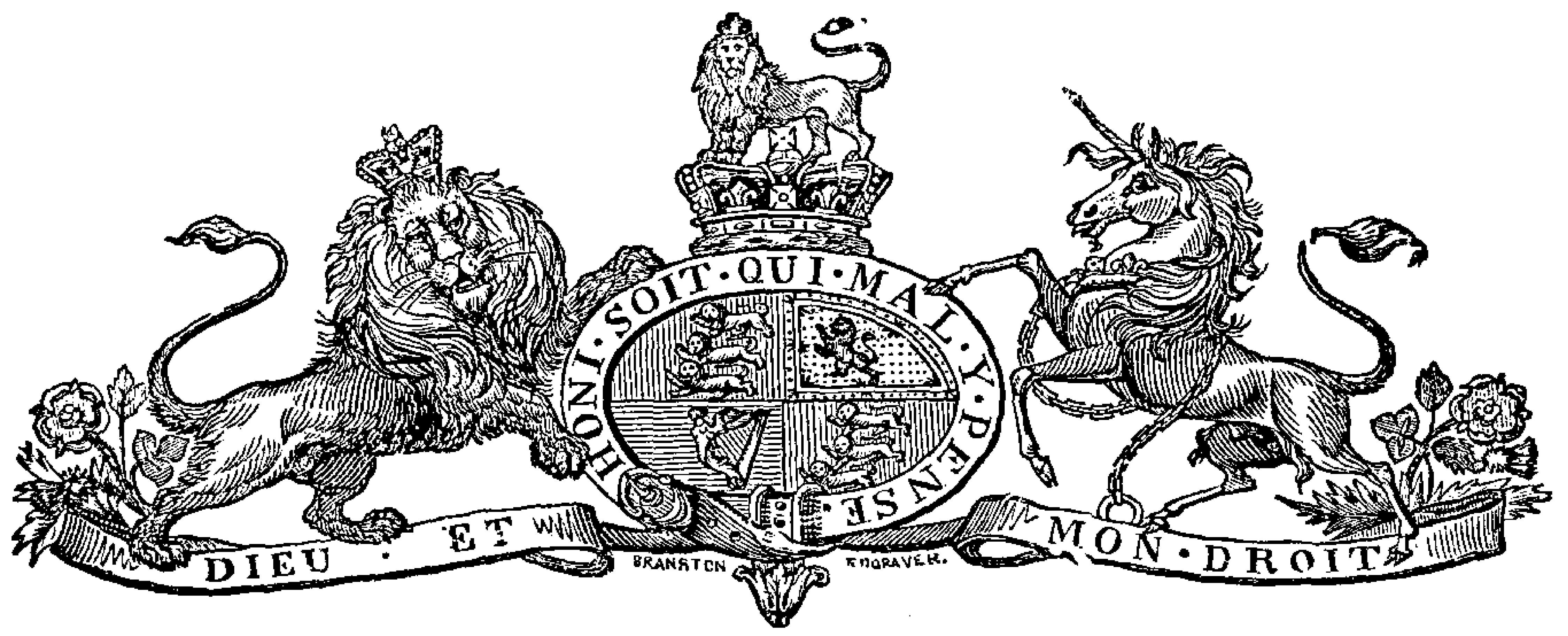


ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xliv.

An Act for regulating and preserving the Harbour of *Workington* in the County of *Cumberland*, and for other Purposes relating thereto.

[19th *May* 1840.]

WHEREAS the Harbour of *Workington* in the County of *Cumberland* is a Place of considerable Trade: And whereas *John Christian Curwen* Esquire, deceased, the late Lord of the Manor of *Workington* (in which the said Harbour is partly situate), and Owner of the Soil on the South Side of the said Harbour, did in his Lifetime lay out and expend a large Sum of Money in improving, repairing, and amending the said Harbour: And whereas *Henry Curwen* Esquire, claiming to be the present Lord of the said Manor of *Workington*, and Owner of the Soil on the South Side of the said Harbour, has, since the Decease of the said *John Christian Curwen*, laid out and expended a further Sum of Money in improving, repairing, and amending the said Harbour: And whereas, sometime previous to the Decease of the said *John Christian Curwen*, other Monies were lent and advanced by him to certain Trustees, or other Persons to whom the Management of the said Harbour was then delegated, by the joint Consent of the said *John Christian Curwen* and of the Ship Owners and Ship Masters of the

the Port, and which Monies were by the said Trustees or other Persons laid out in the Improvement and Repairs of the said Harbour, and a Balance or Sum of Money, Part thereof, still remains unpaid, and is now due and owing to the said *Henry Curwen*, as the Executor of the said *John Christian Curwen* deceased: And whereas the Right Honourable *William* Earl of *Lonsdale*, Knight of the Most Noble Order of the Garter, claiming to be the present Lord of the Manor of *Seaton* (in which the said Harbour is partly situate), and Owner of the Soil on the North Side of the said Harbour, and also the Owner of a certain Extra-parochial Close called the *Low Cloffocks* otherwise the *Lower Cloffocks*, partly adjoining to the said Harbour, has laid out and expended a large Sum of Money on the Improvement and Repairs of the North Side of the said Harbour, and of a certain Quay called the *Merchant's Quay*, belonging to the said Harbour, and a Balance or Sum of One thousand Pounds is due to the said Earl on the Account aforesaid, with Interest thereon from the First Day of *January* One thousand eight hundred and forty: And whereas the said *John Christian Curwen* in his Lifetime and divers other Persons subscribed and advanced Money to defray the Expence of building a Pier for the Improvement of the Entrance to the said Harbour, commonly called *John's Pier*, and of which Monies a Balance is still due and owing to the said *John Christian Curwen* and the several other Persons who subscribed and advanced the same, or to their personal Representatives: And whereas it has been ascertained that the Balance or Sum due and owing to the said *Henry Curwen* on the several Accounts herein-before mentioned, as well in his own Right as also as the Executor of the said *John Christian Curwen* deceased, amounts to the Sum of Five thousand three hundred and seventy-nine Pounds Eighteen Shillings and Three-pence, with Interest thereon from the First Day of *January* One thousand eight hundred and forty till Payment thereof shall be made, and that the Balance or Sum due and owing to the several other Persons who subscribed and advanced Money to defray the Expence of erecting the said Pier for the Improvement of the Entrance to the said Harbour amounts to the Sum of Eight hundred and six Pounds Eleven Shillings and Seven-pence, with Interest thereon from the said First Day of *January* One thousand eight hundred and forty till Payment thereof shall be made: And whereas, owing to the Want of sufficient Powers to enforce the regular Payment of Harbour Rates by the Shipping frequenting the said Port, the said Debts cannot be discharged, nor the Interest thereof be kept down, nor an adequate Fund be obtained for the due regulating and Preservation of the Harbour, and the repairing, lighting, and watching of the Piers, Quays, and other Works belonging thereto, by reason whereof the said Harbour has become greatly filled up with Mud and Clay, and the said Quays, Piers, and other Works have fallen into partial Decay, so much so as to render the same insufficient for the Reception and convenient lying and for the requisite Despatch in the lading and unlading of Vessels resorting to the Port; and it is expedient that Powers should be given by Parliament for the due and proper regulating, lighting, watching, repairing, and preserving of the said Harbour, and the present Works thereof, and for facilitating the Payment of the said Debts: May it therefore please Your Majesty that it may

be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lord of the Manor of *Workington* for the Time being, the Lord of the Manor of *Seaton* for the Time being, the Reverend *Henry Curwen* Clerk, *John Atkinson*, *Wilson Ashley*, *John Peile*, *Joseph Thompson* the elder, *Isaac Scott*, *Michael Falcon*, *Jacob Holliday*, *Thomas Osborne*, *Henry Grayson*, *Thomas Westray*, *John Moordaff*, and *William Bragg*, and the Survivors and Survivor of them, shall be the first Trustees for carrying into execution the several Purposes of this Act, and shall continue in Office until the first *Thursday* which shall fall on or after the Twenty-first Day of *November* next after the passing of this Act, or until other Trustees shall be appointed and elected in their Place in manner herein-after mentioned.

Trustees appointed.

II. And be it further enacted That on the first *Thursday* which shall fall on or after the Twenty-first Day of *November* next after the passing of this Act the several Trustees herein named (except the Lords of the Manors of *Workington* and *Seaton* for the Time being, who shall always be Trustees,) shall go out of Office and cease to be Trustees for the Purposes of this Act, and Three other Persons shall be named by the Lord of the Manor of *Workington* for the Time being, and Three other Persons shall be named by the Lord of the Manor of *Seaton* for the Time being, and Seven other Persons duly qualified as in this Act mentioned shall be elected by the Majority of the Inhabitants of the Town of *Workington*, (the Limits whereof are herein defined,) qualified to vote as herein-after mentioned, who shall be present at some Meeting to be held for that Purpose between the Hours of Nine of the Clock in the Forenoon and Five of the Clock in the Afternoon, in the Presence of the Clerk for the Time being of the said Trustees, and which said Clerk is hereby authorized and required to attend for the Purpose of taking such Votes, and to give Six Days public Notice of the Time and Place of holding the Meeting, to be Trustees for carrying into execution the Purposes of this Act; and the Trustees so appointed by the said Lords of the Manors of *Workington* and *Seaton* respectively shall continue in Office during the Pleasure of the Party by whom they are appointed, and the Trustees so selected by the said Inhabitants as last herein-before mentioned shall continue in Office for the Space of Three Years from the said first *Thursday* on or after the Twenty-first Day of *November* next after the passing of this Act, and on the first *Thursday* which shall fall on or after the Twenty-first Day of *November* in every succeeding Third Year the Trustees elected by the said Inhabitants who shall then be in Office shall go out of Office and cease to be Trustees, and their Places be supplied in like Manner.

Service of Trustees.

III. And be it further enacted, That Ten Days at least previous to the Expiration of every Third Year the Trustees who shall then be in Office shall fix the Time and Place for the Election of such of their Successors as are herein provided to be elected by the Inhabitants of the Town of *Workington*, and give public Notice thereof

Trustees to give Notice of going out of Office and of meeting to elect new Trustees.

thereof by causing Notice in Writing, signed by Three or more of such Trustees or by the Clerk of the said Trustees, to be affixed to the Door of every Church and Chapel within the Town of *Workington* aforesaid, and also in One or more conspicuous Situation or Situations within the said Town of *Workington*, stating the Time the said Trustees will go out of Office, and the Day, Hour, and Place of Meeting of the Inhabitants to be held for the Purpose of electing Trustees as herein directed.

Inhabitants to give Notice of Meeting if the Trustees neglect to do so.

IV. Provided always, and be it further enacted, That in case the said Trustees shall neglect or omit to fix the Time and Place for the Election of such of their Successors as are herein provided to be elected by the said Inhabitants, or to give public Notice thereof in the Manner herein directed, it shall be lawful for any Three or more of the Inhabitants of the said Town of *Workington*, qualified to vote as herein-after mentioned, to fix the Time and Place for such Election, and to give such public Notice thereof as is herein-before directed to be given by the said Trustees or their Clerk, Five Days at least previous to the Day of holding such Election; and the Proceedings to be had and taken at every Meeting so convened by the said Inhabitants, or at any Adjournment of such Meeting, shall be of the same Force, Validity, and Effect as if such Meeting had been fixed and Notice thereof given by the said Trustees.

Trustees elected by Inhabitants to continue in office until Successors are elected.

V. And be it further enacted, That if from any Cause whatsoever no Election of new Trustees by the said Inhabitants of the Town of *Workington*, qualified to vote as herein-after mentioned, shall have been made as herein-before directed, the Trustees then in Office and representing the said Inhabitants shall remain in Office until their Successors shall have been elected, or until they shall be otherwise lawfully removed.

Trustees going out of office re-eligible.

VI. Provided always, and be it further enacted, That every Trustee who shall go out of Office as herein-before mentioned shall be eligible to be immediately or at any future Period re-elected by the said Inhabitants a Trustee for the Purposes of this Act.

Qualification of Electors of Trustees.

VII. And be it further enacted, That no Person shall be entitled to vote at any Meeting of the Inhabitants of the said Town of *Workington* for the Election of Trustees for the Purposes of this Act, unless he shall be assessed to the Rates made for the Relief of the Poor of the Township of *Workington* (of which the said Town of *Workington* forms a Part) to the Amount of Five Pounds *per Annum* at the least, in respect of some Dwelling House, Shop, Warehouse, Counting-house, or other Building situate within the Limits of the said Town, and shall have resided within the said Town for the Space of Twelve Calendar Months at the least prior to the Day of Election, or be possessed in his own Right of One Fourth Part or Share of and in some Vessel (belonging to the said Harbour of *Workington*) of between Fifty and One hundred Tons Register at the least, or of One Eighth Part or Share of and in some Vessel (belonging to the said Harbour of *Workington*) of between One hundred

hundred and Two hundred Tons Register at the least, or of One Sixteenth Part or Share of and in some Vessel (belonging to the said Harbour of *Workington*) of Two hundred Tons Register at the least, and have been possessed of such Share and have resided within the said Town of *Workington* for the Space of Twelve Calendar Months at the least prior to the Day of such Election: Provided always, that the Dues authorized to be collected under the Authority of this Act shall have been paid on every Vessel in respect of which any Claim to vote at any such Election shall be made, and that such Vessel shall have been in the said Harbour of *Workington* within the Period of Twelve Calendar Months prior to the Day of such Meeting.

Qualification of Trustees.

VIII. And be it further enacted, That no Person in this Act named or hereafter to be elected (except the Lords of the Manors of *Workington* and *Seaton* for the Time being, and their Appointees,) shall be capable of being elected, or if elected be capable of acting as a Trustee for the Purposes of this Act, unless he shall be, either in his own Right or in Right of his Wife, in the actual Possession of or in the Receipt and Enjoyment of the Rents of Freehold or of Copyhold or Customary Lands, Tenements, or Hereditaments held for a Life or Lives, or of Leasehold Lands, Tenements, or Hereditaments held under a Demise of not less than Five hundred Years, of the clear yearly Value of Thirty Pounds at least above Reprizes, or be possessed of Personal Estate of the Value of Seven hundred and fifty Pounds at least, or unless he shall occupy some Dwelling House within the said Town of *Workington* which shall be assessed to the Rates made for the Relief of the Poor of the Township of *Workington* to the Amount of Fifteen Pounds *per Annum* at the least, or unless he shall occupy some Dwelling House, together with any Shop, Warehouse, Counting-house, or other Building within the said Town of *Workington* which shall be so assessed to the Amount of Twenty-five Pounds *per Annum* at the least, or unless he shall be possessed of One Fourth Part or Share of and in some Vessel (belonging to the said Harbour of *Workington*) of between One hundred and Two hundred Tons Register at the least, or of One Eighth Part or Share of and in some Vessel (belonging to the said Harbour of *Workington*) of Two hundred Tons Register at the least, and unless he shall reside within the Parish of *Workington*, nor (except in receiving or administering the Declaration herein-after mentioned) until he shall, at some Meeting of the Trustees to be held under the Authority of this Act, have made and subscribed a Declaration in the Form or to the Effect following; (that is to say,)

Form of Declaration of Qualification of Trustees.

'I *A. B.* do solemnly and sincerely declare, That I am in my own 'Right [*or* in Right of my Wife, *as the Case may be*,] in the 'actual Possession of [*or* in the Receipt and Enjoyment of] the 'Rents and Profits of Freehold [*or* of Copyhold or Customary] 'Lands, Tenements, or Hereditaments held for a Life or Lives, [*or* 'of Leasehold Lands, Tenements, or Hereditaments held under a 'Demise of not less than Five hundred Years, of the clear yearly 'Value of Thirty Pounds above Reprizes,] [*or* am possessed of Per-'sonal Estate of the Value of Seven hundred and fifty Pounds,] [*or*

'that I occupy a Dwelling House within the Town of *Workington* assessed to the Rates made for the Relief of the Poor of the Township of *Workington* to the Amount of Fifteen Pounds *per Annum* at the least,] [*or* that I occupy a Dwelling House, together with a Shop, Warehouse, Counting-house, or other Building, within the Town of *Workington*, so assessed to the Amount of Twenty-five Pounds *per Annum* at the least,] [*or* that I am possessed of One Fourth Part or Share of or in some Vessel belonging to the Harbour of *Workington* of between One hundred and Two hundred Tons Register,] [*or* of One Eighth Part or Share of or in some Vessel (belonging to the said Harbour of *Workington*) of Two hundred Tons Register at the least,] and that I do now reside within the Parish of *Workington*; and I make this solemn Declaration conscientiously believing the same to be true.'

