Twenty one Years in and by this present Act limited, the Whole of the Rates and Duties charged upon the Tonnage of Ships and Vessels, and One Third of the Rates and Duties upon Coals, and upon all Goods, Wares, and Merchandize, in and by the said Act of the Seventh Year of the Reign of her said late Majesty Queen Ann, granted and charged, and in and by this present Act granted, continued, and confirmed, shall for ever hereafter, continue and be paid in Manner aforesaid, for the perpetual Reparation, cleansing, maintaining, and supporting, of the said Harbour of Whitehaven, and the Advantage and Benefit thereof.

Certain Parts of the Duties made perpetual.

And whereas by the said Act of the Seventh Year of the Reign of her said late Majesty Queen Ann, the late Sir James Lowther Baronet, his Heirs and Assigns, Lords of the Manor of Saint Bees aforesaid for the time being, or in his or their Absence, any Person deputed by him or them, by Writing under his or their Hand and Seal, and Six other Persons, to be likewise nominated, appointed, and changed from time to time, by the said Sir James Lowther, his Heirs and Assigns aforesaid, by any Writing or Writings under his or their Hand and Seal, and Fourteen other Persons, therein named, were appointed Trustees, for carrying the said Act into Execution, and Management of the Rates and Duties, until the First Friday in the Month of August, in the Year One thousand seven hundred and sixteen, with Power to fill up any Vacancies which might happen in that Time, by Death or Resignation; and it was thereby directed, that on the said First Friday in the Month of August, One thousand seven hundred and sixteen, Fourteen Persons should be chosen, nominated, and appointed, by Ballot, by the Majority of the Inhabitants of the said Town of Whitehaven, at the Time of such Election, dealing by way of Merchandize in the Goods subjected to the Payments and Duties aforesaid, or any of them, or being Master, or having any Part or Share not less than One Sixteenth, of any Ship or Vessel then actually belonging to the Port of Whitehaven, at the Court-house in the Town of Whitehaven aforesaid, and so on every First Friday in every Month of August in every Third Year after the said First Election successively for ever, who should be Trustees for the Purposes aforesaid; And where-

Act of 7th of Q. *Ann*, as to Appointment of Trustees.

The preſent Truſtees

as in purſuance of, and according to the Directions of, the ſaid Act of the Seventh Year of her ſaid late Majeſty Queen Ann, the ſaid Sir James Lowther Baronet, and John Robinſon, Joſeph Burrow the elder, William Brownrigg, Daniel Fleming, Iſaac Hamilton, and James Spedding, being the Six Perſons nominated and appointed by the ſaid Sir James Lowther Baronet, by Writing under his Hand and Seal, and Peter How, Joſeph Deane, Henry Elliſon, Thomas Hartley, Gabriel Griffith, James Grayſon, Henry Littledale, John Coupland, Richard Bowman, John Younger, John Wilkinſon, Timothy Nicholſon, and Thomas Lutwidge, now are the preſent Truſtees, for carrying the ſaid Acts of the Seventh and Tenth of her late Majeſty Queen Ann, and of the Thirteenth of his late Majeſty King George the Second, and of the Firſt of his preſent Majeſty, into Execution, and for the Government and Direction of the ſaid Harbour, as at preſent ſet forth, bounded, and limited, and for the Management of the Rates and Duties granted and to be collected thereby: And whereas it is neceſſary to have the ſaid Truſtees continued for carrying this Act into Execution, with proper Powers for the Government and better Direction of the ſaid Harbour as now enlarged and extended, and for the Management of the Rates and Duties in and by the ſaid former Acts granted, and hereby continued: Be it therefore further enacted by the Authority aforeſaid, That the ſaid preſent Sir James Lowther Baronet, his Heirs and Aſſigns, Lords of the Manor of Saint Bees aforeſaid for the time being, or, in his or their Abſence, any Perſon deputed by him or them, by Writing under his or their Hand and Seal; and John Robinſon, Joſeph Burrow the elder, William Brownrigg, Daniel Fleming, Iſaac Hamilton, and James Spedding, being the Six Perſons appointed and nominated by the ſaid Sir James Lowther as Truſtees as aforeſaid, or, in caſe of the Death, Removal, or Reſignation, of them, or any of them, ſuch other Perſon or Perſons as he or they ſhall think proper to ſupply and fill up the Vacancy or Vacancies, and ſhall, by any Writing or Writings under his or their Hand and Seal, nominate and appoint, or any Six other Perſons to be likewiſe nominated and appointed by the ſaid Sir James Lowther, his Heirs and Aſſigns as aforeſaid, by any Writing or Writings under his or their Hand and Seal, and from time to time to be altered and changed as he or they ſhall think fit, ſo as to keep up the full Number of Six Truſtees, and Peter How, Joſeph Deane, Henry Elliſon, Thomas Hartley, Gabriel Griffith, James Grayſon, Henry Littledale, John Coupland, Richard Bowman, John Younger,

Truſtees for this Act.

John Wilkinson, Timothy Nicholson, Thomas Lutwidge, and William Gilpin, shall be, and are hereby, constituted and appointed to be Trustees for carrying this and the said former Acts into Execution, so far as the same relates to the said Harbour, Port, and Town of Whitehaven, and all the Powers, Clauses, and Authorities therein, and for ordering and directing the Buildings, and making the Works, in this or the said former Acts mentioned, and all other Buildings, Erections, and Works, for the Improvement, Safety, and Advantage, of the said Harbour, Shipping, and Town of Whitehaven, and for deepening, cleansing, regulating, governing, and managing, of the same, and for the Collection, Receipts, and Disposal, of the Sum and Sums of Money, Rates, and Duties, which from time to time, by virtue of this Act, shall become due and payable, in such Manner as in this or the said former Acts is provided, until the First Friday in the Month of August in the Year One thousand seven hundred and sixty nine: And that upon, and from and after, the said First Friday in the Month of August, in the Year One thousand seven hundred and sixty nine, and from thenceforth for ever thereafter, on every First Friday in the Month of August in every Third Year successively, Fourteen Persons to be Trustees shall be chosen, nominated, and appointed, by Ballot, by the Majority of the Inhabitants of the said Town of Whitehaven, at the Time of such Election, dealing by way of Merchandize in the Goods subjected to the Payment and Duties aforesaid, or any of them, or being Master, or having any Part or Share not less than One Sixteenth of any Ship or Vessel then actually belonging to the Harbour of Whitehaven; and that all and every such Person or Persons so to be elected and chosen a Trustee or Trustees as aforesaid upon the said First Friday in the Month of August, in the said Year One thousand seven hundred and sixty nine, and from time to time, and at all Times for ever thereafter, as herein directed, after such their Election to be had in Manner aforesaid, together with the said Sir James Lowther, his Heirs and Assigns, Lords of the Manor of Saint Bees aforesaid for the time being, or, in his or their Absence, any Person deputed by him or them, by Writing under his or their Hand and Seal, and Six other Persons to be likewise nominated and appointed by the said Sir James Lowther, his Heirs and Assigns as aforesaid, by any Writing or Writings under his and their Hand and Seal, and from time to time to be changed or altered as he or they shall think proper (which Deputy, and Six other Persons, to be Trustees, the said Sir James Lowther,

their his Heirs and Assigns, Lords of the Manor of Saint Bees aforesaid for the time being, is and are hereby required, authorized, and impowered, in such Manner, to nominate and appoint, alter or change) shall become and be Trustees for all the Intents and Purposes of this and the said former Acts, and for carrying the same into Execution, and shall be vested with all the like Powers and Authorities as the Trustees in and by this Act named and appointed for the more effectual executing this Act and the said former Acts, and for all the Uses herein and therein mentioned.

Method of electing new Trustees.

And it is hereby further enacted and declared, That if at any Time hereafter any of the said last mentioned Fourteen Trustees appointed and nominated by this Act, or to be nominated and appointed, or elected or chosen by Ballot in their Room, in pursuance of the Directions herein, shall happen to die, or do resign, at any Time hereafter during the Term for which they shall be nominated, elected, or chosen to be Trustees of the said Harbour in Manner aforesaid; that then, and in any of the Cases aforesaid, and as often as they shall so happen, it shall and may be lawful to and for the Survivors of the said Fourteen Trustees, or the greater Part of them, to nominate and appoint One or more Person or Persons, as the Case shall require, in the Place and Stead of such Trustee or Trustees so dying or resigning, to be a Trustee or Trustees to supply the Vacancy or Vacancies thereby occasioned, until the next General Election of Trustees by Ballot in pursuance of this or the former Acts; which they are hereby required to do, so as to keep up the Number of the last mentioned Trustees to be full Fourteen.

Trustees to carry this Act into Execution.

And it is hereby enacted and declared, That the said Harbour of Whitehaven, as now limited and ascertained, extended and enlarged, shall from henceforth for ever hereafter be under the Government and Direction of the said Sir James Lowther, his Heirs and Assigns, Lords of the said Manor of Saint Bees, and the said Trustees so appointed, or to be hereafter appointed, chosen, elected, or nominated, in pursuance of, and according to, the Directions of this or the former Acts, who shall have full Power and Authority, from time to time, and at all Times hereafter, to meet as Occasion may require, and to make such Rules, Orders, and Regulations, as may seem meet or requisite for the carrying of this and the said former Acts into Execution, and the several Clauses, Powers, and Authorities therein, and for the better Government and Management of the said Harbour of Whitehaven and the Shipping thereof, and the collecting and disposing of the

Rates

Rates and Duties granted and continued according to the Directions of this and the said former Acts.

For conveying Water to *Whitehaven*.

And whereas the conveying good and wholesome Water to the Town of Whitehaven, and the Parts adjacent, will be of great Use and Benefit to the Inhabitants thereof, as well as to the Shipping using the said Harbour; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the said Trustees for the time being, appointed or to be elected and appointed in pursuance of this and the said former Acts, at any Time hereafter to convey Water from certain Springs arising in or near Stanley Wood, or from any other Place or Places where the same may be conveniently obtained, by Pipes, by the nearest and most convenient Ways, to and through the said Town of Whitehaven, and through every Street, Lane, or Alley thereof, and to the said Harbour of Whitehaven.

To treat with the Owners for Purchase of Lands.

And be it further enacted by the Authority aforesaid, That the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the Trustees for the time being, before they shall cut, dig, or alter, the Lands of the Inheritance, or in the Possession of any Person or Persons, shall first treat with the Owners thereof for Leave so to do; and in case they shall not agree, that then, and in such Case, the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the Trustees, for the time being, shall and may proceed to carry on and complete the said Undertaking (Satisfaction for Damages done being first ascertained and made in Manner as is hereafter mentioned) And that in case they shall find it needful to lay any Pipes in or near the Highway, it shall and may be lawful so to do, so as they do sufficiently and effectually from time to time, repair, amend, and make good such Part of the said Highway as they or their Workmen or Agents shall so break up, as often as Need shall require.

Satisfaction to be made to the Owners of Lands;

And, to the Intent that due and reasonable Satisfaction may be given by the said Trustees, to all Proprietors, Landholders, and Occupiers, or others, who shall receive any Loss or Damage by reason or occasion of any Matter or Thing to be done by the Authority or under the Colour of this present Act, either by carrying over or otherwise using their Grounds as aforesaid, or of having the same prejudiced in any Manner whatsoever, by reason of laying the said Pipes and Materials, and conveying the said Water as aforesaid; be it further enacted by the Authority aforesaid, That in case the Parties cannot

agree, it shall and may be lawful for the Sheriff of the said County of Cumberland, for the time being, and he is hereby authorized and required, upon the Request of the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Five or more of the rest of the Trustees, for the time being, to summon before him a Jury of Twelve or more indifferent Men of the Neighbourhood, not interested in any of the Lands or Grounds through which the said Water is to be conveyed, or upon which any Reservoir is to be made, or any Fountains, Waterhouses, or Stop-cocks, shall be erected; which Jury shall be upon Oath (which Oath the said Sheriff is hereby authorized and required to administer) and which Jury, upon the Examination of Witnesses upon Oath (which Oath the said Sheriff is hereby also authorized and required to administer), shall, upon their Verdict, determine what Satisfaction shall be given or paid by the said Trustees, to any such Person or Persons by whom any such Loss or Damage shall be sustained as aforesaid; One Week's Notice of such Intention to proceed to ascertain any Damages which may arise by such Jury as aforesaid being first given, by Papers being affixed upon the several Church or Chapel Doors of the said Town of Whitehaven, and also left at the Dwelling-houses of the Owners or Occupiers of Lands or Grounds through which the said Water is to be conveyed; which said Verdict shall, by the said Sheriff, be transmitted to and shall be entered by the Clerk of the Peace for the time being, on the Rolls of the Sessions, and shall be kept among the Records of the Sessions of the Peace for the said County, and Transcripts thereof shall be delivered by the Clerk of the Peace for the said County, to such Person or Persons as shall require the same; which the Clerk of the Peace is hereby required to do with all convenient Speed after Demand thereof, on Payment to him for such Transcripts after the Rate of Four Pence and no more for every Sheet, reckoning One hundred Words to the Sheet; and the same shall be taken and adjudged to be good and sufficient Evidence or Proof in any Court of Law or Equity whatsoever, and shall be final, binding, and conclusive, to all Intents and Purposes, against all and every such Person or Persons, Party or Parties whatsoever, their Heirs, Successors, Executors, Administrators, and Assigns, and all others claiming any Interest in the said Lands or Grounds, or any thing thereto belonging, as well Infants, Femes Covert, Tenants in Tail, customary Tenants, and Copyholders, as others; and no Certiorari, Writ of Error, or other Process out of His Majesty's Courts of Record,

to be fixed by Jury.