Declaration of Office to be made by all the Trustees.

IX. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in receiving or administering the Declaration herein-before and also the Declaration herein-after mentioned, and which respective Declarations may be administered by any of the said Trustees,) until he shall at some Meeting of Trustees to be held under the Authority of this Act have made and subscribed a Declaration in the Form or to the Effect following; (that is to say,)

'I *A. B.* do solemnly and sincerely declare, That I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Trustee by virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act.*]'

Penalty on Persons making a false Declaration.

X. And be it further enacted, That any Person who shall wilfully and corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Certain Persons disqualified to act as Trustees.

XI. And be it further enacted, That no Person shall be capable of being elected or appointed or of acting as a Trustee for the Purposes of this Act who shall be a Licensed Victualler, nor shall any Person be capable of acting as such Trustee during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act: Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Trustee under this Act.

Penalty on Trustees acting not being qualified.

XII. And be it further enacted, That if any Person elected by the Inhabitants of the said Town of *Workington* to be a Trustee in the Execution of this Act shall act without being duly qualified as aforesaid, or if any Person elected by the said Inhabitants or appointed by the Lords for the Time being of the said Manors of *Workington* and *Seaton*, or either of them, shall act as a Trustee in the Execution of this Act, being disqualified by any of the Causes in this Act mentioned, he shall for every such Offence forfeit and pay the Sum

Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case, and every Person so sued shall prove that he was qualified, or (as the Case may be) that he was not disqualified, at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Trustee without being qualified, or being disqualified as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified or had not been disqualified as herein-before mentioned.

Election of Trustees on Vacancies.

XIII. And be it further enacted, That whenever any Trustee to be elected by the Inhabitants of the said Town of *Workington* under or by virtue of this Act shall die, resign, or refuse to act, or by Bankruptcy, Insolvency, or otherwise shall become incapable of acting in the Execution of this Act, it shall be lawful for the surviving or continuing Trustees or Trustee elected by the Inhabitants of the said Town of *Workington*, and he and they is and are hereby respectively required, within Six Calendar Months after the Decease of any such Trustee, or Notice of the Resignation or Refusal, or Incapacity of any such Trustee, to elect some Person to be a Trustee in the Room of every Trustee so dying, resigning, or refusing to act, or becoming incapable of acting as aforesaid; and every Person who shall be so elected a Trustee to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to have continued had he lived and remained in Office.

Meetings and Proceedings of Trustees.

XIV. And be it further enacted, That the Trustees for executing this Act, or any Five or more of them, shall assemble and hold their First General Meeting at the Harbour House in the Town of *Workington*, or at some other convenient Place within the said Town of *Workington*, on the Second *Thursday* next after the passing of this Act, or on some subsequent *Thursday*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Trustees shall be held on the Second *Thursday* in every Calendar Month at the Place and between the Hours aforesaid, unless some other Place within the said Town of *Workington*, or some other Day or Hour, shall from Time to Time be appointed by the said Trustees; and the Trustees present at such first or any subsequent Meeting may from Time to Time adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Five or more Trustees then and there present within One Hour after the Time appointed for such Meeting, then any Three of the said Trustees assembled at any such intended Meeting may, if they shall think proper, adjourn such Meeting from Time to Time to the same or any other Place within the said Town; and no Act of the said Trustees, except in Cases where by this Act it may be otherwise directed, shall be valid unless

unless made or done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the Majority of them present at any Meeting to be held as aforesaid, the Number of such Trustees present at any such Meeting not being less than Five; and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and the said Trustees shall defray their own Expences at every such Meeting (except for the Use of the Room where such Meeting shall be held): Provided nevertheless, that it shall be lawful for the said Trustees and they are hereby authorized to hold any Special Meeting, so that such Meeting shall be required by Three or more of the said Trustees, and Notice thereof in Writing be given to or left with the Clerk to the said Trustees, who shall thereupon give Notice of such Special Meeting by sending or addressing to each of the Trustees a Letter by Post or otherwise at least Five Days previously, specifying the Place, Day, and Hour fixed for the Meeting and the special Purpose thereof.

As to revoking of Orders, &c.

XV. And be it further enacted, That no Order, Rule, Regulation, Act, or Proceeding made or done by the said Trustees shall be revoked, altered, or suspended unless at some subsequent Special Meeting to be required as aforesaid, and of which Five Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such Meeting.

Proceedings to be entered in a Book.

XVI. And be it further enacted, That the Orders and Proceedings of all Meetings of the said Trustees shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Trustees.

Treasurer to cause Accounts to be kept.

XVII. And be it further enacted, That the said Trustees shall cause Books to be kept by some Book-keeper to be appointed for that Purpose, who shall enter or cause to be entered in the said Books distinct Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Books shall at all reasonable Times be open to the Inspection of the said Trustees, and of the Creditors on the Tonnage Rates or Duties, and other Duties connected with the said Harbour, without Fee or Reward; and the said Trustees and Creditors may take Copies of or Extracts from the said Books without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Trustees and Creditors, or any of them, to inspect such Books, or to take such Copies or Extracts as aforesaid, such

Book-keeper shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Trustees to appoint Officers, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time at any of their Meetings, to elect a Harbour Master, Treasurer, and Clerk, and also all such other Officers as they shall think proper to transact the Business of the said Trustees; and it shall also be lawful for the said Trustees, at any subsequent Meeting, from Time to Time to remove and displace any of the before-mentioned Officers, and elect in manner aforesaid some other Person to act in the Place of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Trustees to allow such Salaries or other Emoluments to the said Officers respectively as they shall from Time to Time think proper: Provided always, that the said Trustees shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Trustees, and from every Collector, Receiver, or Officer of the said Trustees who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Trustees empowered to appoint temporary Officers.

XIX. And be it further enacted, That in case any Harbour Master, Treasurer, or Clerk of the said Trustees shall die, or be removed from or shall quit the Service of the said Trustees, it shall be lawful for the said Trustees, or any Three of them, although not assembled at a Meeting to be held pursuant to this Act, to appoint some other Person to execute such Office in the Place of the Person who shall so die, or be removed from, or quit the Service of the said Trustees, until the next monthly Meeting of the said Trustees, when the Appointment of such Person to such Office shall either be confirmed, or such other Person be appointed to succeed to such Office as such Meeting shall think proper.

No Person to hold the Offices of Clerk and Treasurer at the same Time.

XX. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Trustees for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate

for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Officers to account.

XXI. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Trustees, make out and deliver to the said Trustees, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such Account shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with the Vouchers and Receipts for such Payments, and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Trustees, or to such Persons as they respectively shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Persons, as they respectively shall appoint, within Three Days after being thereunto required by the said Trustees, or by such other Persons, as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or by any other Person on their Behalf, to any Justice of the Peace for the County of *Cumberland*, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several

Proceedings in case of Default.

Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction for the said County of *Cumberland*, there to remain, without Bail or Mainprize, until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Trustees for such Money and Charges, and have paid the Composition Money to the said Trustees, (and which Composition the said Trustees are hereby empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Trustees may sue and be sued in the Name of their Clerk or of a Trustee.

XXII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or of any of the said Trustees, and no Action or Proceeding which may be brought or instituted by or against the said Trustees, by virtue of or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death of such Trustee, or by any Act or Default of such Clerk or Trustee done or suffered without the Consent or Direction of the said Trustees, but such Clerk or Trustee shall be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of Actions prosecuted between the said Trustees and their Clerk for the Time being: Provided always, that in all Cases in which the Clerk for the Time being, or any Trustee as aforesaid, shall be the Plaintiff or Defendant on the Record in any Action or Proceeding, in which, in effect, the Trustees for executing this Act shall be suing or be sued in the Name of such Clerk or Trustee as aforesaid, such Clerk or Trustee as aforesaid may and shall, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding, either for or against the said Trustees; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding shall and may be made by such Clerk or Trustee (as the Case may be) notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every Clerk or Trustee as aforesaid in whose Name any Action or Proceeding shall be instituted or defended as herein-before mentioned shall always be reimbursed, out of the Money to arise by virtue of this Act, all such Costs and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or been

instituted

instituted or defended without the Order or Direction of the said Trustees.

Accounts to be annually audited at the Meeting in the Month of November in every Year.

XXIII. And be it further enacted, That the Accounts of all Monies received or disbursed in pursuance of this Act from the Commencement thereof, or, as the Case may be, from the last annual Settlement thereof, shall be made up to the First Day of *November* in each Year, and shall be produced and stated at the regular Monthly Meeting of the said Trustees which shall take place thereafter in the same Month, or at some Adjournment thereof, and shall be examined, audited, and settled by them, and in case the same shall be found just and true shall and may be allowed by them, and certified accordingly, under the Hand of the Chairman of such Meeting, and at which Meeting all Persons interested in such Accounts, and all Creditors on the Rates, Duties, or Assessments by this Act authorized, shall be at liberty to attend; and the said Trustees shall at the Settlement of such Account cause a full and true Statement to be made and drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and paid under and by virtue of this Act, during the preceding Year, and of all Debts then due and owing on account thereof; and such Statement shall be printed, and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, shall, upon Application to the Clerk to the said Trustees, be entitled to a printed Copy of such Statement, on paying the Sum of One Shilling for the same: Provided always, that Ten Days Notice of such Meeting for the Purpose of passing such Accounts shall be given by affixing the same in some convenient Place within the said Town.

Trustees Accounts to be audited.

XXIV. And be it further enacted, That in the Month of *November* in the Year of our Lord One thousand eight hundred and forty, and in the Month of *November* in each succeeding Year, it shall be lawful for the Inhabitants of the said Town of *Workington*, being entitled to vote at the Elections of Trustees as herein-before mentioned, to nominate Three fit and proper Persons to be Auditors of the Accounts of the said Trustees, who shall make and sign a solemn Declaration of the like Purport and Effect to that hereby required to be taken by the Trustees before One of Her Majesty's Justices of the Peace for the County of *Cumberland* (which Declaration any such Justice is hereby authorized to administer), but no Person so to be nominated shall be a Trustee in the Execution of this Act, neither shall any Person so to be nominated be interested, either directly or indirectly, in any Contract, Office, Business, or Employ, or in providing or supplying any Articles or Materials under the Provisions of this Act; and the Auditors so to be nominated shall meet on the First *Thursday* in the Month of *December* in the Year One thousand eight hundred and forty, and proceed to audit the Accounts of the said Trustees (in the Presence of their Clerk, in case he should desire to be present,) from the Time they shall have begun to act as Trustees up to the First Day of *November* next preceding the Meeting of the Auditors, and on the First *Thursday* in the Month of *December*

cember in every subsequent Year the Auditors to be nominated in the Month of *November* then next preceding shall meet and proceed in the like Manner and in the like Presence to audit the Accounts of the said Trustees for the Year ending on the First Day of *November* then last past, and the said Trustees are hereby required, by their Clerk, to produce and lay before the said Auditors at every such Meeting all Books, Papers, and Writings in their Custody or Power relating to the Execution of this Act, and a true and just Statement or Account in Writing, accompanied with proper Vouchers, of all Sums of Money which shall have come to the Hands of the said Trustees or of their Treasurer by virtue of this Act, and also of all Monies paid, laid out, or expended by them during the said Period, and in and about the obtaining and carrying the same into execution, and other Expences incident thereto; and in case the said Auditors shall think there is just Cause to disapprove of any Parts of the Accounts so to be presented, it shall be lawful for the said Auditors, or the major Part of them, to appeal against any such Parts of the said Accounts as shall be so disapproved to such Person or Persons within the Time and subject to the Regulations and Provisions herein-after mentioned in respect of Appeals to be made in pursuance of this Act, and in case no such Appeal be made as aforesaid the same Accounts shall be final and conclusive on all Persons whomsoever.

Annual Account of Receipts, &c., to be transmitted to the Clerk of the Peace.

XXV. And be it further enacted, That the said Trustees shall and they are hereby required to transmit free of Expence, on or before the First Day of *January* in each Year, to the Clerk of the Peace for the said County of *Cumberland*, a Copy of their Account in Abstract, showing the total Receipts and Expenditure of all Funds levied under the Provisions of this Act for the past Year, under the several and distinct Heads of Receipts and Expenditure, together with a Statement of the Balance of the said Account, duly audited and certified by the Trustees, or by the Auditors of the said Accounts; and in case they shall refuse or neglect to transmit the same as aforesaid they shall forfeit and pay the Sum of Five Pounds for each Offence; which Copies of their said Account, when so transmitted to the said Clerk of the Peace, shall be open to the Inspection of any Persons interested therein, upon Payment of the Sum of Two Shillings and Sixpence, upon Application at the Office of the said Clerk of the Peace at any reasonable Hour of the Day.

Tonnage Rate on Vessels using the Harbour.

XXVI. And be it further enacted, That from and after the passing of this Act there shall be paid and payable to the said Trustees, and to their Collector or Collectors, Deputy or Deputies, for every Ship or Vessel coming into or using the said Harbour of *Workington*, (except Vessels entering the same for Safety, only and departing again without taking in any fresh Loading there,) by the Master or Commander or Owner or Owners of every such Ship or Vessel, according to the Tonnage Burden thereof, (the Amount of such Burden to be ascertained according to the Rules and Directions contained in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden* 5 & 6 W. 4. c. 56.

Burden of the Merchant Shipping of the United Kingdom, the several Rates or Duties of Tonnage herein-after particularly specified; that is to say,

Upon every new Vessel launched into the said Harbour, the Sum of Seven-pence *per* Ton:

Upon every Vessel entering the said Harbour inwards from the Ports or Places herein-after mentioned or described; (that is to say,)

From any Port of *Great Britain*, *Ireland*, and the *Isle of Man*, for each Voyage, the Sum of Seven-pence *per* Ton:

From any other Port of *Europe*, the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, the *Faro Isles*, and *Iceland*, for each Voyage, the Sum of One Shilling and One Penny *per* Ton:

From any Port in *Asia*, *Africa*, or *America* to the Northward of *Rio de la Plata* inclusive, and to the Northward of the *Cape of Good Hope*, the Islands of *St. Helena*, *Ascension*, *Cape de Verd Islands*, *Canaries*, *Western Islands*, *Madeira*, *Azores*, *Newfoundland*, *Greenland*, and *Davis's Straits*, for each Voyage, the Sum of One Shilling and Seven-pence *per* Ton:

From any Part of *South America* to the Southward of *Rio de la* in *Plata*, the *Pacific Ocean*, in *Africa*, and *Asia* to the Eastward of the *Cape of Good Hope*, or from any other Part of the World not herein-before specified, for each Voyage, the Sum of Two Shillings and One Penny *per* Ton.

And all such Rates or Duties shall be paid over and above and in addition to all other Rates or Duties imposed by this Act, and no Vessel shall be cleared out or depart the said Harbour before all such Rates and Duties shall have been paid.

Vessels not engaged in Trade exempt from Duty.

XXVII. Provided always, and be it further enacted, That no Rate or Duty shall be chargeable or paid for or in respect of any Pilot Boat or of any Vessel not engaged in Trade or for Profit.

Nothing in the Act to extend to Vessels in Her Majesty's Service.

XXVIII. Provided also, and be it further enacted, That nothing in this Act shall extend to any of Her Majesty's Vessels of War or any Vessel employed in or upon Her Majesty's Service for the Conveyance of Officers or Soldiers, or of Horses, Arms, Ammunition, or Baggage to such Officers or Soldiers belonging, or of any Ordnance, Barrack, or Commissiarat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of Her Majesty's Postmaster General, or to any Yacht, Barge, or Boat of or in the Employ of the Master, Wardens, and Assistants of the Corporation of *Trinity House* of *Deptford Strond* whilst the same shall be in the actual *bond fide* Service of the said Master, Wardens, and Assistants.

Double Duties to be paid in respect of Foreign Vessels.