Record, shall be allowed or awarded to remove the same or any of them.

Lands not to be entered upon till Satisfaction made.

Provided always, That until Payment of such Satisfaction as shall be so agreed to be paid, or shall be so ascertained and assessed by Verdict, to or for the Use of several Persons, or Bodies Politick or Corporate, to whom Satisfaction shall be agreed or determined to be made, or until Tender thereof made to every such Person or Bodies Politick or Corporate, his or their known Agents or Receivers, to and for the Use of such Persons, Bodies Politick or Corporate, it shall not be lawful for the said Trustees, or their Workmen or Servants, by virtue of this Act, to enter on, dig, break up, or make use of, any Part of the Grounds of any such Persons, Bodies Politick or Corporate whatsoever, in order to lay any Pipes, or make any Reservoir, or erect any Fountains, Water-houses, or Stop-cocks; any thing herein contained to the contrary notwithstanding.

Not to injure Sir *James Lowther*'s Collieries.

Provided also, and it is hereby declared, That none of the Powers hereby granted, nor any thing in this Act contained, shall in any wise extend or be deemed, construed, or taken to extend, to impower the Trustees for the time being to do or cause to be done any Act or Acts, Matter or Thing whatsoever, which may in any way tend to the Prejudice, Damage, Inconveniency, or Hurt, of any Collieries, Coal-works, Coal-mines, Engines, or other Works, in, near, adjoining, or about the said Town of Whitehaven, or the Townships near thereto.

Persons under Incapacity, to contract for Sale of Lands.

And whereas it may be necessary to convey the said Water through the Estate or Estates of divers Persons, Bodies Politick or Corporate, some whereof, by reason of Nonage, Coverture, or other Impediments, are incapable of agreeing with the said Trustees as aforesaid, be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the said Trustees for the time being, to lay Pipes in such Manner as shall be necessary for carrying on and compleating the said Work; and also to dig, cut, and lay, such Pipes through the Estate or Estates of any Person or Persons, Bodies Politick or Corporate, or any Persons under any Disabilities whatsoever, making such Satisfaction for the same as is herein before mentioned; and also to cut, remove, and take away, every or any Impediment (except Houses, Buildings, Orchards, Avenues, and Gardens, or any Waggon-ways, Utensils, or Works, made use of or necessary to any Collieries or Coal-works) that may hinder the perfecting the said Work; and that the said Sir James Lowther, his

Heirs

Heirs and Assigns as aforesaid, or any Seventeen or more of the rest of the said Trustees for the time being, their and every of their Deputies, Workmen, and Agents, shall, from time to time, and at all Times, as often as Need shall require, have free Liberty and Power of Ingress and Regress with all manner of Carts, Carriages, and otherwise howsoever, through the Grounds adjacent to the Places where the said Pipes shall be laid, for the necessary Execution and Performance of the said Undertaking; and likewise, from time to time, and as often as Need shall require, to lay on any convenient Place all such Materials, Utensils, and Instruments, as shall be necessary for carrying on, repairing, amending, and maintaining, the said Work, and also thereon to prepare the said Materials as they shall think fit; and the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Seventeen or more of the rest of the Trustees for the time being, shall be, and hereby are impowered and authorized to do all such other Acts, Matters, and Things, as they shall at any Time think necessary and convenient for repairing, amending, and improving the said Pipes, at seasonable Hours.

Trustees to lay Branches from the main Pipes.

And be it enacted by the Authority aforesaid, That the said Sir James Lowther, his Heirs and Assigns as aforesaid, or any Seventeen or more of the rest of the said Trustees for the time being, shall and may, from time to time, and at all Times hereafter, have full Liberty, Power, and Authority, without Molestation or Disturbance by his and their Servants and Workmen, to lay Branches from the main Pipes as aforesaid, in and through any of the Streets, Passages, Common Grounds or Places, in or about the said Town and Parts adjacent, and into all or any of the Houses, Out-houses, Buildings, Yards, or Grounds, of all such Person or Persons as shall desire, by Writing under their Hands, of the said Trustees, to have the same; such Person or Persons so desiring to be supplied with Water laid into their own Houses, Buildings, and Ground, first agreeing and making Composition therefore with the said Trustees; and also to erect Water-houses, Reservoirs, Fountains, and Stop-cocks, in such Places as to them shall seem meet and convenient for the better supplying the Inhabitants thereof; and, for the Purposes aforesaid, to break up the Pavements in any of the Streets, Common Grounds, or Places, in and about the said Town, and Parts adjacent; and also to dig and sink Trenches for laying and repairing the Pipes and Branches aforesaid, from time to time, as Need shall require; filling up the said Trenches, and making good the said Pavements, and taking and carry-

carrying away the Rubbish occasioned thereby, as soon as conveniently may be.

For punishing Persons destroying the Waterworks.

And, for preventing wilful and malicious Acts, tending to hinder, interrupt, or destroy, the said Water-works, to prevent the Execution of this Act, be it enacted by the Authority aforesaid, That the Property of all the Buildings and Materials made use of for the Purpose of conveying Water to the said Town and Harbour of Whitehaven, shall, from and after the passing of this Act, for ever hereafter be vested in the Trustees for the time being; and that if any Person or Persons shall wilfully and maliciously hinder or interrupt the said Trustees, or their Agents or Workmen, in conveying the said Water as aforesaid, or shall remove, take away, or destroy, any of the said Works or Materials thereunto belonging, or in any wise direct or procure the same to be done, whereby the said Pipes, Works, or Materials, or any Part thereof, shall be damaged, or shall unlawfully carry away or make Sale or Waste of the said Water, such Offender or Offenders shall forfeit and pay to the said Trustees the Sum of Fifty Pounds, with Full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, to be brought in the Name of the Trustees for the time being, or in the Name of any One of them, wherein no Essoin, Privilege, Protection, or Wager of Law, shall be granted, nor more than One Imparlance allowed; or that the Trustees for the time being, or any One of them, shall and may prefer a Bill or Bills of Indictment against such Offender or Offenders, in any of His Majesty's Courts of Record at Westminster, or at the Assizes, or at the General Quarter Sessions of the Peace for the said County of Cumberland; and, on Conviction, such Offender or Offenders shall and may be fined and imprisoned at the Discretion of the Court; and further, that the said Trustees shall and may have Remedies by Bill in the High Court of Chancery, and Injunctions to quiet their Possession under the Powers given by this Act.

For enlightening the Town of *Whitehaven*.

And whereas the enlightening the said Town of Whitehaven in the Night-time will be of great Importance, and tend to the Preservation of the Persons and Properties of the Inhabitants thereof, be it further enacted by the Authority aforesaid, That such a convenient and sufficient Number of Glass Lamps of such Sort and Fashion, and put in such Parts and Places of the said Town of Whitehaven, and the Liberties and Precincts thereof, as to the Trustees appointed by this Act, or hereafter to be

appointed as herein directed, or any Fifteen or more of them, shall, from time to time, seem meet and expedient shall be, with all convenient Speed, erected and fixed to or near any House or Building, Place or Places whatsoever, within the said Harbour, Town, or Precincts thereof; and the same shall be lighted and kept burning from Sun-setting to Sun-rising, from the Twentieth Day of August to the Twentieth Day of April yearly, for ever hereafter.

Trustees to contract for lightning Lamps.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and they are hereby required, authorized, and impowered, to contract and agree yearly and every Year, at all Times hereafter, with any Person or Persons, for the lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing, such Number of Lamps as shall, as aforesaid, be deemed necessary for the said Harbour, Town, Precincts, and Places respectively.

Contracts to be made for a limited Time.

Provided nevertheless, That such Contract or Contracts be not made for any Space of Time exceeding One whole Year, at one Time; and that none of the said Trustees, or Persons in Trust for him or them, or any of them, shall be concerned or interested in any Contract, or otherwise, for lighting the said Harbour, Town, or any Part thereof, or for providing or fixing any of the said Lamps, or of any Posts, Irons, or other Materials necessary thereto.

Trustees to take down Signs and Sign-posts.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Fifteen or more of them, by their Order, to authorize and impower any Person or Persons to take down and remove any Sign or Signs, Sign-post or Sign-iron, hung or to be hung or fixed up in any of the Streets, Lanes, or Passages, of the said Town, Places, or Precincts, that shall obstruct or obscure the Light of any of the Lamps to be erected in pursuance of this Act; and that Costs and Charges of taking down and removing such Sign or Signs, Sign-post or Sign-iron, in case the same is, are, or shall be, hung or fixed up at any Time before the erecting the Lamp or Lamps by virtue of this Act, of which the Light shall be thereby obstructed or obscured, as well as the erecting or setting up such Sign or Signs, Sign-iron or Sign-post, so taken down as aforesaid, shall be defrayed by the said Trustees, out of the Money raised or to be raised in pursuance of this Act, for enlightening the Streets of the said Harbour and Town: but in case such Sign or Signs, Sign-post or Sign-iron, shall be hung or fixed up at any Time after the erecting the Lamp or Lamps, the Light whereof shall be thereby

obscured or obstructed; then, and in such Case, the Owner or Owners of such Sign or Signs, or the Occupier or Occupiers of any House or Houses, to which such Sign or Signs, Sign-post or Sign-iron, shall be affixed, shall neglect to remove the same for the Space of Fourteen Days next after Notice of such Order, the Charges of taking down and removing thereof shall be reimbursed to the Person or Persons so authorized to remove the same, by such Owner or Owners, or the Occupier or Occupiers, of any House or Houses to which such Sign or Signs, Sign-post or Sign-iron, shall be affixed: And in case such Owner or Owners, or the Occupier or Occupiers, of any House or Houses, to which such Sign or Signs, Sign-post or Sign-iron, shall be affixed, so neglecting to remove such Sign or Signs, Sign-post or Sign-iron, shall not, upon Demand made, pay and reimburse such Charges as aforesaid, to such Person or Persons so authorized to remove the same, it shall and may be lawful to and for the said Trustees, by Warrant under the Hands and Seals of any Two or more of the Justices of the Peace for the said County of Cumberland, who are hereby required, on Complaint of the said Trustees, or any Three or more of them, to issue the same accordingly, to cause the said Charges to be levied by Distress and Sale of the Goods and Chattles of the said Owner or Owners, or the Occupier or Occupiers, of any House or Houses to which such Sign or Signs, Sign-post or Sign-iron, shall be affixed, so neglecting as aforesaid; returning the Overplus thereof, upon Demand (if any be) after deducting reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained and sold as aforesaid.

Trustees to cause Lamps to be hung out for a certain Time.

Contracts to be made for a certain Time.

Trustees to take down Sign-posts

And whereas several evil disposed Persons may wilfully and maliciously break, pull down, or destroy, the Lamps hung up in the said Harbour, Towns, Places, or Precincts now, to prevent the same, be it enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and sixty two, take away, break, throw down, or extinguish, any Lamp that is or shall be hung out or set up to light the said Streets or Places, or wilfully damage the Posts, Irons, or other Furniture thereof, every Person or Persons so offending therein, shall and may be forthwith, by any Person, apprehended and carried before any Justice of the Peace for the said County of Cumberland; and, being thereof convicted by the Oath of One or more Witness or Witnesses, before such Justice (which Oath such

Penalty on Persons wilfully damaging Lamps, &c.

such Justice is hereby required and impowered to administer) shall, for the First Offence, forfeit the Sum of Twenty Shillings for each Lamp so taken away, broken, thrown down, extinguished, or otherwise damaged; and for the Second Offence, the Sum of Forty Shillings; and for the Third and every other Offence, the Sum of Three Pounds; to be levied and recovered by Distress and Sale of the Goods and Chattles of the Person or Persons so offending; rendering to him, her, or them, the Overplus (if any shall be) after deducting the Costs and Charges of such Warrant, and of such Distress and Sale, when demanded; and the Penalty, when recovered, shall be applied towards the Expence of enlightening the said Town; and in case no sufficient Distress can be found, or on Refusal or Neglect to pay the said Penalty or Penalties, such Justice shall and may, by like Warrant, commit the Person or Persons so offending as aforesaid to the Common Gaol of the said County, there to remain until he, she, or they, shall pay the same, or for any Time not exceeding the Space of One Month.

Penalty on Persons negligently damaging Lamps, &c.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall carelessly, negligently, or accidentally, break, throw down, or otherwise damage, any of the Lamps so to be hung out or set up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in such Case, it shall and may be lawful to and for any One or more Justices of the Peace for the said County of Cumberland, upon Complaint thereof to him or them made, by any One or more credible Person or Persons, to summon before such Justice or Justices the Person or Persons who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs of both Parties on Oath (which Oath such Justice or Justices of the Peace is and are hereby impowered and required to administer) or Non-appearance of the Person or Persons so complained of, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as the said Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Two Days after demanded, to cause the same, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons who shall so have done such Damage; rendering to him, her, or them, the Overplus (if any shall be) after deducting the

Costs

Costs and Charges of such Warrant, and of such Distress and Sale, when demanded: And in case no sufficient Distress can be found, such Justice and Justices shall and may, by like Warrant, commit the Person or Persons so neglecting or refusing to pay the Sum or Sums so to be awarded as aforesaid, to the Common Gaol of the said County, there to remain until he, she, or they shall make such Satisfaction as aforesaid, or for any Time not exceeding the Space of Ten Days.