XXIX. And be it further enacted, That double the Rates or Duties by this Act granted shall be paid in respect of every Foreign Vessel; and every Vessel shall be deemed or taken to be a Foreign Vessel within the Meaning of this Act which shall not be entitled to the Privileges of a *British*-built Ship, by virtue of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King

William the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation.* 3 & 4 W. 4. c. 54.

Power to Her Majesty to reduce Dues on Foreign Vessels.

XXX. Provided always, and be it further enacted, That it shall be lawful for Her Majesty in and by an Order in Council, or to and for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, by any Order in Writing, from Time to Time to reduce the Rates or Duties hereby made payable on all or on such or on so many of the Foreign Vessels as She or they shall deem expedient, to the same and the like Rates or Duties as are herein and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of *British* Vessels.

Additional Duties on Vessels remaining in the Harbour.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees to demand and recover from the Master of every Vessel entering into the said Harbour, and not again departing therefrom upon another Voyage for a Period of Six Calendar Months, an additional Duty of Three-pence *per* Ton, provided such Vessel shall clear out in Ballast, and shall not take in a Cargo of Coals or other Goods.

Lights not to be exhibited or altered without the Sanction of the Trinity House of Deptford Strond.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Trustees to alter any Lights now being upon the Pier Heads, or to exhibit or alter any Light hereafter to be placed upon the Pier Heads or elsewhere, for directing the Course of Vessels into the said Harbour, without having from Time to Time first obtained the Sanction in Writing of the Corporation of *Trinity House* of *Deptford Strond*, as to the Description and Power of any such Light, and the Mode of exhibiting the same.

No other Rates to be collected except those which are authorized by this Act.

XXXIII. And be it further enacted, That from and after the passing of this Act no Tonnage Dues, Light Money, or other Rates, Dues, or Duties (except the Anchorage Dues herein-after mentioned) shall be collected by or be paid or payable to any Person or Persons whomsoever, by the Masters or Owners of Ships or Vessels entering into or using the said Harbour, for the Use thereof, or of any of the Piers, Wharfs, or other Erections or Buildings belonging thereto, or of the Ways or Roads leading to the same, except the Rates or Dues which by this Act the said Trustees are authorized from Time to Time to demand, receive, and recover from the Masters or Owners of such Ships or Vessels respectively.

Anchorage Duty to be paid as usual before the passing of this Act.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent or hinder the Duty known by the Name of Anchorage within the said Harbour from being paid or payable by the Master or Person having the Charge of every such Vessel, to the said *Henry Curwen* and *William* Earl of *Lonsdale*, or to the Lords for the Time being of the respective Manors of *Workington* and *Seaton*, or their Assigns, as the same hath been paid before the passing of this Act.

Trustees to collect AnchorageDues.

XXXV. And be it further enacted, That it shall be lawful for and also incumbent upon the said Trustees, and their Receiver and Collector

lector for the Time being of the several Dues and Duties granted by this Act, to collect, get in, receive, and recover, by all such lawful Ways and Means as are herein-after provided, not only the said Dues and Duties granted by this Act, but also the said Anchorage Dues, due and payable to the said *Henry Curwen* and *William* Earl of *Lonsdale* as aforesaid, of and from every Ship and Vessel entering the said Harbour, and once or oftener in every Year to account for and pay over the same Anchorage Dues to the said *Henry Curwen* and *William* Earl of *Lonsdale*, deducting thereout in the first instance a Percentage of Twelve-pence in the Pound, upon and for all such Anchorage Dues as may be so collected, as a Compensation for the Trouble in collecting the same, and in keeping a proper Account thereof; and that they the said Trustees, and their Receiver or Collector and Treasurer, shall be accountable to the said *Henry Curwen* and *William* Earl of *Lonsdale* respectively for the Anchorage Dues so collected and received, and for the due and proper collecting and receiving thereof; and that it shall be lawful for the said *Henry Curwen* and *William* Earl of *Lonsdale* respectively, and their respective Agents and Stewards, at all Times hereafter, whenever they or either of them may think fit and proper, and without Fee or Reward, to examine the Books and Accounts of the Receiver or Collector of the said Dues and Duties, in order to ascertain that all the said Anchorage Dues have been duly received and accounted for.

Duties may be varied.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, with the Consent of such Person or Persons who shall have advanced Money on the Credit of the Rates or Duties by this Act granted, and which shall then remain unpaid, from Time to Time to reduce all or any of the said Rates or Duties by this Act granted (except the said Anchorage Duties), and again and as often as they shall think proper, either with or without such Consent as aforesaid, to raise the same to any Sum or Sums of Money not exceeding the respective Rates or Duties by this Act granted, and such advanced or lowered Rates and Duties shall and lawfully may be collected, recovered, and applied in the same Manner as the Rates and Duties herein mentioned are directed to be collected, recovered, and applied.

Rates to be charged equally.

XXXVII. Provided always, and be it further enacted, That the Rates and Duties to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate in respect of all Ships, Boats, Lighters, Barges, and other Vessels using the said Harbour or Pier, or Works aforesaid, and no Reduction, Exemption, or Advance in the said Rates and Duties shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, but every such Reduction, Exemption, or Advance of Rates and Duties shall extend to all Persons using the said Harbour or Pier, any thing to the contrary thereof in anywise notwithstanding.

Masters of Vessels to produce Registers.

XXXVIII. And be it further enacted, That the Master of every Vessel liable to the Payment of any of the Rates or Duties by this Act granted shall, whenever required by the Receiver or Collector of

of such Rates or Duties, produce and show to such Receiver or Collector the Register of such Vessel, and other Documents relating to the Appointment of such Master or to the Ownership of such Vessel, and in case such Master shall upon such Requisition refuse or neglect to produce or show to such Receiver or Collector such Register and other Documents as aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Refusal or Neglect.

&c. to the Collector when required.

XXXIX. And be it further enacted, That the Master of every Vessel which shall arrive in the said Harbour of *Workington*, and be liable to the Payment of any of the Rates or Duties by this Act granted, shall make his Report of such Vessel, and from whence she came, to the Harbour Master for the Time being of the said Harbour, or to such other Person as the said Trustees shall appoint for that Purpose, within Twelve Hours next after her Arrival within the said Harbour; and in case any such Master shall refuse or neglect to make such Report within the Time and in the Manner herein-before directed, or shall wilfully give a false Statement, or do any other Act whereby the Payment of the said Rates or Duties shall be avoided, he shall for such Neglect or Refusal or false Statement forfeit and pay any Sum not exceeding Ten Pounds over and above the Amount of the Rates or Duties payable for or in respect of such Vessel.

Ships to be reported on arriving in the Harbour.

XL. And be it further enacted, That it shall be lawful for the Collector or other proper Person of Her Majesty's Customs within the said Harbour, with the Permission of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or to give or make any Cocket or other Discharge or Clearance, or to take any Report inwards or outwards for any Vessel subject to the Payment of any of the Rates or Duties by this Act granted, until such Rates or Duties shall have been paid to the Collector or other Person appointed by the said Trustees to receive the same, and until a Receipt, under the Hand of such Collector or other Person, shall have been produced to the Collector or other proper Officer of Her Majesty's Customs.

Officers of Customs may refuse to give a Cocket for Clearance until the Harbour Dues are paid.

XLI. And be it further enacted, That if the Master of any such Vessel shall depart from the said Harbour of *Workington* without having first paid the Rates and Duties payable in respect of such Vessel, or shall elude the Payment thereof by any Means whatsoever, every such Master shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds over and above the Amount of the Rates or Duties which shall be payable in respect of such Vessel.

Penalty on Persons eluding Payment of Duties.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, or any Two of them, by Writing under their Hands, whenever they shall see Occasion, to summon before a Board of such Trustees, at any Time or Place within the said Town of *Workington*, any Person being the Master of any Vessel liable to the Payment of any of the Rates or Duties by this Act granted, and to examine him of and concerning such Vessel, and from whence she came, or otherwise concerning the Execution of this Act; and in case any Person so summoned before the said Trustees shall not

Trustees may examine Persons liable to the Rates.

appear at the Time and Place in such Summons mentioned, or appearing shall refuse to give such Answer, and discover what he knows or believes concerning the Matters examined or inquired into, he shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to be recovered by Action of Debt in any Court of Record at *Westminster*, or by Conviction in a summary Way before a Justice of the Peace.

Receiver may enter Ships and take an Account of the Rates, and distrain for Nonpayment.

XLIII. And be it further enacted, That it shall be lawful for the Receiver or Collector of the Rates or Duties by this Act granted and of the said Anchorage Dues to enter, either alone or with any other Person for his Assistance, into or on board any Vessel within the said Harbour, and to demand, take account of, and inspect what Rates, Duties, and Anchorage Dues are payable by virtue of this Act in respect of the Tonnage of any such Vessel, and to demand, collect, and receive such Rates, Duties, and Anchorage Dues; and in case any of the Rates, Duties, or Anchorage Dues by this Act authorized to be demanded shall not be paid by the Master of such Vessel, upon Demand thereof made by the said Receiver or Collector, it shall be lawful for such Receiver or Collector to seize and distrain such Vessel, or any Goods or other Articles on board thereof, and any other Goods or Articles belonging to the Owner, Merchant, or Consignee of the Vessel in respect of which such Rates, Duties, or Anchorage Dues shall be payable, which shall then or at any Time afterwards come to or be found within the Limits of the said Harbour, or which shall come to or be found on any Wharf, Quay, or other Work belonging to or adjoining the same, and also any of the Guns, Tackle, Furniture, or Apparel of or belonging to any such Vessel; and in case of Neglect in the Payment of the Rates, Duties, or Anchorage Dues for which such Distress shall have been taken as aforesaid for the Space of Five Days next after such Distress, it shall be lawful for the said Receiver or Collector to sell the said Vessel, Goods, and Articles, Guns, Tackle, and Furniture so distrained, or so much thereof as he shall think necessary, and therewith to satisfy himself, as well for the said Rates, Duties, and Anchorage Dues, as for his reasonable Charges in taking, keeping, and selling such Distress, rendering the Overplus (if any), on Demand, to the Owner of the same or to his Agent; and if any Master or other Person shall prevent any Receiver or Collector or other Person employed by the said Trustees from entering upon any Vessel, or from taking an Account of the Rates, Duties, and Anchorage Dues which shall be payable under the Authority of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds over and above the Amount of the said Rates, Duties, and Anchorage Dues.

Master, &c., to pay Rates before Departure of Vessel.

XLIV. And be it further enacted, That if any Vessel entering into the said Harbour shall attempt to depart therefrom without having first paid the Duties to which such Vessel shall be liable by virtue of this Act, and also the said Anchorage Dues, it shall be lawful for the Receiver or Collector or other Person appointed by the said Trustees to require Payment thereof respectively from the Master of such Vessel, and in default of Payment of the same, or either

either or any of them, it shall be lawful for such Receiver or Collector or other Person, and all others whom he or they may call to his or their Assistance, to detain and prevent the said Vessel from proceeding out of the said Harbour, with the same Powers of Entry, Distress, and Sale, and the same Penalty, as is herein-before mentioned in other Cases of Nonpayment of the Rates or Duties by this Act granted or authorized; and any Pilot or Salvageman piloting or assisting any Vessel out of the said Harbour, after being desired to desist therefrom by the Receiver or Collector or other Person employed by the said Trustees, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Owners or Masters to be liable for Damage done to Piers, &c., by any of the Crew.

XLV. And be it further enacted, That the Master of every Vessel using the said Harbour shall be and is hereby declared answerable for any Trespass, Damage, or Mischief done by such Vessel, or by the Crew or Boatmen, or by any Person belonging to or employed in or about the same respectively, to any of the Piers, Quays, Wharfs, Jetties, Docks, or other Works by this Act vested in the said Trustees, or for any Trespass done to the Owner or Occupier of any Lands or Grounds adjoining to such Harbour; and such Master shall for every such Damage, upon Conviction thereof before some Justice of the Peace acting for the County or Place wherein such Offence shall be committed, either by Confession of the Party offending, or upon the Oath or Affirmation of some credible Witness, pay the Person injured the Damages, to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and if the Damages shall exceed the Sum of Twenty Pounds then the Master of such Vessel may be sued for the same in any of Her Majesty's Courts of Record at *Westminster:* Provided always, that if the Master of any Vessel shall make any Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his Servant, then any such Servant shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Master, and in case of Nonpayment thereof, on Demand, the same shall be recovered from the Servant in like Manner as such Satisfaction for Damages may by virtue of this Act be recovered from the Master.

Servants to be liable to repay to their Masters any Expences for Damages.

Harbour Master empowered to regulate and direct the placing and mooring of Vessels in the Harbour.

XLVI. And be it further enacted, That it shall be lawful for any Person appointed in pursuance of this Act to act as Harbour Master within the said Harbour of *Workington* to direct any Person having the Command of any Vessel entering into or being within the said Harbour to moor, anchor, and place the same in such Situation within the said Harbour, or within that Part of the South Gut which is without the Limits of the said Harbour as herein defined, as the said Harbour Master shall direct; and in case the Master of such Vessel shall refuse or neglect to remove the same as soon as may be after being required, and to moor, anchor, and place the same as the said Harbour Master shall direct, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and it shall be lawful for the said Harbour Master and such other Persons as he shall call to his Assistance to remove or cause to be removed the said Vessel in such Manner as he shall deem necessary; and such Master shall pay all the Charges and Expences attending the removing

ing of such Vessel after such Direction, Refusal, or Neglect as aforesaid, such Charges and Expences to be recovered in manner herein directed with respect to the Recovery of Penalties and Forfeitures; and if any Person shall prevent or impede the Removal of any such Vessel, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for throwing Rubbish, &c. into the Harbour.

XLVII. And be it further enacted, That in case any Person shall cast, empty, or lay any Ballast, Stones, Dirt, Ashes, Earth, or other Rubbish into the said Harbour, or upon any of the Piers, Wharfs, or Quays belonging to such Harbour, or in or about any Part thereof, without the Permission or contrary to the Direction of the said Harbour Master, or if any Person shall, without such Permission, or contrary to such Direction, take from any of the Piers, Wharfs, or Quays, or dig for or take away any Sand, Beach, or Gravel for Ballast or for any other Purpose, within or about the said Harbour, or moor any Vessel or fasten or tie any Rope for any Purpose whatever to any Post, Pillar, or any other Part thereof, or do any other Act or Thing prejudicial to the said Harbour or the Works thereof, or shall neglect or refuse, after Notice given by the said Harbour Master, to remove any Wreck, Timber, Ballast, or other Article or Thing whatever by him or by his Direction deposited and lying on the Piers, Wharfs, or Quays or in any other Place tending to interrupt the free Navigation and Use of the said Harbour, he shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence; and the said Harbour Master is hereby authorized, upon any Neglect or Refusal to remove any such Obstruction as aforesaid, to cause the same to be removed at the Expence of the Owners thereof in the same Manner as is herein-before directed in the Cases of Removals of Vessels.

Trustees empowered to make Bye Laws

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to make and frame, ordain and establish, such Bye Laws, Rules, Orders, and Regulations as they shall think fit, for the good Government of the said Harbour and Persons frequenting the same or employed therein, and for the Government of the Harbour Masters, Ballast Masters, Pilots, Boatmen, Clerks, Collectors, Officers, Assistants, Servants, and other Persons appointed or employed under or by virtue of this Act, and for the better Regulation of the said Harbour and other Works connected therewith, or any of them, and the mooring and stationing of the Shipping therein, and for the well governing, ordering, and managing of the Pilots and Boatmen to be employed for the said Harbour, and the Seamen and others employed in or belonging to the said Shipping resorting to or seeking Shelter at or in the said Harbour, and for the more safe and convenient shipping, loading, landing, discharging, carrying, conveying, laying, depositing, and mooring of Goods, Wares, and Merchandize upon any of the Quays, Wharfs, or Landing Places belonging to the said Harbour, and for the better governing and regulating of Porters, Carters, and Carmen, and others carrying Goods, or using or driving Horses, Waggons, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize to and from the said Quays, Wharfs, or

or Landing Places, and generally for the good Government of the said Harbour, and to repeal, add to, amend, or alter such Bye Laws, Rules, Orders, and Regulations, or any of them, and to annex, impose, and appoint pecuniary Penalties or Forfeitures, not exceeding Five Pounds for each Offence, (to be recovered in like Manner as any Penalties are by this Act authorized to be recovered,) for the Nonobservance, Nonperformance, or other Breach of or Offence against any such Bye Laws, Rules, Orders, and Regulations; and all such Bye Laws, Rules, Orders, and Regulations, and all such Alterations thereof, shall be reduced into Writing and signed by Five or more of the said Trustees, and Copies thereof in legible Characters shall be printed on Paper, or painted on a Board or Boards, and affixed on some accessible and conspicuous Place or Building in or adjoining the said Harbour, for the Inspection and Information of all Persons interested therein; and all such Boards shall from Time to Time be renewed as often as the same or any of them, or any Part thereof, shall be obliterated or destroyed; and all such Bye Laws, Rules, Orders, and Regulations shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, Orders, and Regulations be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Rules, Orders, and Regulations, when so published and affixed, shall be subject to Appeal in manner hereinafter mentioned.