Persons aggrieved may appeal.

Provided always, That if any Person or Persons shall find him, her, or themselves aggrieved, or remain unsatisfied, in the Judgement of the said Justice or Justices, then such Person or Persons shall and may, by virtue of this Act, appeal, upon entering into a Recognizance, before some Justice of the Peace for the said County, to the Satisfaction of such Justice, to prosecute the same with Effect, to the Justices of the Peace at their next Quarter Sessions to be held for the said County of Cumberland, who are hereby impowered to summon and examine Witnesses upon Oath, and finally to hear and determine the same; and to award such Costs and Charges attending such Appeal as to them in their Discretion shall seem meet: And in case of Refusal or Neglect to pay the same, to issue a Warrant or Warrants for levying and compelling, by such Means as aforesaid, the Payment of the said Penalties and Forfeitures, and the Costs and Charges so by them awarded.

Property of Lamps vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Property of the said Lamps, and the Posts, Irons, and other Materials belonging thereto, shall be vested in the said Trustees, for the time being, who are hereby authorized and impowered, in their own Names, or in the Name of any One of them, to bring Actions and to prefer Bills of Indictment against any Person or Persons stealing, taking away, breaking, throwing down, extinguishing, or spoiling the same.

Trustees to make an Assessment for defraying the Charge of Lamps and Water.

And, in order to defray the Expence to be incurred, in consequence of this Act, for enlightening the said Town, and supplying the same with fresh Water; be it further enacted by the Authority aforesaid, That it shall and may be lawful, at all Times hereafter, to and for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees for the time being, after due and publick Notice given for that Purpose in all the Churches and Chapels within the Town of Whitehaven, and they are hereby authorized and impowered to make an equal Pound Rate or Rates, Assessment or Assessments, not exceeding Six Pence in the

Pound, in like Manner, and according to the Valuation and Method made use of within the said Town of Whitehaven, for raising Money towards the Relief of the Poor, upon all and every Person or Persons who do or shall inhabit, hold, occupy, or enjoy, any Land, House, Shop, Wharf, Warehouse, or other Tenement, and also upon the Landlords or Owners of any Lands, Houses, Shops, Wharfs, Warehouses, Buildings, and Erections, divided into and let out in separate Tenements or Parcels, within the said Town of Whitehaven (save and except upon all and every Person or Persons, who do or shall inhabit any Dwelling-house which shall really and bona fide be let at, or appear to be worth no more than Thirty Shillings a Year) for and towards the defraying the Expences of enlightening the said Town, and supplying the same with fresh Water; which said Rate or Rates, Assessment or Assessments, so to be made, being first allowed and confirmed by Two Justices of the Peace for the said County of Cumberland, and all Arrears due upon the same, shall be collected by Two half yearly Payments, or in such other Manner as the said Persons making such Rates or Assessments shall direct, from the said Inhabitants, Occupiers, and Landlords or Owners, by such Person or Persons as shall be appointed respectively to collect and receive the same: And in case any of the said Inhabitants, Occupiers, Landlords, or Owners, shall refuse or neglect to pay the Sum or Sums so rated and assessed upon him, her, or them, it shall and may be lawful to and for such Collector and Collectors, by Warrant under the Hands and Seals of any Two such Justices of the Peace, to levy the same by Distress and Sale of the Goods and Chattles of the Party so neglecting or refusing, wheresoever the said Goods and Chattles can be found; rendering to him, her, or them, the Overplus (if any be) the reasonable Charges of making the said Distress and Sale being first deducted; and, for want of such Distress, by Warrant under the Hands and Seals of any Two such Justices of the Peace, to commit the Offender or Offenders to the Common Gaol of the said County, there to remain without Bail or Mainprize for One Month, unless Payment thereof before that Time shall be made.

Further Tonnage Duty granted for enlightening the Town, and supplying it with Water.

And, as a further Fund for defraying the Expence of enlightening the said Town and Harbour, and for supplying the same with fresh and wholesome Water, be it further enacted by the Authority aforesaid, That a further Rate or Tonage Duty, not exceeding One Penny per Ton, shall be laid upon all Shipping entering into or within

within the Limits of the said Harbour as herein before described, over and above the Rates and Duties laid by the said several Acts of the Seventh and Tenth Years of the Reign of Her late Majesty Queen Ann, the Thirteenth Year of His late Majesty King George the Second, and the First Year of His present Majesty's Reign, or any of the said Acts; which said additional Duty, not exceeding One Penny per Ton on Shipping, shall be ascertained, collected, and levied, in such and the like Manner, and with such Powers and Authorities to compel the Payment thereof, as by the said several Acts of the Seventh and Tenth Years of the Reign of Her late Majesty Queen Ann, the Thirteenth Year of His late Majesty King George the Second, or the First Year of His present Majesty's Reign, or by this Act, or any of them, any Duty of Tonnage on Shipping within the said Harbour is directed to be ascertained, collected, levied, and recovered; and shall be applied, together with the said Rate or Assessment, not exceeding Six Pence in the Pound last before-mentioned, to the defraying the Expence of enlightening the said Town, and supplying the same with fresh and wholesome Water, or to One of the said Purposes, and to no other Use or Purpose whatsoever.

Trustees to make Bye-laws in regard to Water and Lamps.

And be it further enacted and declared, That it shall and may be lawful, at all Times hereafter, to and for the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees for the time being, to make any Orders or By-laws, and from time to time, as they shall see Occasion, to alter, explain, amend, or revoke the same, and make new ones for the better Conveyance, Management, Preservation, and more regular Distribution of Water, for the Use of the said Harbour and Town, and of the Lamps for enlightening the same, under such Penalties and Forfeitures as the said Sir James Lowther, his Heirs and Assigns as aforesaid, and any Fifteen or more of the rest of the said Trustees, for the time being, shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence; such Penalties to be recovered in like Manner as hereafter is directed.

Collectors to account.

And it is hereby further enacted and declared, That all and every Collector and Collectors, Receiver and Receivers, appointed, or which shall or may at any Time hereafter be appointed, for all or any of the Purposes of this Act or the said former Acts, shall and do at all Times hereafter, when thereunto required by the said Trustees for the time being, or any Fifteen or more of them, make, and

give

give, and deliver in, a true and particular Account in Writing, under their Hands respectively, of all the Money by him or them respectively collected or received, and of all Debts and Arrears standing out, and of their respective Payments and Disbursements, with the Particulars thereof, and proper Vouchers for the same, as well on account of and relating to the supplying the said Harbour and Town with Water and Lights, as also on account of and relating to the supporting and Improvement of the said Harbour of Whitehaven: And that the said Trustees, or any Seventeen or more of them, shall and they are required and impowered to meet on the First Friday in the Month of June in every Year (or oftener if they think fit) at the Court House in Whitehaven aforesaid, to examine and settle the said Accounts, and shall cause the same to be entered fairly in separate Books to be provided for that Purpose; which Books all Persons contributing to and paying Part of any Rate or Duty granted or imposed by this Act, shall have Liberty to inspect at the said Court-house in the Town of Whitehaven aforesaid, at all seasonable and convenient Hours, upon producing an Order under the Hand of any One or more of the Trustees, for the time being, for that Purpose.

And whereas the Trustees for repairing the Roads directed to be repaired by the said Act of the Thirteenth Year of the Reign of His late Majesty, have borrowed a considerable Sum of Money, and have proceeded in the Repairs thereof; and the Sum of Five hundred and seventy five Pounds, or thereabouts, remains due upon the Credit of the Tolls, which cannot be repaid, and the Roads sufficiently amended, during the subsisting Term: And whereas by an Act of the Twenty third Year of the Reign of His late Majesty King George the Second, certain Trustees are impowered to repair the Roads from Egremont to Dudden Bridge, Santon Bridge, and Salthouse, in the County of Cumberland, and to take and collect certain Tolls and Duties therein mentioned; and the Trustees have proceeded in the Execution of the Powers in the said Act granted, but found it impracticable effectually to execute the same; and Part of the said Roads leading from a certain Place called Calder Bridge to Egremont, is now very ruinous and sounderous, and, in the Winter-time, almost impracticable for Carriages to pass with Safety, and the same cannot be repaired by the ordinary Laws now in being, nor under the Powers of the said Act of the Twenty third Year of His said late Majesty; and if the Powers vested in the Trustees, in the said Act of the Twenty third Year of His late Majesty,

were

were repealed, ſo far as relates to the Road from Calder Bridge to Egremont, and the Truſtees for repairing the Roads leading to the Town of Whitehaven, were enabled to repair the ſame, it would be advantageous to the Publick: And whereas the Road leading out of the ſaid Road from Whitehaven to Egremont at Scragill, and from thence over the River Keekle, to a Place called Weddiker-rigg, is now in a ruinous Condition, and cannot be repaired by the ordinary Courſe of Law; and alſo the Roads which lead out of the ſaid Road from Whitehaven to Diſtington, near the preſent Turnpike-gate, to the South End of the Town of Parton, and from the North End of the ſaid Town of Parton, till it joins the preſent Turnpike Road at the Smith's Shop near Morreſby Hall, are alſo very ruinous and bad, and cannot be repaired by the Laws now in Force; and likewiſe the Road which leads out of the ſaid Road from Whitehaven, by Diſtington, to Bridgefoot, from and over Winſcales Moor, to a certain Place called Hunday Gate, leading unto the Town of Workington, in the ſaid County, is now in a very ruinous Condition, and cannot be repaired by the ordinary Courſe of Law; and the repairing thereof would be of Advantage to the Publick; be it therefore further enacted by the Authority aforeſaid, That the ſaid Act paſſed in the Thirteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for making more effectual Two Acts of Parliament, paſſed in the Seventh and Tenth Years of Her late Majeſty Queen *Ann*, for preſerving and enlarging the Harbour of *Whitehaven*, in the County of *Cumberland*; and for repairing and amending the High Roads leading to the ſaid Harbour and Town of *Whitehaven*, ſo far as relates to the repairing the ſaid Roads mentioned and deſcribed in the ſaid Act, ſhall be, and is hereby declared to be, continued, from and after the Expiration of the ſaid Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament; and that all the Powers, Clauſes, Penalties, Forfeitures, Matters, and Things whatſoever, in the ſaid Act inſerted, relating to the ſaid Roads (except ſo far as the ſame, or any of them, are by this preſent Act enlarged, altered, or otherwiſe explained) ſhall be, and they are hereby declared to be, continued for the ſaid further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament; and ſhall, during the ſaid Term, be levied, collected, executed, managed, and diſpoſed of, by the Truſtees nominated and appointed for the Roads mentioned

Road from *Whitehaven* to *Weddiker-rigg*, &c.

For extending the Act of 13 *Geo.* II. to other Roads.

tioned in the said Act of the Thirteenth Year of His late Majesty King George the Second, and their Successors, chosen and appointed for that Purpose, pursuant to the Directions therein, or to be chosen, nominated, and appointed for that Purpose as by the said Act is directed, and by such Persons, and by such Ways and Means, and under such Penalties and Provisoes, and with such Powers and Authorities, and for such Intents and Purposes, as in the said Act of the Thirteenth Year of his late Majesty's Reign is provided, and in as full, large, ample, and beneficial Manner, to all Intents and Purposes, as if the same were expressly repeated and re-enacted in the Body of this present Act.

Part of the Act of 23 *Geo.* II. repealed.

And be it further enacted by the Authority aforesaid, That so much of an Act passed in the Twenty third Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Roads leading from *Egremont* to *Duddon Bridge*, *Santon Bridge*, and *Salt-house*, in the County of *Cumberland*, as directs the repairing of the Road from Calder Bridge to Egremont, shall be, and is hereby declared to be, repealed.

Trustees in the Act of 23 *Geo.* II. made Trustees for those Roads;

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the Trustees appointed, or their Successors, chosen or appointed, or to be chosen and appointed, to put the said Act of the Thirteenth Year of the Reign of His late Majesty and this Act in Execution, with respect to the said Roads therein and herein mentioned, shall be, during the Continuance of this Act, and are hereby declared to be, Trustees for the surveying, ordering, widening, amending, and keeping in Repair, the said Road from Calder Bridge to Egremont, as fully and effectually as if the said Road from Calder Bridge to Egremont had been described and inserted in the said Act of the Thirteenth Year of the Reign of his said late Majesty; and that all and every the Powers, Clauses, Provisoes, Matters, and Things, Penalties and Forfeitures, by the said Act of the Thirteenth Year of the Reign of His said late Majesty, and by this present Act enacted, to be levied and executed, and therein or herein inserted and contained (except so far as the same, or any of them, are in and by this present Act enlarged, altered, or otherwise explained) shall be extended, and are hereby declared to be extended, to the said Road from Calder Bridge to Egremont, as fully and effectually as if the said Road from Calder Bridge to Egremont had been inserted in the said Act of the Thirteenth Year of the Reign of His late Majesty, intituled, An Act for

making

making more effectual Two Acts of Parliament, passed in the Seventh and Tenth Years of Her late Majesty Queen *Ann*, for preserving and enlarging the Harbour of *Whitehaven* in the County of *Cumberland*; and for repairing and amending the High Roads leading to the said Harbour and Town of *Whitehaven*.

and for the Roads herein after-mentioned.