Bye Laws to be confirmed.

XLIX. Provided always, and be it further enacted, That no Bye Law to be made under the Authority of this Act shall be valid or binding unless the same shall be allowed by some Judge of one of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Cumberland*, which said Justices are hereby authorized and required, on the Request of the said Trustees, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Trustees, and to allow or disallow the same as to them may seem meet; and the said Bye Laws shall be so framed as to authorize the Justice or Justices before whom any Penalty to be imposed thereby may be sought to be recovered to order the Whole or any Part of such Penalty to be paid: Provided also, that Six Weeks Notice at the least, specifying the Time and Place at which such Bye Laws are to be submitted for Approbation as aforesaid, shall be given by the said Trustees in some one Newspaper usually circulated in the County of *Cumberland* of their Intention to submit the said Bye Laws to such Judge or Justices, as the Case may be, in order that any Parties interested therein may attend and object thereto.

Limits of the Harbour of Workington.

L. And be it further enacted, That the said Harbour already made and erected is and shall, for the Purposes of this Act, and not for any other Purpose whatsoever, be deemed to be comprised within the Bounds and Limits herein-after mentioned; (that is to say,) beginning at the South-eastern Extremity of the old Woodwork or Piece of broken down Quay adjoining to the South-eastern Extremity of

the Breastwall of the present South Quay, and extending from thence in a South-western Direction Fifty Feet or thereabouts to the North Corner or Angle of the Wall of a certain Yard or Piece of inclosed Ground belonging to *Michael Falcon* Esquire, and lately occupied as a Timber and Ship-building Yard; thence in a straight Line downwards towards the Sea to a Point which is distant Fifty Feet from the said Breastwall of the said present South Quay, and at a Distance of Ninety-eight Feet from the above-mentioned Extremity of the Wall of the aforesaid Yard; thence a Distance of Nine hundred and sixty-five Feet North-westwards, in a Line a little curved, but parallel with the Breastwork of the said Quay, and at the uniform Distance of Fifty Feet from the said Breastwork; thence in a straight Line to the Eastern Extremity of the Wall which supports the Hurries on the South Side of the said Harbour; thence along the said Wall to the North-east Corner of the Harbour House, being a Distance of Three hundred and eighty-nine Feet or thereabouts; thence along the North Side of the Harbour House and Custom House to the North-west Corner of the said Custom House, being a Distance of One hundred Feet and a Half or thereabouts; thence in a straight Line to and along the Wall which supports the Hurry on the South Side of the Dock to a Point directly opposite to the South-east Corner of the Ship-building Yard of Messieurs *Falcon* and *Alexander*, being a Distance of Three hundred and fifty-six Feet or thereabouts from the above-mentioned Corner of the said Custom House; thence to the said South-east Corner of the said Ship-building Yard, being a Distance of Twenty-one Feet or thereabouts; thence in a curved Line along the Eastern Boundary of the said Ship-building Yard to the Point where the same adjoins the Ship-building Yard of Messieurs *William Peile*, *Scott*, and Company, being a Distance of Two hundred and thirty-three Feet and a Half or thereabouts; thence along the South-east Boundary Fence of the said last-mentioned Ship-building Yard of Messrs. *William Peile*, *Scott*, and Company, One hundred and eight Feet or thereabouts; thence in a straight Line across the Slip belonging to the last-mentioned Yard, in an oblique Direction towards the East, Sixty Feet or thereabouts, to the South Corner of the Paling or Fence of the said Yard next adjoining to the said Slip on the North-east Side thereof; thence in a straight Line One hundred and twenty Feet to a Point on the North-west Side of the Jetty or Quay forming the Entrance to the Dock; thence in a straight Line Three hundred and forty-four Feet or thereabouts to a Point on the Eastern Side of the South Pier distant Ninety-six Feet from the North Wall of the said last-mentioned Building Yard; thence along the Eastern Side of the said South Pier to the Southern Extremity thereof, being a Distance of Sixty-nine Feet or thereabouts; thence along the Western Side of the said Pier down towards the Sea, One hundred and eight Feet; thence Westerly in a Direction pointing to the principal Capstan, Four hundred and sixty-eight Feet; thence in a South-west Direction to the South Corner of a House or Building called the Spile House, being a Distance of One hundred and fifty Feet or thereabouts; thence along and to the North-west End of the South-western Boundary Wall of the said Spile House, and of the Harbour Cable House adjoining thereto; thence in a Direction towards the North-east and along the South-

South-eastern End of a Dwelling House adjoining to the said Harbour Cable House, and now occupied by *Henry Carr*, to the Northern Extremity of the said Harbour Cable House at the Front thereof facing to the Sea; thence in a straight Line to the South-eastern Extremity of a certain Pier called *John's Pier*, on the South-west Side thereof, being a Distance of Three hundred and forty-two Feet or thereabouts; thence along the South-west Side of and including the said Pier to the North-western Extremity thereof, being a Distance of Two hundred and seventy Feet or thereabouts; thence to and along and including the South Channel of the River *Derwent* down to the Low-water Mark; thence along the Low-water Mark Northwards to the Point where the North Channel of the River *Derwent* enters the Sea at Low Water; thence across and including the said North Channel; thence upwards along the North Side of the said North Channel to the low Perch; thence along the Line of and including the Perches on the said North Side of the North Channel to the Western Extremity of the Wooden Framework; thence along and including the said Framework to the West End of the present Quay on the North Side of the said Harbour, being a Distance of Three hundred and sixty-six Feet or thereabouts; thence along and including the said Quay to the South-eastern Extremity thereof, being a Distance of Six hundred and seven Feet or thereabouts, with all the Ground on the North Side of the said Wooden Framework and Quay, to the Extent or Distance of Fifty Feet in Breadth from the said Wooden Framework, and from the Wall or Breastwork of the saidQuay next adjoining to the same respectively, and extending in a Westerly Direction from the said South-eastern Extremity of the said Quay in a straight Line across the River *Derwent*, to and along the North Boundary Fence of a certain Plot or Parcel of Ground situate upon the *Lower Clof-focks*, and adjoining the South Margin of the said River, which said Plot or Parcel of Ground was lately demised by the said *William* Earl of *Lonsdale* to and is now in the Occupation of *Michael Falcon*, *David Fletcher*, and others, and is partly inclosed, and in part occupied as a Yard and Premises used for the Repair of Ships, to the North-western Point or Termination of the said Plot or Parcel of Ground, being a Distance of Two hundred and ten Feet or thereabouts; thence in a South and South-east Direction along the Southern Boundary Line of the said Plot or Parcel of Ground and Wall of the Yard and Premises aforesaid, Three hundred and fifteen Feet or thereabouts; thence in a straight Line across the South Gut South-westwards to the Breastwork of the said present South Quay, and thence along the said Breastwork of the said South Quay, Nine hundred and ninety Feet, to the South-eastern Extremity of the said Breastwork; and thence along the said old Woodwork or Piece of broken down Quay, Sixty Feet or thereabouts, to the South-eastern Extremity thereof, being the Place from whence the said Limits began.

Materials may be laid on the Grounds adjoining to the Quay, &c.

LI. And be it further enacted, That it shall be lawful for the said Trustees, or such Person or Persons as they shall appoint, and his and their Servants and Workmen, to lay, from Time to Time as Occasion shall require, upon the open Lands and Grounds behind or adjoining to the Quays, Breastworks, Pileworks, Frameworks, and other

other Works already erected in the said Harbour, or which may be erected, made, and maintained by the said Trustees by virtue of this Act, all such Timber, Planks, Piles, Stone, Lime, Sand, Iron, and other Materials as shall by the said Trustees, or Person or Persons so appointed by them, be thought requisite for repairing and securing the said Harbour, or doing any other Matter or Thing directed or authorized to be done by the said Trustees by virtue of this Act, making reasonable Compensation nevertheless to the Owner of such Lands and Grounds for the Damages done by laying such Materials thereon, such Compensation to be ascertained and awarded by some Justice of the Peace for the County of *Cumberland*, and to be recoverable in the Manner by this Act provided for the Recovery from the said Trustees of Damage, Spoil, or Injury done by them or by their Authority in other Cases.

The present Hurries reserved to Henry Curwen, Esquire, the Owner.

LII. And be it further enacted, That nothing herein contained shall give to the said Trustees any Power, Jurisdiction, or Authority over the several Hurries and Crossways now standing and being on the South Side of the said Harbour, but the same are hereby declared to be wholly excepted from this Act, and to be the private Property and for the exclusive Use of the said *Henry Curwen*, his Heirs and Assigns, for the Shipment of his and their Coals and other Mines and Minerals, Goods, Wares, and Merchandize.

Owners of Land not to be restrained from making Crossways and Hurries within their respective Liberties.

LIII. And be it further enacted, That it shall be lawful for the said *Henry Curwen*, and also for the said *William* Earl of *Londsdale*, Lords of the said Manors of *Workington* and *Seaton*, or the Owners or Owner for the Time being of the Land situate within or adjoining to the Limits of the said Harbour, or of any Part or Parts of such Land, to place and fix Pillars, Posts, Standards, or other Conveniences within their respective Lands and Liberties in and upon the Quays, Roads, and Works there situate, or any Part thereof, and to erect Hurries thereupon, and from Time to Time to repair and amend or renew the same, and to lay down, place, and fix Iron or other Railways over, along, and across the said Quays, Roads, and Works, for the Conveyance and Shipment and unloading and discharging of Coals or other Minerals, Goods, Wares, or Merchandize, but so as all such Pillars, Posts, Standards, or other Conveniences, Hurries, and Railways to be hereafter erected or made shall be constructed of such Height and in such Form as shall not in any Manner impede or interrupt the general public Traffic of the Port or the free Passage to and from the same; and the said Pillars, Posts, Standards, Conveniences, Hurries, and Railways so hereafter to be erected or made shall (subject to the aforesaid Restriction) be wholly excluded from the Jurisdiction of the said Trustees, and be the private Property and for the sole and exclusive Use of the Person or Persons upon whose Land the same shall stand, or be placed and his or their Assigns.

Privilege of launching Ships reserved.

LIV. Provided also, and be it further enacted, That the several Passsages or Openings heretofore left and from Time to Time used or enjoyed by the Owners or Occupiers for the Time being of the Lands adjoining to the said Harbour, or to be hereafter made by

such Owners and Occupiers, for the building, repairing, or launching of Ships or other Vessels, or for the erecting, maintaining, and using of the several Slips commonly called *Morton's Patent Slips*, now being upon the said Lands respectively, or for any other Purpose connected with the building or repairing of Ships or other Vessels, shall be left and made, together with full and free Liberty and Power for the said Owners or Owner, and their respective Heirs and Assigns, to make, open, preserve, and maintain the same as heretofore done, and to make such further temporary Works and Conveniences in and near to the said Harbour, for the Purpose of launching Ships or other Vessels through and over the same Passages or Openings, as to him or them shall seem meet, without any Impediment whatsoever.

Watercourses to be kept open.

LV. And be it further enacted, That the several Watercourses or Openings already made through the Quays on the South Side of the said Harbour, for the conveying away of Water from the Lands or Grounds adjoining or near to the same, shall be kept open, and from Time to Time cleansed, repaired, maintained, and preserved, by the said Trustees, by and out of the Money to be raised by virtue of this Act.

Trustees not to injure or remove Patent Slips.

LVI. Provided always, and be it further enacted, That nothing herein contained shall authorize the said Trustees or any other Person to take, injure, damage, remove, or alter the Slip commonly called *Morton's Patent Slip*, now placed or being in and near to the Dock on the South Side of the said Harbour, and the other Slip commonly called *Morton's Patent Slip*, now placed or being near to the Quay called *Merchan's Quay*, or any of the Erections or Buildings within the Precincts of the Slip Yards, or near thereto, within the Limits of the said Harbour, or any other Slip to be hereafter made by any such Owner or Occupier of Lands adjoining the said Harbour, without the previous Consent in Writing of the Owners or Occupiers thereof respectively, but that the Owners and Occupiers of the said Slips, Buildings, and Erections respectively shall and may at all Times hereafter have, use, and enjoy the same, with full Power to repair or renew the same respectively as Occasion may require, in as full and ample a Manner as they could have done if this Act had not been passed.

Limits of the Town of Workington.

LVII. And be it further enacted, That the Limits of the Town of *Workington* for the Purposes of this Act shall comprehend the District which lies within the Boundary Line herein-after specified; (that is to say,) beginning at the South-eastern Extremity of the old Woodwork or Piece of broken down Quay adjoining to the South-eastern Extremity of the Breastwall of the present South Quay, and extending from thence in a South-western Direction Fifty Feet or thereabouts to the North Corner or Angle of the Wall of a certain Yard or Piece of inclosed Grounds belonging to *Michael Falcon* Esquire, and lately occupied as a Timber and Ship-building Yard; thence in a straight Line downwards towards the Sea to a Point which is distant Fifty Feet from the said Breastwall of the said present South Quay, and at a Distance of Ninety-eight Feet from the

above-mentioned Extremity of the Wall of the aforesaid Yard; thence a Distance of Nine hundred and sixty-five Feet North-westwards in a Line a little curved but parallel with the Breast-work of the said Quay, and at the uniform Distance of Fifty Feet from the said Breastwork; thence in a straight Line to the Eastern Extremity of the Wall which supports the Hurries on the South Side of the said Harbour; thence along the said Wall to the North-east Corner of the Harbour House, being a Distance of Three hundred and eighty-nine Feet or thereabouts; thence along the North Side of the Harbour House and Custom House to the North-west Corner of the said Custom House, being a Distance of One undred Feet and a Half or thereabouts; thence in a straight Line to and along the Wall which supports the Hurry on the South Side of the Dock to a Point directly opposite to the South-east Corner of the Ship-building Yard of Messieurs *Falcon* and *Alexander*, being a Distance of Three hundred and fifty-six Feet or thereabouts from the above-mentioned Corner of the said Custom House; thence to the said South-east Corner of the said Ship-building Yard, being a Distance of Twenty-one Feet or thereabouts; thence in a curved Line along the Eastern Boundary of the said Ship-building Yard to the Point where the same adjoins the Ship-building Yard of Messieurs *William Peile, Scott*, and Company, being a Distance of Two hundred and thirty-three Feet and a Half or thereabouts; thence along the South-east Boundary Fence of the said last-mentioned Ship-building Yard of Messieurs *William Peile, Scott*, and Company, One hundred and eight Feet or thereabouts; thence in a straight Line across the Slip belonging to the last-mentioned Yard in an oblique Direction towards the East Sixty Feet or thereabouts to the South Corner of the Paling or Fence of the said Yard next adjoining to the said Slip on the North-east Side thereof; thence in a straight Line One hundred and twenty Feet to a Point on the North-west Side of the Jetty or Quay forming the Entrance to the Dock; thence in a straight Line Three hundred and forty-four Feet or thereabouts to a Point on the Eastern Side of the South Pier distant Ninety-six Feet from the North Wall of the said last-mentioned Building Yard; thence along the Eastern Side of the said South Pier to the Southern Extremity thereof, being a Distance of Sixty-nine Feet or thereabouts; thence along the Western Side of the said Pier down towards the Sea One hundred and eight Feet; thence Westerly in a Direction pointing to the principal Capstan, Four hundred and sixty-eight Feet; thence in a South-west Direction to the South Corner of a House or Building called the Spile House, being a Distance of One hundred and fifty Feet or thereabouts; thence along the South-western Boundary Fence of a Timber Yard in the Occupation of the said Messieurs *William Peile, Scott*, and Company, (adjoining to the Yard of the said *Henry Curwen*'s late Colliery or Pit called *Isabella Pit*,) to the South Corner of the said Timber Yard; thence in a straight Line South-eastwards to the South-western Extremity of a certain Ropewalk now in the Occupation of Messieurs *David Fletcher* and Company; thence in a straight Line Eastwards to the South-west Corner of a certain Garden belonging to *Isaac Scott*, and now occupied by *Lancelot Bouch*; thence in a straight Line in a Direction a little more Southerly to the South-western Extremity of

a certain Ropewalk called *Hodgson's Ropewalk*, now occupied by Messieurs *Fishers* and Company; thence in a straight Line to the South-west Corner of a certain Schoolhouse or Building lately built on the South-west Side of and near to the Low Meeting House; thence in a straight Line to the North-west Corner of a certain Garden belonging to the Premises of the late *Henry Dickinson* (formerly a Soapery), and now in the Occupation of *Joseph Brown*, Common Carrier; thence in a straight Line to the North-west Corner of a certain Garden adjoining and belonging to the Roman Catholic Chapel; thence along the South-western Boundary Fence of the said last-mentioned Garden, and the South-western Boundary Fence of the Burial Ground adjoining and belonging to the said Chapel, to the South-west or South Corner or Angle of the said Burial Ground; thence in a straight Line to the North Corner of a certain Field at the Town Head called the *Schoolhouse Field*, next adjoining to the public Highway leading from the Town of *Workington* to *Whitehaven*; thence in a straight Line across the said Highway to the South-west Corner of the Court in front of a certain Dwelling House at the Town Head the Property of and now or lately occupied by one *Solomon Ellwood*; thence along the said Court and the upper Side of the said last-mentioned House to the South-east Corner of the same Dwelling House; thence in a straight Line to the North-east Corner of a certain Garden at the Row situate behind and adjoining to the Dwelling House now or lately occupied by *Charles Thompson*; thence in a straight Line across the Park of the said *Henry Curwen* to the Place where a certain Mill Stream or Race belonging to the *Workington Mill* runs out of the said Park (near to the Soapery); thence in a Line downwards along the Middle of the said Mill Stream or Mill Race (skirting the *Middle Cloffock* and the *Lower Cloffock*) to the Entrance of the South Gut at the Harbour of *Workington* aforesaid; thence in a straight Line through the said South Gut to a Point or Place in the said Gut from whence if a straight Line be drawn South-westwards to the South Quay it will intersect the Breastwork of the said Quay at the Distance of Nine hundred and ninety Feet from the South-eastern Extremity of the said Breastwork measuring along the same, and extending from the said Point or Place in the said South Gut South-westwards to the said last-mentioned Point or Place in the said Breastwork of the said South Quay; from thence again along the said Breastwork Nine hundred and ninety Feet to the South-eastern Extremity thereof; and thence along the said old Woodwork or Piece of broken down Quay Sixty Feet or thereabouts to the South-eastern Extremity thereof, being the Place from whence the Description of the Limits of the said Town of *Workington* began.

Jurisdiction of Trustees.

LVIII. And be it further enacted, That the Jurisdiction of the Trustees in the Execution of this Act shall comprehend the Limits comprised within the said Harbour of *Workington* as defined and set out by this Act.

Vesting Harbour in the Trustees.

LIX. And be it further enacted, That the said Harbour, the Harbour Cable House, Spile House, and Harbour Cables, and all the present and future Quays, Piers, Wharfs, Docks, and other Works of

of or belonging to the said Harbour (except the Messuage or Dwelling House and Premises adjoining or near to the said Harbour on the South Side thereof, commonly called by the Name of the Harbour House, now in the Occupation of *Edward Smith* the Harbour Master, with the Appurtenances, which is the private Property of the said *Henry Curwen*,) and all the present and future public Roads, Highways, Passages, and public Places within the Limits of the said Harbour, and all Drains and Sewers within the same Limits, and all Gasometers, Pipes, Apparatus, and Machinery, Lamps, Lamp Irons, Watchboxes, Posts, and other Things now belonging to the said Harbour, or hereafter to be purchased or provided under the Authority of this Act for the Purpose of lighting and watching the said Harbour, and all other Implements, Apparatus, Materials, Articles, and Things whatsoever purchased or provided under the Authority of this Act for any of the Purposes of this Act, shall severally and respectively be deemed to belong to and be the Property of, and the same are hereby vested in, the Trustees for the Time being for executing this Act; and the said Trustees shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred, (as the Case may require,) against any Person who shall deface, damage, injure, or destroy, detain, steal, or carry away, any of the Property so vested in the Trustees as aforesaid; and in every such Action and Bill of Indictment respectively it shall be sufficient to state generally that the Premises, Articles, Matters, or Things for or in respect of which such Action shall be brought or Indictment preferred is or are the Property of "The Trustees for improving the Harbour of *Workington*," without stating or specifying the Names of all or any of the said Trustees.

The Public Rights reserved both within and without the Limits of the Harbour.

LX. And be it further enacted, That it shall be lawful for the said Trustees and their Successors, or such Person or Persons as they shall appoint, and his and their Servants and Workmen, at all Times hereafter, at their free Will and Pleasure, to enter into and upon, and to cleanse, scour, and deepen, the whole of the South Gut, and for that Purpose to dig for therein, and to carry away therefrom, any Quantity of Mud, Clay, Soil, Gravel, and Stones which it may be deemed necessary or expedient to remove, and for the said Trustees and their Successors, and all other Persons using the said Harbour, from Time to Time to exercise all such Rights, Privileges, and Liberties as the Public have heretofore been accustomed to use or exercise, both within and without the Limits of the said Harbour, and to do all other Acts whatsoever which have hitherto been done for the greater Convenience and Security, and the better laying, berthing, mooring, loading, and discharging of Ships or Vessels either within or without the same Limits.

Rights of Fishery reserved and protected.

LXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to injure, demolish, take away, or destroy, or in any Manner to impede, lessen, or interfere with, the Salmon Fishery and Piscary for all Kinds of Fish of and belonging to the said *William* Earl of *Lonsdale* in the River *Derwent*, and in the Arm of the Sea into which the said River flows and runs at the Mouth of the said Harbour, and within the

the Limits thereof, nor to authorize or empower the said Trustees, or any Person or Persons acting under them or by their Authority, or otherwise howsoever, to demolish, take away, injure, interfere with, or destroy any Net, Fishlock, Garth, Coop, Bay, or other Work which shall have been or may hereafter be lawfully erected, put, placed, fixed, or used for the Purposes of the said Fishery in the said River, or in any of the Streams communicating therewith, or in the said Arm of the Sea at the Mouth of the said River, or in or upon any Bank, Land, or Shore thereof respectively or near thereto, or in or near to any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, Sluice, Gut, or Cut which runs into or otherwise communicates with the said River *Derwent*, or with the said Arm of the Sea at the Mouth of the said River and Harbour, or with the Modes or Methods now used or hereafter to be used by the said Earl, his Heirs and Assigns, or his and their Servants, Tenants, Lessees, Agents, and Workmen, for taking and killing Salmon and other Fish in the said River *Derwent*, or in other the Rivers and Waters which communicate therewith, or in the Arm of the Sea into which the same respectively flow; and that no Piers, Harbours, Moles, Wharfs, Quays, or other Works shall hereafter be erected within the Limits of the said Harbour so as to be prejudicial to or injure the said Fishery, or the said Earl, his Heirs and Assigns, in the perfect Enjoyment thereof.

Royalties reserved.

LXII. Provided also, and be it further enacted, That nothing in this Act contained shall be construed, or adjudged, deemed, or taken to defeat, lessen, or prejudice the Right, Title, or Interest of the Lords of the said Manors of *Workington* and *Seaton*, or of the said *Henry Curwen* as Owner of the Land adjoining to the said Harbour on the South Side thereof, or of the said *William* Earl of *Lonsdale* as Owner of the Close called the *Lower Cloffocks*, or other the Lords and Owners of the said Manors and Lands respectively for the Time being, of, in, or to the Seignories or Royalties, Franchises, Rights, and Liberties incident and belonging to the said Manors and Lands, and within the Boundaries of the same, or within the Limits of the said Harbour, but the said Lords of the same Manors and Owners of the said Lands for the Time being shall at all Times for ever hereafter have, hold, take, and enjoy all Rents, Fines, Suits, and Services to and at the Lords Courts, Perquisites and Profits of Courts, and all other Suits and Services, Royalties, Liberties, Privileges, Franchises, and Jurisdictions, and all such Right, Title, and Interest of, in, and to any Market or Markets, Fair or Fairs, and the Stallage, Tolls, and Profits thereof, and of, in, and to all accustomed Anchorage and other Dues, Profits, Emoluments, and Advantages, and all Remedies and Powers for Recovery and enforcing Payment of the same, (except such as are expressly taken away by this Act,) in the same, and as full, ample, and beneficial a Manner, to all Intents and Purposes, as they are now held, taken, or enjoyed, or have been anciently or heretofore used, exercised, or enjoyed by the present or any former Lord or Lords of the said Manors, or Owners of the said Lands, or as they or any of them might or could have held, used, exercised, received, taken, or enjoyed the same in case this Act had not

not been passed; and also that the said Lords of the said Manors of *Workington* and *Seaton* and the Owners of the said Lands respectively for the Time being shall for ever hereafter be deemed and taken to be the Owners (according to their several Rights and Interests therein) of all the Mines of Coal, Lead, Copper, Tin, Iron, and other Mines, Minerals, and Ores, of what Nature or Kind soever, within or under the several and respective Parts of the said Harbour and the Limits thereof, as well those not opened as those already worked and opened, and shall have full Power and Authority to use and exercise all convenient Ways and Means of searching for, winning, working, taking, loading, carrying away, and shipping the Coals, Ores, and other Minerals there found, and of making Drifts, Levels, Watercourses, and other Workings underground, for the more effectual and easy working and winning the said Mines and Minerals, and all other Powers, Privileges, and Authorities to do or execute any necessary Acts or Things for all or any of the Purposes aforesaid, in, under, and over the Hereditaments and Premises comprised within the Limits of the said Harbour, in such and the like Manner as they or he could have done if this Act had not been passed.

Trustees from Time to Time to appoint the District to be lighted and watched.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, at any of their regular Monthly Meetings to be held within Six Calendar Months after the passing of this Act, or at some Adjournment thereof, to declare and direct what Parts or Portions of the said Harbour shall be lighted, watched, and regulated under the Authority of this Act; and in like Manner, at their regular annual Meeting in the Month of *November* in every Year, to declare and direct whether any and what Parts or Portions of the said Harbour shall be added to the Parts already lighted, watched, and regulated; and the Parts or Portions of the said Harbour so appointed to be lighted, watched, and regulated as aforesaid, and the Parts and Portions from Time to Time added thereto, shall be considered as the District to be lighted, watched, and regulated by the said Trustees under the Authority of this Act during the ensuing Year, and until the same shall be altered by the said Trustees at any subsequent annual Meeting as aforesaid.

For providing Lamps and lighting the Quays.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time to purchase and provide such and so many Lamps, of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, with all requisite Materials for the same respectively, as they shall judge necessary, and to direct the same to be affixed or set up upon or against any Walls or Posts, Rails or Palisadoes, or such other Places within the District or Districts so appointed to be lighted, watched, and regulated as aforesaid, and to be altered, taken down, or removed in such Manner as they shall think fit; and also to cause such Lamps or any of them to be lighted, either with Gas or Oil or otherwise, at such Seasons of the Year, and during such Hours, and to use the same in such Manner, as to them shall seem necessary or proper

proper for sufficiently lighting the several Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places within the same District or Districts.

Power to contract for lighting.

LXV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract with any Person, or Body Politic or Corporate, for lighting the Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places within the said District or Districts so appointed as aforesaid, with Gas, Oil, or otherwise, for such Periods and upon such Terms and Conditions as the said Trustees shall from Time to Time think proper.

Trustees may erect Apparatus to make Gas themselves.

LXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, in case they shall deem it expedient to light the said Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places within the said District or Districts so appointed as aforesaid with Gas without contracting for the same, to set up and establish a Manufactory of Gas for the Use of the said Harbour, with all necessary Works and Apparatus for the same, and to purchase or rent, from any Person or Body Politic or Corporate who shall be willing to sell or let the same, any Buildings, Lands, Tenements, Hereditaments, or Premises whatsoever within the Limits of the said Harbour, or within any Township or Place contiguous thereto, not exceeding Two Statute Acres of superficial Content, for the Purpose of erecting and making suitable and necessary Erections, Buildings, Works, and Apparatus for the manufacturing or preparing of Gas; and it shall be lawful for the said Trustees, and also for any Company of Proprietors or other Person or Persons who shall or may from Time to Time contract for the furnishing or supplying of Gas to be consumed within the Limits of the said Harbour, from Time to Time to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places within the Limits of the said Harbour, or within any Township or Place contiguous thereto, where the said Buildings, Works, and Apparatus shall be made, and also to cause Mains or Pipes for the Conveyance of Gas to be laid and carried, altered and renewed, as may be necessary, along, through, and under the said Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places, or any of them: Provided always, that nothing herein contained shall empower the said Trustees, or any Company of Proprietors or other Person, furnishing or supplying Gas to be burnt or used in the said Harbour, to carry, lay, or affix any Pipe through, into, or against any Dwelling House, Manufactory, public or private Building, or any private Yards or Grounds, or to continue the same, against the Will of the Owner or Occupier or the Person for the Time being having the Superintendence or Control thereof respectively, expressed by Writing under his Hand; and if any Injury or Damage shall be occasioned to any Post, Rail, Palisado, Building, or Wall, by the affixing or setting up, taking down, altering, removing, or renewing of any Lamp or Lamp Iron, or any Fastener thereof, the said Trustees, or the Person by whom or by whose Direction the same shall have been done, shall immediately cause the same to be well

well and sufficiently made good and repaired, or Compensation to be made and paid for such Damage to the Person or Persons whose Property may be thereby injured.

Trustees empowered to let out Gas Lights in case they light the Quays themselves.

LXVII. And be it further enacted, That in case the said Trustees shall deem it expedient to erect such Gas Apparatus, and to light the said Piers, Quays, Wharfs, Roads, Passages, and other Places within the Limits of the Harbour aforesaid, or any Part thereof respectively, with Gas, without contracting for the same, it shall be lawful for the said Trustees, after sufficiently lighting the said Piers, Quays, Wharfs, Roads, Passages, and public Places, to let out or grant to any Person whomsoever within such Limits, or within the said Town of *Workington*, who shall be willing to take the same, a Supply of Gas, upon such Terms and Conditions, and at such annual and other Rents for the same, and in such Manner, as they the said Trustees shall from Time to Time think proper: Provided nevertheless, that all Monies to proceed therefrom or arise thereby, or by the Sale of any Coke, Tar, or other Product of Coal, shall be in the first place applied to defray the Expence of the Gas Apparatus and other Things connected therewith, and of maintaining the same, and of the Manufactory of Gas, and if there shall be any Surplus then the same shall be applied in the Manner herein-after provided for with respect to the Duties to be raised by virtue of this Act.

Recovery of Gas Rents.

LXVIII. And be it further enacted, That in case any Person who shall contract with the said Trustees or otherwise agree to take or shall use or enjoy the Benefit of the said Gas in his private Dwelling, Shop, Inn, Tavern, or other Building or Manufactory, shall refuse or neglect, for the Space of Ten Days after Demand, to ady the Sum then due for the same to the said Trustees, according to the Terms and Stipulations of the said Trustees, it shall be lawful for the said Trustees or their Clerk, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Cumberland*, to levy the said Sum of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to such Person so refusing or neglecting, after the necessary Charges of making and attending such Distress and Sale shall have been first deducted.

Footways and Carriageways to be reinstated after Pipes, &c., have been laid down.