And be it further enacted by the Authority aforesaid, That the Trustees nominated and appointed in the said Act of the Thirteenth Year of His late Majesty King George the Second, for the Purpose of repairing the Roads therein mentioned, and their Successors, chosen and appointed pursuant to the Directions therein, or to be chosen and appointed as by the said Act is directed, shall be, and are hereby declared to be, Trustees for the better surveying, ordering, widening, amending, and keeping in Repair, the several Roads herein after mentioned; that is to say, The Road leading out of the Road from Whitehaven to Egremont at Scragill, and from thence over the River Keekle to a Place called Weddiker-rigg; and also the Roads which lead out of the said Road from Whitehaven to Distington, near the present Turnpike-gate, to the South End of the Town of Parton, and from the North End of the said Town of Parton, till the Road joins the present Turnpike Road at the Smith's Shop near Morresby Hall; and likewise the Road which leads out of the said Road from Whitehaven by Distington to Bridgefoot, from and over Winscales Moor, to a certain Place called Hunday Gate, leading to the Town of Workington, all within the said County of Cumberland; and that the said Trustees, and their Successors, shall and may, and they are hereby authorized and impowered, to survey, amend, widen, and keep in Repair the said Roads, by such Ways and Means, and under such Regulations and Powers, as they are by the said Act of the Thirteenth Year of the Reign of His late Majesty, impowered to repair and amend any Road mentioned therein; and that all the Powers, Clauses, Provisoes, Matters, Things, Penalties, and Forfeitures, by the said Act enacted to be done, executed, or levied, shall be, and are hereby declared to be, extended to the said Roads leading out of the Road from Whitehaven to Egremont at Scragill, and from thence over the River Keekle to a Place called Weddiker-rigg; and also the Roads which lead out of the Road from Whitehaven to Distington, to and from the said Town of Parton as aforesaid; and likewise the Road which leads out of the said Road from Whitehaven by Distington to Bridgefoot, from and over Winscales Moor, to a certain Place called Hunday Gate, leading

leading unto the Town of Workington, in as full, large, and ample Manner, as if the same were repeated and re-enacted in the Body of this present Act.

Trustees by the Act of 13 *Geo.* II. impowered to widen Roads.

And whereas by the said Act of the Thirteenth Year of His late Majesty King George the Second, the Trustees for repairing the Roads therein named, or any Five or more of them, are among other Things impowered to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereunto, (not being a House, Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to a House) and to cut down or remove any Trees, Bushes, or Underwoods, growing in or upon the Roads, where such Roads are not Twenty Feet wide: And whereas by the said Act the Trustees are restrained from widening any Part of the said Roads beyond the Breadth of Twenty Feet: And whereas since the Use of Broad wheeled Carriages, which have been found of great Use and Benefit to the Roads and the Publick, Roads of the Breadth of Twenty Feet only are too narrow, and it is become not only inconvenient, but very dangerous and hazardous for One Carriage to pass another thereon with Safety; be it therefore further enacted and

Power to enlarge Roads beyond 20 Feet.

declared, That it shall and may be lawful for the Trustees for the time being, for repairing the several Roads herein mentioned, leading unto the said Town of Whitehaven, nominated in and by the said Act of the Thirteenth Year of His said late Majesty King George the Second, and continued and appointed in and by this Act, or any Nine or more of them, to widen all and every Part and Parts of the said Roads in the said in Part recited Act and this Act mentioned to be repaired, in such Manner as to them may seem requisite and necessary, and to sufficiently repair and amend the same, so as to make the said Roads of publick Utility, by opening, clearing, and laying into the same, any Grounds of any Person or Persons, Bodies Politick or Corporate, lying contiguous thereunto (not being a House, Garden, Orchard, Yard, Park, Paddock, Nursery, planted Walk, or Avenue) and to cut down or remove any Trees, Bushes, or Underwoods, growing in, upon, or near adjoining unto the said Roads herein directed to be repaired; and also to cause Ditches, Drains, and Trenches, to be made in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary for the better amending and keeping in Repair the said Roads herein directed to be repaired;

making

making ſuch reaſonable Satisfaction to the Owner or Occupier of ſuch Ground which ſhall be ſo laid into the ſaid Roads, or through which the ſame ſhall be carried, or any Drain or Drains ſhall be cut, for the Damages which ſuch Owner or Occupier ſhall or may thereby ſuſtain: And in caſe any Difference ſhall ariſe concerning ſuch Satisfaction ſo to be made, that the ſame ſhall be finally adjuſted and ſettled in ſuch Manner as in like Caſes is directed by the ſaid Act of the Thirteenth Year of his late Majeſty King George the Second.

Truſtees to borrow Money on the Tolls.

And foraſmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act continued will not be ſufficient for the ſpeedy amending of the Roads hereby directed to be repaired; be it further enacted by the Authority aforeſaid, That the Truſtees of the ſaid Roads, or any Nine or more of them, ſhall, and they are hereby impowered from time to time, by any Writing or Inſtrument under their Hands and Seals, without any Stamp to be impreſſed thereon, to aſſign over the Tolls or Duties to be raiſed on the ſaid Roads, or any Part thereof, ſubject nevertheleſs to the Payment of the Money already borrowed thereon, and now due therefrom (the Coſts and Charges of ſuch Aſſignment to be borne and paid out of ſuch Tolls and Duties) for the whole Time or Term for which the ſame are hereby made payable, or any Part of ſuch Time or Term, as a Security for any Sum or Sums of Money ſo to be borrowed by the Truſtees of the ſaid Roads for that Purpoſe, to ſuch Perſon or Perſons, or his, her, or their Truſtees, as ſhall advance and lend ſuch Money, and to ſecure the Repayment thereof by and out of the Monies ariſing or to be collected by the ſaid Tolls or Duties on the ſaid Roads, with ſuch Intereſt for the ſame, as the ſaid Truſtees, or any Nine or more of them, ſhall think fit and agree to give; which ſaid Money ſo borrowed ſhall (after paying a proportionable Part of the Expences of obtaining this preſent Act) be applied and diſpoſed of, as the ſaid Tolls and Duties ariſing on the ſaid Roads are to be applied and diſpoſed of by virtue hereof, and to no other Uſe or Purpoſe whatſoever; and no Preference ſhall be given to any Perſon or Perſons advancing any Part or Parts of the Sum ſo borrowed, in reſpect of the Priority of advancing his, her, or their Part or Parts thereof, but that all ſuch Lenders and Perſons to whom ſuch Aſſignment ſhall be made as aforeſaid, ſhall (ſo far as the ſaid groſs Sum ſhall extend) be, and are hereby declared to be, Creditors on the ſaid Tolls or Duties, in an equal Degree One with another; and that all and