LXIX. And be it further enacted, That in case the said Trustees shall enter into any Contract with any Company of Proprietors or any other Person for the lighting the said Piers, Quays, Wharfs, Roads, Ways, Passages, and public Places, or any of them, with Gas, or in case the said Trustees shall manufacture Gas for the Purposes aforesaid, the said Company of Proprietors or other Person so contracting to light as aforesaid, or the said Trustees, (as the Case may require,) shall in the supplying of such Gas, or in the laying or repairing of any Pipes, Plugs, or other Apparatus, do as little Damage as may be to the Soil, Pavement, or other Covering of the Footpaths or Carriageways which it may be necessary to break or take up, and shall immediately after fill in the Trenches, and reinstate

and make good such Footways and Carriageways, and shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges, and during the Time that such Works are carrying on, and until such Soil and Pavement or other Covering shall be so reinstated and make good as aforesaid, such Company of Proprietors or other Person as aforesaid, or the said Trustees, (as the Case may be,) shall sufficiently guard and affix Lights during the Night at or near the Place where any Ground shall be opened, in such Manner as to prevent Accident, Damage, or Inconvenience to Passengers, Cattle, or Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Company of Proprietors or other Person as aforesaid, or in the said Trustees, (as the Case may be,) or any of their respective Agents or Servants, in filling in such Ground, or removing such Rubbish, or making good such Soil, Pavement, or other Covering, or in case the Ground so opened shall not be sufficiently guarded and lighted, then and in every such Case it shall be lawful for the said Trustees, or in case the Offence be committed by the said Trustees, then it shall be lawful for the Surveyor of the Highways within the said Township of *Workington*, to fill in, reinstate, and make good such Ground, Soil, or Pavement, and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence or guard any such Trench or Excavation, and provide necessary Lights at Night, and the Expences attending the same shall be repaid to the said Trustees by the said Company of Proprietors, or by the Person so contracting to light as aforesaid, or (as the Case may require) by the said Trustees; and in default of Payment thereof within Twenty-eight Days next after Demand made in Writing, all such reasonable Costs, together with a Penalty not exceeding Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the same Company of Proprietors, or other Person so contracting to light as aforesaid, or (as the Case may be) of the Treasurer of the said Trustees, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Cumberland*, and who upon due Proof of such Default is hereby empowered to grant the same.

Service Pipes to be kept fully charged with Gas.

LXX. And be it further enacted, That all Branch or Service Pipes which shall be put down for lighting the said Piers, Quays, Wharfs, Roads, Passages, and other public Places shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Penalty for conveying Washings into Rivers, Streams, &c.

LXXI. And be it further enacted, That if the said Trustees or any Company of Proprietors, or any Person making, furnishing, or supplying Gas within the Limits of the said Harbour, shall empty, or cause or suffer to be emptied, or to flow, any Washing, or other waste Liquid, Substance, or Thing whatsoever, which may arise or be produced in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or Ditch communicating therewith, or shall do or cause to be done any Act to the Water contained in any such

such River, Brook or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond or Springhead, Well, Canal, Dock, Basin, Cut or navigable Stream, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall be fouled or corrupted, then the said Trustees or such Company of Proprietors, or such Person as aforesaid, (as the Case may require,) shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, and the whole of such Penalty shall be paid to the Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months next after the Time in which such Act shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for and recovered or not, in case any of the said Washing, or other waste Liquid, Substance, or Thing, shall be emptied or caused or suffered to flow in manner aforesaid into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or Well, or any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or Ditch communicating therewith, or any such Act shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Trustees, or to the Company of Proprietors, or to such Person as aforesaid, and the said Trustees, Company, or Person as aforesaid shall not within Twenty-four Hours after such Notice shall have been given prevent such Washing, or other waste Liquid, Substance, or Thing, from being emptied, or from flowing in manner aforesaid, and every such Act as aforesaid from being done, then the said Trustees, Company, or Person as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Washing, or other Substance or Thing, shall be so emptied, or caused or suffered to flow in manner aforesaid, or such other Act shall be done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in the like Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer, or to the Person who in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done as aforesaid.

Penalty for allowing Escape of Gas, &c.

LXXII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Trustees, or by any Company of Proprietors, or by any Person making, furnishing, or supplying any Gas within the said Harbour, the said Trustees, or such Company or Person as aforesaid, shall at their own Expence, immediately after Notice given to them or him by Parol or in Writing of any such Escape of Gas by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case the said Trustees, Company of Proprietors, or other Person aforesaid shall not, within Twenty-four Hours next after such Notice being given, effectually prevent the Gas from escaping and wholly

wholly and effectually remove the Cause of Complaint, the said Trustees, Company of Proprietors, or other Person aforesaid shall for every such Offence forfeit and pay the Sum of Five Pounds for every Day after the Expiration of Twenty-four Hours from the Time of such Notice being given during which the Gas shall be suffered to escape as aforesaid, which Penalty shall be recoverable in a summary Way on the Oath of some credible Witness, by Information to be laid and exhibited before some Justice of the Peace for the said County of *Cumberland*, and shall be recovered and levied with all reasonable Charges by Distress and Sale of the Goods and Chattels of the said Trustees, or of the said Company of Proprietors or Person aforesaid, by the Warrant of any Justice of the Peace, in manner herein-after directed.

Gas Pipes to be laid Four Feet from the Water Pipes, and in a particular Manner.

LXXIII. And be it further enacted, That all the Pipes and other Conduits to be laid or used by the said Trustees, or by any Company of Proprietors or Person whomsoever, for the Conveyance of Gas within the Limits of the said Harbour or of any adjoining District, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already or hereafter to be laid down for the Conveyance of Water, except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of such Water Pipes, in which Cases the said Gas Pipes shall be laid over the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in which Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes may be nearer to any Part of the said Water Pipes than Four Feet; and in laying down the said Gas Pipes the said Trustees, or such Company of Proprietors or Person as aforesaid, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall first lay each Pipe as near as may be in its Place within the Trench, and shall then in such Trench properly form and complete, with good and sufficient Materials, the joining with the other Pipes to be connected therewith, and shall also make and keep Air-tight all such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, and Openings therein respectively, and in every respect prevent the said Gas from escaping therefrom, on pain of forfeiting the Sum of Five Pounds for every such Default.

Trustees to prevent Contamination of Water.

LXXIV. And be it further enacted, That whenever the Water of any Waterworks, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person whomsoever, shall be contaminated by the Gas of the said Trustees or of the Company of Proprietors or other Person aforesaid, such Trustees, Company of Proprietors, or other Person, shall forfeit and pay for every such Offence the Sum of Twenty Pounds, and the same shall be applied to the Use and Benefit of the Owner of such Waterworks, Well, or Pond, or the Party using any such Water and suing for the same; and in case any such Water shall be contaminated by Gas in any way whatsoever the said Trustees, Company of Proprietors, or other Person as aforesaid

said shall, within Twenty-four Hours after Notice thereof in Writing signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting the Business of the said Trustees, or of such Company of Proprietors or other Person aforesaid, cause the most proper and speedy Method to be taken effectually to prevent Gas from further escaping from their Mains, Works, or Pipes, and from contaminating such Water; and in case such Trustees, Company of Proprietors, or Person shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, the said Trustees, Company of Proprietors, or such Person shall forfeit and pay to the Party so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party, (over and above the before-mentioned Penalty of Twenty Pounds,) the further Sum of Ten Pounds for each Day during which any such Water shall remain contaminated by any such Gas aforesaid.

For ascertaining if the Water be contaminated.

LXXV. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the Owners or Proprietors of any such Waterworks, or for any Person interested in such Well, Reservoir, or Pond, to dig and examine the Pipes and other Apparatus of the said Trustees, Company of Proprietors, or other Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas, and if it shall appear that the said Water has been contaminated by the Escape of such Gas, the Costs and Expences of the said Examination, and also of the Repair of the Soil or Pavement which shall have been taken up or disturbed, shall be paid by the said Trustees, Company of Proprietors, or other Person aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the County of *Cumberland*, and the Amount thereof be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then the Owners or Proprietors of such Waterworks, or the Person interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Trustees, Company of Proprietors, or other Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of the said Trustees, Company of Proprietors, or other Person, in and by such Examination, and also to the Soil or Pavement so broken up or disturbed in such Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by any Justice for the said County.

Act not to protect Persons, &c., lighting with Gas from

LXXVI. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend to protect the said Trustees, or any Company of Proprietors or other Persons making, furnishing, or supplying Gas within the Limits of

the said Harbour or of any District adjoining thereto, or any of the Servants, Officers, or Workmen of such Trustees, Company of Proprietors, or other Person, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or of the Means which shall be employed by them in making or using the Gas or in furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or of the Use of the said Gas, or of the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of such Gas, or from the Method of lighting, or from the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

being indicted for a Nuisance.

LXXVII. And be it further enacted, That if any Person shall wilfully or maliciously break, throw down, deface, or damage any Lamp set up under the Powers of this Act by Order of the said Trustees, or in Performance of any Contract made by the said Trustees, or by any Person at his own Expence, for the Purpose of lighting the said Harbour, or any Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light of any such Lamp, it shall be lawful for any Justice of the Peace for the County of *Cumberland*, and he is hereby required, upon Oath made (or upon Affirmation, if made by a Quaker,) of the Commission of such Offence, to issue a Warrant for apprehending the Party accused, or it shall be lawful for any Person who shall see such Offence committed to apprehend and for any other Person to assist in apprehending the Offender, and by the Authority of this Act, and without any other Warrant, to deliver him into the Custody of a Peace Officer in order to his being conveyed before some Justice of the Peace for the said County; and upon the Party accused being brought before such Justice such Justice shall proceed to examine upon Oath (or being a Quaker upon Affirmation) any Witness who shall appear to give Evidence touching such Offence, and if the Party so accused shall be convicted of such Offence (either upon Confession or upon such Evidence as aforesaid) he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and Costs, and shall also make full Satisfaction to the said Trustees or other the Person injured for the Damages so done; and in case such Offender shall not upon such Conviction pay the said Penalty and Costs, and make such Satisfaction as aforesaid, the Justice before whom he shall be convicted is hereby empowered and required to commit him to the Common Gaol or House of Correction for the said County, there to be kept, with or without hard Labour, as such Justice shall determine, for any Space of Time not exceeding Three Calendar Months.

Penalty for wilfully breaking of Lamps, &c.

LXXVIII. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Lamp set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the County of *Cumberland*, upon Complaint thereof to him made by any credible Person, to summon before him the Party complained of, and upon hearing the Allegations and Proofs on both Sides, or on the

Compensation to be made for Lamps broken accidentally.

the Nonappearance of the Party so complained of, to award such Sum of Money as the Damage proved and Costs of the Proceedings shall amount to, and in case of Refusal or Neglect to pay the Money and Costs so awarded within Five Days next after Demand, to cause the same to be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered.

Trustees may appoint Constables and Assistant Constables.

LXXIX. And be it further enacted, That it shall be lawful for the said Trustees to nominate and appoint One or more Constable or Constables for and to act within the Limits of the said Harbour of *Workington*, for promoting the good Order thereof, and also from Time to Time, if they shall think it expedient so to do, to appoint a competent Number of able-bodied Men as Assistant Constables for the said Harbour, for keeping the Peace therein, and for executing all such Warrants, Precepts, and Orders as the Justices of the Peace for the County of *Cumberland* shall from Time to Time direct to them to be executed, within the Limits of the said Harbour, and from Time to Time to discharge and displace any such Constables or Assistant Constables, and make other Nominations and Appointments, and to pay such Salaries for the due Execution of the Duty they are required to perform, and to make such Orders and Rules for the better Government and Regulation of the said Constables or Assistant Constables, as they shall see fit.

Constables, &c. to be sworn in.

LXXX. And be it further enacted, That the said Constables and Assistant Constables, and also all Watchmen, Patroles, and Beadles to be appointed by virtue of this Act, as herein-after mentioned, shall be sworn in as Constables before some Justice of the Peace for the said County of *Cumberland*, and shall afterwards act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers, Privileges, and Immunities as Constables are invested with by Law, and shall be subject to the like Responsibilities and Penalties as Constables are by Law subject to.

Power to erect Watch-houses and to employ Watchmen.

LXXXI. And be it further enacted, That it shall be lawful for the said Trustees, when and as often as they shall think it expedient, to provide such Watch-houses and Watchboxes in such Situations as they shall judge proper within the District or Districts (Part of the said Limits) from Time to Time directed to be watched as aforesaid, and to appoint and employ so many Watchmen and Night Patroles, and so many Superintendents of such Watchmen and Night Patroles, and so many Beadles, as well for the Day as Night, as they shall judge expedient for the Security and good Order of the said District or Districts; and also from Time to Time to remove and displace such Watchmen, Night Patroles, and Beadles, and to appoint others in their Stead, and to make such Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patroles, and Beadles, and to pay them such Salaries, as the said Trustees shall think proper.

Duties of Constables, Watchmen &c.

LXXXII. And be it further enacted, That the said Constables, Assistant Constables, Watchmen, Night Patroles, and Beadles shall in their several Courses of Service use their utmost Endeavours to prevent

prevent Fires, and also keep Watch and Ward within the Limits for which they shall be appointed, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace, and to that end they shall and may and they are hereby empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons, Prostitutes, and Nightwalkers who shall be found misbehaving or wandering within the same Limits, and to lodge them in any Place of Security which shall be provided and appointed for that Purpose by the said Trustees, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law.

Penalty on Constables, Watchmen, &c., for Neglect of Duty.

LXXXIII. And be it further enacted, That if any of the said Constables, Assistant Constables, Superintendents, Watchmen, Night Patroles, or Beadles, so appointed as aforesaid, or any of their Substitutes, shall at any Time wilfully neglect or omit to observe and perform all the Orders, Rules, and Regulations made by the said Trustees for their Conduct or Government respectively, or shall in any Manner neglect their Duty, or misbehave, he shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings, and shall be dismissed from his said Employment, if the said Trustees shall think proper so to do.

Constables, Watchmen, &c., guilty of Misconduct liable to Punishment.

LXXXIV. And be it further enacted, That if any Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle, to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any Justice of the Peace for the County of *Cumberland*, upon Complaint against such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle, of any such Misconduct, to commit him to the Common Gaol or House of Correction for the said County, there to remain for any Term not exceeding Three Calendar Months.

Penalty on Publicans harbouring Constables, Watchmen, &c., during the Time they should be on Duty.

LXXXV. And be it further enacted, That if any Innkeeper, Victualler, or Keeper of any Public House or Beerhouse, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, and whether situate within the Limits of the said Harbour or not, shall knowingly harbour or entertain, or wilfully suffer to remain, in his Inn, Public House, Shop, Room, or other Place, any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle as aforesaid, during any Part of the Time appointed for his being on Duty, he shall, on Conviction thereof, forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to reward disabled Constables, Watchmen, &c.

LXXXVI. And be it further enacted, That it shall be lawful for the said Trustees to give such Rewards in Money to any Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle who may conduct himself with any particular Merit, or may be disabled or wounded in the Execution of his Office, as they the said Trustees shall think reasonable, out of the Monies to be raised by virtue of this Act.

LXXXVII. And

Trustees empowered to provide Fire Engines.

LXXXVII. And be it further enacted, That it shall be lawful for the said Trustees to provide and maintain in good Repair such Fire Engines (as well floating as common), together with such Pipes, Buckets, and other Apparatus, as they may think necessary, for the Use of the said Harbour, and also from Time to Time to provide and maintain proper and convenient Receptacles for such Engines, and to pay and defray all Costs and Expences attending the same respectively out of the Money to be raised by virtue of this Act.

Repair of public Roads to be under the Direction of the Trustees.

LXXXVIII. And be it further enacted, That the Repair and ordering of all the public Roads, Highways, and Passages and other public Places within the Limits of the said Harbour shall be wholly under the Management and Direction of the said Trustees, and the Expence of making and repairing, and for ever hereafter keeping in proper Order and Repair, the Road leading from the North Side of the said Harbour until the same adjoins the public Highway leading from *Workington* to *Maryport*, as the same Road is at present made, shall be borne and paid by the said Trustees and their Successors, and the same shall at all Times for ever hereafter be used as a public Highway to and from the said Harbour, but without Prejudice to the Rights of Parties who may be entitled to use any Tramroads or Railways for the shipping of Coals or otherwise.

Trustees empowered to pave the Quays, &c.

LXXXIX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, when and so often and in such Manner as they shall think proper, from Time to Time to lay down Iron or other Railways within the Limits of the said Harbour, for the Use of the Public in the Shipment of Coals and other Goods, Wares, and Merchandize, and also from Time to Time to renew, alter, repair, and amend the same as Occasion shall require; and to order and cause the several Roads, Highways, Passages, and public Places, together with the several Piers, Quays, and Wharfs within the said Limits, to be paved, flagged, or otherwise improved, soughed, repaired, rebuilt, and amended, supported, and kept in good Order and Condition, with such Materials as the said Trustees shall think proper, and also from Time to Time to cause the Pavements, Flagging, and other Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Trustees shall deem proper; and also to cause proper and convenient Sewers, Gutters, Drains, or Watercourses to be made along or under the said several Piers, Quays, Wharfs, Roads, Highways, Passages or other public Places, for carrying off Water, Mud, or other Filth from the same, and to cause Grates to be placed over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situation of such Grates in such Manner as the said Trustees shall think proper; and also, from Time to Time as they shall see Occasion, with the Consent of the Owner for the Time being of the Land on which the same stands, to repair and amend the Jetties erected for the better Protection of the said Harbour from the Sea, and now standing and being upon the Beach on the West Side of but without the Limits of the said Harbour.

XC. And

Penalty for damaging the Works.

XC. And be it further enacted, That if any Person shall wilfully or negligently break up, destroy, or otherwise damage any of the Flagging or Pavement of the Footways or Carriageways of the Piers, Quays, Wharfs, Roads, Highways, public Passages or Places within the Limits of the said Harbour, or any of the Sewers, Gratings, or any of the Posts, Pales, and Rails or Fences, or any of the Works done or constructed in pursuance of this Act, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Land to be provided for depositing Materials.

XCI. And be it further enacted, That the said Trustees shall have full Power to purchase or rent, from any Person who may be willing to treat for the same, any Land, Building, or Premises for depositing Stone, Gravel, or other Materials for the several Purposes of this Act, and for Stables for Horses and Carts purchased, hired, or employed by the said Trustees; and the Property thereof is hereby vested in the said Trustees, and the Purchase Money or Rent for the same shall be paid by the said Trustees out of any of the Money to be raised for any of the Purposes of this Act, as the said Trustees may think proper and direct.

Trustees to appoint or contract with Scavengers.

XCII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required from Time to Time to appoint and employ Persons to act as Scavengers, and to purchase or hire Carts, Carriages, and Horses, Hoppers, Boats, Vessels, and Implements for cleansing the said Harbour, and the several Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places within the Limits of the said Harbour, and carrying away all Mud, Gravel, Clay, Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same respectively, and to direct on what Days and Times the said Harbour, and any particular Piers, Quays, Wharfs, Roads, Highways, Passages, or other public Places, shall be cleansed, and the Mud, Gravel, Clay, Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to such Scavengers as shall appear necessary to such Trustees; or otherwise it shall be lawful for the said Trustees from Time to Time to contract with any Person for cleansing the said Harbour, Piers, Quays, Wharfs, Roads, Highways, Passages and other public Places, or any of them, and for carrying away all Mud, Gravel, Clay, Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, at such Times and in such Manner as shall appear expedient to the said Trustees.

Penalty on Contractors not fulfilling their Agreement.

XCIII. And be it further enacted, That if any Person entering into any Contract for cleansing the said Harbour, or the said Piers, Quays, Wharfs, Roads, Highways, Passages, and other public Places within the Limits of the said Harbour, shall in any Manner neglect to fulfil the Conditions of his Contract according to the true Intent and Meaning thereof, such Person shall for every such Omission or Neglect forfeit any Sum not exceeding Ten Pounds; but nothing herein contained shall hinder the said Trustees from commencing or prosecuting any Action at Law against such Person, and his Sureties, if any, for or in respect of any such Omission or Neglect.

Penalty on casting Rubbish upon the Roads.

XCIV. And be it further enacted, That if any Person shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, or commit any Nuisance whatsoever, upon any Road, Highway, Passage or other public Place within the Limits of the said Harbour, or upon the herein-before mentioned Road on the North Side of the said Harbour, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For punishing Misbehaviour in Drivers of Carriages.

XCV. And be it further enacted, That if the Driver of any Waggon, Cart, Dray, Sledge, or other such Carriage shall ride upon any Part of such Carriage, or drive the same faster than a Walk, on any of the Piers, Quays, or Wharfs, or in any of the Roads, Highways, Passages or public Places within the Limits of the said Harbour, or upon the herein-before mentioned Road on the North Side of the said Harbour, or shall be at such a Distance from the same during its Passage through or within such Limits, or during its Passage on the said Road, as not to possess the complete Command over the Horses drawing the same; or if any Person riding or driving any Horse shall ride or drive the same furiously on any such Pier, Quay, Wharf, or in any such Road, Highway, Passage or public Place within the Limits of the said Harbour, or on the said Road, or shall by Negligence or wilful Misbehaviour intercept the free Passage of any Carriage or Passenger along the same respectively; or if the Driver of any empty or unloaded Waggon or other such Carriage shall refuse or neglect to turn aside and make way for any Coach, Chaise, or loaded Carriage of any other Description; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the Piers, Quays, Wharfs, Roads, Highways, Passages or other public Places within the Limits aforesaid, or on the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon a wheeled Carriage, (except in the landing thereof from any Vessel,) or shall suffer any Part of any Tree or Piece of Timber, or Stone, to drag upon any Part of the said Piers, Quays, Wharfs, Roads, Highways, Passages or other public Places within the Limits aforesaid, or on the said Road (except as aforesaid); he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and such Person may by the Authority of this Act, with or without a Warrant, be apprehended by any Person who shall see such Offence committed; and it shall be lawful for the Person so apprehending such Driver, Rider, or other Person to cause him to be delivered to a Peace Officer, in order to be brought before some Justice of the Peace for the said County of *Cumberland*, to be dealt with according to Law, and if such Driver, Rider, or Person in any of the Cases aforesaid shall refuse to disclose his Name, the necessary Proceedings may be had against him before such Justice for the said Penalty by a Description of his Person and the Offence committed, without stating his Name.

Penalty for Injury to Buildings, &c.

XCVI. And be it further enacted, That if any Person shall, without the Consent of the said Trustees, take away, remove, destroy, deface, or injure any Pier, Quay, Wharf, Erection, Building, Fence, Pillar, Lamp, Lamp Iron, Board, Post, Rail, Pipe, Plug, Apparatus, Pave-

ment, Flag, Material, Implement, Matter, or Thing by this Act vested in the said Trustees, or shall waste or beyond his Contract consume any Gas supplied by the said Trustees, he shall forfeit and pay to the said Trustees for every such Offence any Sum not exceeding Five Pounds, and also such further Sum of Money, as a Compensation for the Damage and Costs which shall have been occasioned by such Offence, as shall be awarded by any Justice of the Peace for the said County of *Cumberland*, to be recovered in such Manner as by this Act is provided for the Recovery of Penalties.

Penalty on certain Nuisances.

XCVII. And be it further enacted, That if any Person shall, after verbal or written Notice given to him by One or more of the Trustees, or by their Clerk, in or upon any of the present or future Piers, Quays, Wharfs, Roads, public Passages or Places within the Limits of the said Harbour, expose for Sale or for Hire any Horse, Mule, or Ass, or expose for Sale any Swine, Pig, Sheep, Ox, Bull, Cow, or other Cattle or Beast; or if any Person shall, in or upon any of the present or future Piers, Quays, Wharfs, Roads, public Passages or Places aforesaid, without the Consent of the Trustees, exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or other public Show, or in any other Manner exhibit any public Show, or exhibit or show any Stallion or Bull, except in such Places as shall be appointed for those Purposes respectively; or shoe, bleed, or farry any Horse or other Cattle or Beast, except in Cases of Accident; or clean, dress, or exercise any Horse or other Cattle or Beast; or drive any Cattle for the Purpose of breaking, exercising, or trying any Horse or other Cattle or Beast; or turn loose or suffer to be at large any Horse or other Cattle or Beast, or any Bull Dog, Mastiff, or other ferocious Dog, not being muzzled, or permit any Dog whatsoever to go at large after any public Notice given by the said Trustees during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Canine Madness (and which Dogs so at large after such Notice the said Trustees by their Servants are hereby authorized to destroy); or shall ride upon any Waggon, Dray, Cart, Sledge, or other Carriage, or on any of the Horses, Asses, or other Cattle or Beasts drawing the same, without holding the Reins of such Horses, Asses, or other Cattle or Beasts, or shall be at such a Distance from the same as not to possess the complete Direction and Management of the Horses, Asses, or other Cattle or Beast drawing the same; or, whether holding the Reins or not, shall ride upon the Shafts of any Waggon, Dray, Cart, Sledge, or other such like Carriage; or when driving any Waggon, Dray, Cart, Sledge, or other such like Carriage, shall refuse or neglect to turn the same aside and make way for any Coach, Chaise, or loaded Carriage of any Description; or when driving any Waggon, Dray, Cart, Sledge, or other Carriage shall not, on meeting or being passed by Horses or other Cattle or Beasts or Carriages, promptly turn out of the Way, so as to keep as nearly as may be on his Left Side of the Road, and so as to leave proper and sufficient Quarter for such Horses, Cattle, Beasts, and Carriages; or when drawing any Sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or near Side of the Road, or, being the hindermost of Two or more

more Coaches, Waggons, Carts, or other Carriages, travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or Carriage, or any of them, so as to impede or obstruct the Passage of any Coach, Waggon, Cart, or Carriage, or any Horse, coming from the opposite Direction, and being on the proper or Left Side of the Road, or shall in any Manner wilfully prevent any other Person from passing him or any Carriage under his Care, or by Negligence or Misbehaviour shall prevent or interrupt the free Passage of any Carriage of any of Her Majesty's Subjects; or when riding any Horse or Beast, or when driving any Carriage of any Kind, shall ride or drive the same furiously so as to endanger the Person of any one, or shall drive the same against and injure or damage any Curb Stone or Foot Pavement or Causeway, or the Hedges, Posts, Rails, or Fences thereof, or any public or private Property; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Trustees; or suffer any Waggon, Dray, Cart, Sledge, Wheelbarrow, or other Carriage to remain with or without Horses longer than may be necessary for the loading or unloading thereof, or suffer thesame during such Time of loading or unloading to be placed or remain so as to interrupt the public Passage more than may be absolutely necessary; or shall suffer any Stage Coach, Fly, Post Chaise, or other Carriage let to Hire to remain longer than may be necessary for the taking up or setting down of any Passenger, or for loading or unloading the Baggage, or shall draw any Timber, Stone, Metal, or other heavy Material (except the same be wholly in or upon some Carriage with Wheels); or shall wash or clean, or make or repair, any Carriage (except such Carriages as may want immediate Repair from any sudden Accident upon the Spot, and which cannot conveniently be removed for that Purpose); or shall discharge any Fire-arms, except in Case of Necessity for Self-defence, or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Firework, or set fire to any Tar Barrel, or carry about any Tar Barrel, or play at Foot Ball, or throw any Snow Ball, or trundle any Hoop, or fly any Kite, or run any Race, or play any Game, to the Annoyance of any Inhabitant or Passenger; or slide or skate during Frost on any Pavement or Footway; or wilfully break any Glass, Panes, or Windows, or abet or assist in breaking the same; or if any Person shall, upon the said Piers, Quays, and Wharfs, or any of them, or in any such Roads, Passages, or Places, hew, bore, saw, or cut any Timber, Wood, or Stone; or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance, (except in the loading or unloading of Vessels lying or being within the said Harbour,) or throw, cast, lay, or place any Dust, Dirt, Manure, Filth, Carrion, Blood, or any Sort of Rubbish, or throw any such Matter or Thing into any public or private Well, Pump, Canal, Watercourse, or Reservoir for Water within the said Limits; or shall set fire to, or wilfully cause, permit, or suffer the Chimney of any House, Workshop, or other Building within the said Limits to be on fire; every Person so offending, or the Person causing any such Offence to be committed, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

XCVIII. And

Trustees may enter into Contracts.

XCVIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time to enter into any Contracts for the Performance of any of the Works by this Act authorized to be done, or for furnishing any Materials, Implements, Labour, or other necessary Matters or Things for the Performance thereof, or for any other of the Purposes of this Act: Provided always, that no such Contract shall be made for a longer Term than Three Years from the making thereof, and before any such Contracts shall be entered into Ten Days public Notice at the least shall be given, in order that Persons willing to undertake the same may make Proposals to the said Trustees at a certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when the said Works are to be completed, together with the Penalties to be incurred in the Case of Nonperformance thereof; and such Contracts shall be signed by the said Trustees, or by any Three of them, or by their Clerk, and also by the Person contracting to perform such Works respectively, and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees.

Composition for Breach of Contract.

XCIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree with any Person who shall have entered into any Contract with the said Trustees, and shall not have performed or shall be unable to perform the same, or with the Surety or Sureties of any such Person, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, for such Sum of Money or other Recompence as the said Trustees shall think proper.

Trustees exempt from personal Responsibility in Contracts, &c.

C. And be it further enacted, That nothing in this Act, or in any Contract or other Instrument hereby authorized to be entered into or made by the said Trustees, shall extend to charge the Person of any of the Trustees executing such Contract or other Instrument, or the Heirs, Executors, or Administrators, or the Lands, Tenements, Goods, or Chattels of such Trustees, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in any such Contract or other Instrument contained on the Part of such Trustees, but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit at Law or in Equity against the said Trustees or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Contract or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Trustees shall pay or be put to, or which shall be occasioned by reason of any such Contract, Agreement, or other Instrument, or any Action or Suit to be brought or prosecuted thereupon, shall respectively be paid and discharged by and out of such of the Monies to be raised by virtue of this Act as the said Trustees shall think proper and direct.

Power to mortgage the Tonnage Rates and Dues.

CI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money on the Credit

Credit of the several Tonnage Rates or Dues, and other Duties connected with the said Harbour, (the said Anchorage Dues excepted,) and by Writing under the Hands and Seals of any Five or more of them to mortgage, grant, or assign the said Tonnage Rates or Dues, and other Duties connected with the said Harbour, (the said Anchorage Dues excepted,) to any Person or Persons who shall advance or lend such Money, or to his Trustee or Trustees, as a Security for the Money so to be borrowed, together with such lawful Interest as the said Trustees and the Parties lending such Money shall agree upon; and the Charges and Expences of such respective Securities shall be from Time to Time defrayed by the said Trustees out of the Money advanced upon such respective Securities, or out of any other Monies in their Hands: Provided always, that no Sum of Money shall be borrowed or taken up at Interest under the Authority of this Act but at some General or Special Meeting of the said Trustees, of which Meeting and of the Sum of Money proposed to be borrowed or taken up at Interest Fourteen Days Notice at the least shall be given in the Manner herein-before prescribed for giving Notices of Special Meetings of the said Trustees; and every such Mortgage shall be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Year of the 'Reign of Queen *Victoria*, intituled [*here set forth the Title of* '*this Act*], we, whose Hands and Seals are hereunto subscribed, 'being of the Trustees acting in the Execution of 'the said Act, in consideration of the Sum of 'advanced and paid by *A. B.* of upon the Credit of 'and for the Purposes of the said Act, do hereby grant, bargain, 'sell, and assign unto the said *A. B.*, his Executors, Administrators, 'and Assigns, such Proportion of the Tonnage Rates or Dues, and 'other Duties connected with the said Harbour, granted by the said 'Act, (the Anchorage Monies due to and collected for or on account 'of the Lords of the Manor of *Workington* and *Seaton* respectively 'excepted,) as the said Sum of doth or shall bear 'to the whole Sum borrowed and to be borrowed, and which shall 'from Time to Time be owing upon the Credit of the said Tonnage 'Rates or Dues and other Duties, to be had and holden from the 'Day of the Date of these Presents until the said Sum of 'with Interest for the same after the Rate of *per Centum* '*per Annum*, shall be fully repaid and satisfied. In witness whereof 'we have hereunto set our Hands and Seals, the Day of 'in the Year of our Lord .'

No Preference in Payment of Mortgages.