every the ſoriginal Aſſignment and Aſſignments ſo to be made by the ſaid Truſtees, for ſecuring ſuch Sum or Sums of Money, ſhall be entered at Length in a Book to be kept for that Purpoſe by the ſaid Clerk or Clerks, Treaſurer or Treaſurers; which ſaid Book ſhall and may be peruſed at all ſeaſonable Times by any Perſon or Perſons whatſoever, without Fee or Reward; but no Money ſhall be borrowed by the ſaid Truſtees, upon the Credit of the ſaid Tolls ariſing on the ſaid Roads, after their Firſt Meeting, unleſs Twenty Days Notice be previouſly given thereof by Writing under the Hand of the Clerk to the ſaid Truſtees of the Roads, to be by Order of the ſaid Truſtees, or any Nine or more of them, affixed on all the Turnpikes erected by virtue of the ſaid former Acts or this Act.

Aſſignments may be tranſferred.

And be it further enacted, That all and every Perſon and Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made by the ſaid Truſtees of the ſaid Road, or any Nine or more of them, or who ſhall be intitled to the Money thereby ſecured, may, and are hereby impowered, from time to time, by Words of Aſſignment to be indorſed on his, her, or their Security or Securities, to aſſign or tranſfer ſuch Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Intereſt, to the Principal and Intereſt-money thereby ſecured, or any Part thereof, to any other Perſon or Perſons whomſoever: And in caſe any Security ſo aſſigned ſhall not exceed the Sum of One hundred Pounds, it ſhall and may be lawful to and for the reſpective Perſon or Perſons then intitled to ſuch Security or Aſſignment reſpectively, by an Indorſement of his, her, or their proper Names, without Witneſs, to tranſfer his, her, or their Property in ſuch Security, Aſſignment or Aſſignments, to any other Perſon or Perſons, without any Entry to be made with the Clerk or Treaſurer, and ſo toties quoties, as often as they ſhall think fit; and ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall make ſuch Aſſignment, to make void, releaſe, or diſcharge, the ſame, or any Monies thereon due, or any Part thereof, or do any Act to the Prejudice of his Aſſignee, or any ſubſequent Aſſignee.

Truſtees, with the Conſent of the Creditors, may leſſen the Tolls.

And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees for the ſaid Roads, or any Fifteen or more of them, and they

they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Time hereafter, as often and for such Times as they shall think proper, to lessen all or any of the Tolls and Duties by this Act made payable at any Turnpike or Toll-bar; and so again, as often and for such Time as the said Trustees shall find it necessary, to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls and Duties made payable by virtue of this Act.

Notice to be given of lessening the Tolls.

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last-mentioned by affixing such Notice upon every Turnpike to be erected by virtue of the said former Acts or this Act.

Qualifications of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of such Part of this Act as relates to the said Roads to be repaired and amended, who is not in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or is possessed of or intitled to a Personal Estate to the Amount of One thousand five hundred Pounds: And if any Person so made incapable shall presume to act, every such Person shall forfeit the Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or before the Judge or Judges of Assize for the said County of Cumberland; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act, with respect to the said Roads; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Roads.

Penalty on acting if not qualified.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said Roads, or any Five or more of them, shall and they are hereby required to take such Security from their Treasurer or Treasurers, as the said Trustees, or any Five or more of them, shall think fit.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this or the said former

Penalties and Forfeitures how to be recovered and applied.

former Acts, or any of them, imposed, the Manner of recovering and levying whereof is not otherwise directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, or of the Tackle, Apparel, or Furniture, of or belonging to any Ship or Vessel, where such Offence shall be committed, whether the same be fired to the said Ship or Vessel, or otherwise, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said County of Cumberland, which Warrants the said Justices are hereby impowered to grant, upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the Trustees for repairing the said Harbour, or for supplying the said Harbour and Town with Water and Lights, or for repairing the said Roads, as the Case shall respectively happen, and shall by them be respectively applied towards the Repairs of the said Harbour, or supplying the said Harbour and Town with Water and Lights, or the Amendment of the said Roads, if not otherwise directed to be applied by the said former Acts or this present Act.

Persons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any thing done in pursuance of the said former Acts or this present Act, or any of them, and for which no particular Method of Relief hath been already by the said former Acts or this Act appointed, it shall be lawful for him or her to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace for the said County of Cumberland, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties and Forfeitures aforesaid, or vacate and set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premisses, or give such other Relief to the Parties, as they shall think right and reasonable; but no Conviction shall be quashed for want of Form only.

Provided

Proceedings not to be quaſh'd for want of Form; or removable by *Certiorari*.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Proceeding to be had touching the Conviction of any Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form, or be removable by Certiorari, or any other Proceſs, into any of His Majeſty's Courts of Record at Weſtminſter, until ſuch Proceedings ſhall have been firſt removed to, and Judgement and Determination given and made thereupon by, ſuch Quarter Seſſions of the Peace; and that no Writ of Certiorari ſhall be iſſuable to remove the Record of any ſuch Conviction from the ſaid General Quarter Seſſions, or to remove any other Proceedings of the ſaid Quarter Seſſions, touching ſuch Conviction, into any of His Majeſty's Courts of Record at Weſtminſter, until Security be given to the Proſecutor, in the Sum of Two hundred Pounds, to proſecute and pay the Charges, to be aſcertained by the Court to which ſuch Proceedings ſhall be removed, in caſe ſuch Conviction ſhall be confirmed.

Diſtreſs not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer, on account of any Defect or want of Form in the Summons, Conviction, or Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover Special Damages, with Coſts, in an Action upon the Caſe.

nor the Party diſtraining to be deemed a Treſpaſſer *ab initio*.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given to the Perſon or Perſons againſt whom the ſame is to be brought, or after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Months next after the Fact committed, and ſuch Action or Suit ſhall be laid or brought in the ſaid County of Cumberland, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall

General Iſſue.

appear ſo to be done, or that ſuch Action or Suit ſhall be commenced after the Time limited for bringing the ſame, or ſhall be brought in any other County or Place, or in any other Manner than directed by this Act, that then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Treble Coſts.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Truſtee or Truſtees for putting this Act, or any Part thereof, in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or any of them, ſhall be charged or chargeable with any Stamp Duty whatſoever.

Publick Act.

And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken, to be a Publick Act; and be judicially taken Notice of as ſuch in all Courts, and by all Perſons whatſoever, without ſpecially pleading the ſame.

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FINIS.