CII. And be it further enacted, That the several Persons to whom any such Mortgage shall have been made shall be respectively entitled to their respective Quota of the said Tonnage Rates or Dues and other Duties in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of Priority in the Date of any such Mortgage or on any other Account whatsoever.

Power for Trustees to raise Money by Annuity.

CIII. And be it further enacted, That in case the said Trustees shall think it advisable to raise all or any Part of the Money for the Purpose of this Act by granting Annuities for Lives instead of

Assignments

Assignments as aforesaid, it shall be lawful for the said Trustees, by Writing under the Hands and Seals of any Five or more of them, to grant an Annuity to any Person who shall advance and pay to the said Trustees any Sum of Money for the absolute Purchase of an Annuity, to be paid and payable during the natural Life of any such Contributor, or of such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say,)

Form of Grant of Annuity.

'WE, being of the Trustees acting in the Execution of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], in consideration of the Sum of paid by in pursuance of the said Act, do hereby grant unto the said an Annuity or yearly Sum of Pounds, to be paid out of the Tonnage Rates or Dues and other Duties to be raised, levied, and collected by virtue of the said Act, (except the Anchorage Dues,) which Annuity or yearly Sum of Pounds shall be paid to the said or his Assigns, during the Term of his natural Life [*or, as the Case may be*, to the said his Executors, Administrators, or Assigns, during the natural Life of or during the natural Lives of and and the Life of the Survivor], upon the Day of the Day of the Day of and the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of the said *or* of the said and and the Survivor of them]; the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we the said Trustees have hereunto set our Hands and Seals the Day of in the Year of our Lord One thousand eight hundred and .'

And every such Grant shall be good and effectual in the Law without any Enrolment of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Trustees out of the said Tonnage Rates or Dues and other Duties respectively, (except as aforesaid,) according to the Grant of such Annuity.

Register Book to be kept of Securities.

CIV. And be it further enacted, That a Book shall be provided by the said Trustees, and be kept by their Clerk, in which Book shall be entered Copies of all Mortgages and Grants of Annuities and other Securities made in pursuance of this Act, which Book shall be open to the Inspection of the several Holders of Mortgages, Annuities, and other Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Securities may be transferred.

CV. And be it further enacted, That it shall be lawful for any Person entitled for the Time being to any of the Securities for the Money

Money to be borrowed as aforesaid, and his Executors, Administrators, and Assigns, by Deed in Writing under their respective Hands and Seals, duly stamped, and in which the Consideration for the same shall be truly stated, to transfer the same respectively to any other Person whomsoever, in the Form or to the Effect following; (that is to say,)

Form of Transfer of Securities.

'I *A.B.* of [*or* I, *C.D.* of Executor *or* Administrator of *A.B.* late of *or otherwise as the Case may happen to be*], in consideration of the Sum of Pounds to me paid by *E.F.* of do hereby assign and transfer unto the said *E.F.*, his Executors, Administrators, and Assigns, a certain Security, Number bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Trustees for executing an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], and the Principal Sum of [*or* the Annuity of *as the Case may be*], thereby secured, and all Interest now due or hereafter to grow due thereon, and all my Right and Interest in and to the same. In witness whereof I have hereunto set up set my Hand and Seal this Day of in the Year of our Lord .'

Transfers to be registered

Which Transfer shall, within Twenty Days after the Date thereof, be produced to the Clerk of the Trustees, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sum of Money or Annuity thereby transferred, in the Register Book to be kept for entering Copies of the original Securities, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made every such Assignment shall entitle the Person to whom the same shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Money may be borrowed at lower Interest to pay off existing Mortgages.

CVI. And be it further enacted, That in case the said Trustees shall at any Time be able to borrow any Sum of Money at a lower Rate of Interest than shall then happen to be payable upon any of the existing Mortgages which may have been granted under the Authority of this Act, it shall be lawful for the said Trustees from Time to Time to charge the said Tonnage Rates or Dues and other Duties (except the said Anchorage Dues) in manner aforesaid with any Sum of Money to be borrowed at such lower Rate, and with the Interest thereof, and to pay off and discharge any of the said Mortgages bearing a higher Rate of Interest.

Application of Tonnage Rates and Harbour Dues.

CVII. And be it further enacted, That the Monies to arise or be received by or from the Tonnage Rates or Dues and other Duties by this Act granted, (except the said Anchorage Dues,) and all Monies which may be borrowed on the Security thereof, and all other Monies which may arise or be received by virtue of this Act, (except as aforesaid,) shall be and the same are hereby vested in the said Trustees, and shall be applied by the said Trustees in manner following; (that is to say,) in the first place in paying and discharging the Costs, Charges,

Charges, and Expences which shall have been incurred in applying for or which shall be in any Manner incident to the obtaining and passing of this Act, with Interest for any Money which may have been advanced for that Purpose, as the said Trustees shall direct; and in the next place in paying and discharging the said Sum of Eight hundred and six Pounds Eleven Shillings and Seven-pence, being the several Debts and Arrears of Payments due in respect of the said Pier commonly called *John's Pier*, belonging to the said Harbour, and which are still owing to the several Persons who subscribed or advanced Money to defray the Cost of building the said Pier, together with Interest on the same; and in the next place in paying and discharging the said Principal Sum of Five thousand three hundred and seventy-nine Pounds Eighteen Shillings and Three-pence now due and owing to the said *Henry Curwen* on the several Accounts hereinbefore mentioned, together with Interest on the same, and in Payment of the Sum of One thousand Pounds to the said *William* Earl of *Lonsdale*, for Monies heretofore laid out and expended by him in Repairs of the Pier called *Merchant's Quay*, and other the protective Erections on the North Side of the said Harbour, together with Interest for the same; and in the next place in payment to the said *Henry Curwen*, his Heirs and Assigns, of a perpetual yearly Rent or Sum of Twenty-three Pounds Two Shillings, clear of all Deductions on any Account whatsoever, for and in lieu of all the Right, Title, and Interest of him the said *Henry Curwen* in or to the said Harbour Cable House and Spile House, and in and to the several Quays, Wharfs, Piers, and Docks on the South Side of the said Harbour, (except the herein-before mentioned Messuage or Dwelling House called the Harbour House, with the Appurtenances, and also except the said accustomed Anchorage Money due to and to be collected for the said *Henry Curwen* as Lord of the Manor of *Workington*,) which said yearly Rent or Sum of Twenty-three Pounds Two Shillings shall be charged and chargeable upon and be issuing out of the said Rates, Dues, and other Dues in perpetuity, and shall be payable and paid by the said Trustees to the said *Henry Curwen*, his Heirs and Assigns, on the Thirty-first Day of *December* in each Year, the first Payment thereof to begin and be made on the Thirty-first Day of *December* next after the passing of this Act; and in the next place in paying and discharging the annual Interest of any Money which may have been borrowed by way of Mortgage, and in paying any Annuities which may have been granted under the Authority of this Act; and in the next place in paying and discharging all other Costs, Charges, and Expences attending the carrying into execution the several Purposes of this Act; and lastly in reducing and discharging the several Principal Sums of Money which may be borrowed under the Authority or on the Credit of this Act.

Power to distrain for the Rent.

CVIII. And be it further enacted, That in case the said yearly Rent of Twenty-three Pounds Two Shillings, or any Part thereof, shall be behind and unpaid for the Space of Twenty Days next after the Day herein-before limited or appointed for Payment thereof, then and in such Case, and from Time to Time as often as it shall so happen, it shall and may be lawful to and for the said *Henry Curwen*, his Heirs and Assigns, to enter into and upon the said Harbour, Quays, Wharfs, Houses, or Storehouses thereof, and distrain any

Vessels, Timber, or other Materials or Property belonging to the said Trustees as such, and to sell and dispose thereof, or of a competent Part thereof, and to satisfy therewith the said yearly Rent, and every or any Part thereof, and all Arrears thereof then due, and all Costs and Charges attending such Entry, Distress, and Sale; or otherwise, at his or their Option, to have, bring, and maintain an Action of Debt or on the Case for such Arrears of Rent, against the Trustees of the said Harbour or any of them, or against their Collector, Treasurer, or Clerk, in any of Her Majesty's Courts of Record at *Westminster*, wherein the said *Henry Curwen*, his Heirs and Assigns, shall and may recover the said Rent, or such Part thereof as shall then be in arrear, together with full Costs of Suit.

Treasurer not to pay Money without an Order.

CIX. And be it further enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Trustees under the Authority of this Act, or which shall become otherwise payable to them under any of the Provisions of this Act, shall from Time to Time be paid into the Hands of the Treasurer to the said Trustees; and no Money shall be disbursed or paid by such Treasurer on behalf or on account of the said Trustees without an Order in Writing, signed at a Meeting of the said Trustees to be held in pursuance of this Act, by the Chairman of the said Meeting for the Time being.

Damages and Charges, in case of a Dispute, to be settled by a Justice.

CX. And be it further enacted, That in all Cases wherein any Compensation or any Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by any Justice of the Peace acting for the said County of *Cumberland*; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of such Offence; and such Justice is hereby authorized and required, on Nonpayment of the Damages, in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, the same to be levied by Distress of the Goods of the Trustees or their Treasurer.

CXI. And be it further enacted, That whenever any Money shall be directed or ordered to be paid by any Justice of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, taken or committed by the said Trustees, or by any Person acting under their Authority, and such Money shall not be paid by the said Trustees to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose, in pursuance of the Direction or Order made by such Justice, (and in which Demand the Order made by such Justice shall be stated,) the Amount of such Compensation and Satisfaction, Costs or Expences, shall and may be

levied and recovered by Distress and Sale of the Goods and Chattels of the said Trustees, or the Treasurer for the Time being to the said Trustees, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Cumberland*, which Warrant such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money as aforesaid; and in case any Overplus shall remain after Payment of such Money, and of the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive under the Authority of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or have incurred by virtue of any such Warrant as aforesaid.

Penalty for obstructing the Execution of this Act.

CXII. And be it further enacted, That if any Person shall obstruct or assault any Harbour Master, Collector, Constable, Assistant Constable, Watchman, or Beadle employed under the Authority of this Act, or by any Bye Law or Order made in pursuance thereof, in the Execution or Performance of his Duty, every Person so offending shall forfeit and pay a Penalty or Sum not exceeding Five Ponnds for every such Offence

Trustees may direct Prosecutions for public Nuisances.

CXIII. And be it further enacted, That the said Trustees may and they are hereby empowered to direct any Prosecution against any Person for any public Nuisance whatsoever which shall be committed or suffered within the Limits of the said Harbour, or for any Resistance to the Execution of this Act, or to any Person acting under the same, or for any Offence committed against this Act, or for any Encroachment or Obstruction placed or erected in or upon any of the Piers, Quays, Wharfs, Roads, Ways, or other public Passages or Places, or upon the Footpaths within the said Limits, and upon the herein-before mentioned Road on the North Side of the said Harbour; and the Costs and Charges of and attending such Prosecutions shall be paid out of such of the Monies to be raised under and by virtue of this Act as the said Trustees shall think proper and direct.

Recovery and Application of Penalties.

CXIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the said County of *Cumberland*, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and any Overplus of the Money so raised and recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods

Goods and Chattels shall have been distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Trustees, for the Use and Benefit of the said Trustees, to be applied by such Trustees to such of the Purposes of this Act as the said Trustees shall think proper and direct: Provided always, that if such Penalties or Forfeitures shall be incurred by the said Trustees the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Township or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Township or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices, for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, (such Time being not more than Seven Days from the taking of such Security), and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, then such Justices shall and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, their to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

CXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

CXVI. And

For securing Offenders whose Names and Residences are unknown.

CXVI. And be it further enacted, That it shall be lawful for any Officer or Agent for the said Trustees, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent who shall commit any Offence against this Act, and to convey him before some Justice for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Form of Conviction.

CXVII. And for the more easy and speedy Conviction of Offenders against this Act, or against any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority hereof; be it further enacted, That a Conviction in the Form or to the Effect following shall be good without alleging more than the Substance of the Offence; (that is to say,)

'*Cumberland* to wit.' BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, one of Her Majesty's Justices of the Peace for the County of *Cumberland*, [*here describe the Offence, and the Time and Place when and where committed,*] contrary to an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written. *C. D.* (L. S.)'

General Power to Justices to administer Oaths.

CXVIII. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or receive the Affirmation of any Person before he shall be examined by or before such Justice.

For compelling Witnesses to attend.

CXIX. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker on Affirmation) to give Evidence before such Justice, such Person shall forfeit and pay the Sum of Five Pounds for every such Offence.

Persons aggrieved may appeal to the Quarter Sessions.

CXX. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Order or Judgment of the said Justices, and also the said Trustees, and all other Corporations and Persons, who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Jus-

tices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Trustees, (as the Case may be,) and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they may think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Declaring what shall be good Service of Notice on the Trustees.

CXXI. And be it further enacted, That in all Cases in which it shall be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Trustees, personal Service thereof respectively on any of the said Trustees, or delivering the same to some Inmate of the last or usual Place of Abode of such Trustee, or personal Service thereof on the Clerk or Treasurer of the said Trustees, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or leaving a Copy thereof at the principal Office of the said Trustees, or in case the same respectively shall not be known, then personal Service thereof on any other Agent of or Officer employed by the said Trustees, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed sufficient Service of the same respectively on the said Trustees.

Declaring what shall be good Service of Notice by the Trustees.

CXXII. And be it further enacted, That in all Cases in which it may be necessary for the said Trustees to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon any Person or Corporation under the Provisions of this Act, personal Service thereof respectively on such Person, or on some Member or on the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively on such Person or Corporation, (as the Case may be,) except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that any Summons, Demand, or Notice, or other Document requiring Authentication by the said Trustees, may be signed by the Chairman, Clerk, or Treasurer for the Time being of the said Trustees, and may be in Writing or in Print, or partly in Writing and partly in Print.

CXXIII. And

Trustees empowered to grant Releases to Witnesses.

CXXIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and all Proceedings under this Act or otherwise, against or by or on behalf of the said Trustees, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Action, Suit, or Proceeding, it shall be lawful for any Three or more of the said Trustees to make, sign, seal, execute, and deliver such general or other Releases as may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid from any Claim or Demand which may be necessary to be released by the said Trustees, so to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding, and also to do any other Act in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release and Act shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made by the said Trustees.

Distress not unlawful for Want of Form.

CXXIV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which may be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of Form.

CXXV. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatever, in any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Plaintiff not to recover after Tender of Amends.

CXXVI. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity or other wrongful Proceeding committed in the Execution of this Act if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been so made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Cases in which Defendants are allowed to pay Money into Court.

Rules for the Interpretation of this Act.

CXXVII. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender

Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Vessel" shall be used, the same shall be understood to mean any Ship, Lighter, Keel, Barge, Boat, or Craft, and any other Kind of Vessel whatsoever, and also any Raft; and where the Word "Master" in relation to any Vessel shall be used, the same shall be understood to mean any Person, whether the Owner or Master or other Person lawfully or wrongfully having or taking the Command, Charge, or Management of the Vessel at the Time; and the Word "Partner" shall be held not to extend to Shareholders in any Joint Stock Undertaking, nor to Part Owners of Ships; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

General Saving.

CXXVIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, and Bodies and Body Politic, Corporate, and Collegiate, and Her and their Heirs, Successors, Executors, and Administrators, all such Rights, Estates, Titles, and Interests as they respectively had held, enjoyed, or possessed before the passing of this Act, or would or ought to have held, enjoyed, or possessed in case this Act had not been passed, of, in, to, or in respect of the Lands comprised within the Limits of the said Harbour, and the Lands contiguous to the same, or any Part thereof respectively, and of, in, and to any accustomed Anchorage or other Dues, Profits, Emoluments, Easements, and Advantages, and all Remedies and Powers for recovering and enforcing Payment of or Compensation for the same, except so far as such Rights, Estates, Titles, and Interests, Anchorage or other Dues, Profits, Emoluments, Easements, and Advantages, are by this Act expressly altered, lessened, prejudiced, defeated, or impeached, but not further or otherwise.

Saving the Rights of the Trinity House.

CXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights, Privileges, Jurisdictions, or Authorities of the said Corporation of *Trinity House* of *Deptford Strond*.

Public Act.

CXXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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