



ANNO QUADRAGESIMO SEXTO

# GEORGII III. REGIS.

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## Cap. 115.

An Act for continuing and amending several Acts of Parliament for improving the Port, Harbour, and Town of *Whitehaven*, in the County of *Cumberland*. [12th July 1806.]

**W**HEREAS by an Act passed in the Seventh Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for preserving and enlarging the Harbour of Whitehaven, in the County of Cumberland*, and thereby the Bounds and Limits of the said Harbour were fixed, and certain Rates and Duties were granted on Coals exported from, and Goods and Merchandizes imported into the said Harbour, and certain Duties were granted on the Tonnage of Shipping for the Term of Fourteen Years, for making certain Moles and other Works for preserving and enlarging the said Harbour, and for deepening the same, and for other Purposes in the said Act mentioned; and *James Lowther* Esquire, his Heirs and Assigns, Lord of the Manor of *Saint Bees*, for the Time being, in the County of *Cumberland* aforesaid, and divers other Persons, were appointed Trustees for carrying the said Act into Execution: And whereas by one other Act, passed in the Tenth Year of the Reign of Her said late Majesty Queen *Anne*, intituled, *An Act for enlarging the Term for Payment of certain Duties granted in and by an Act of Parliament, passed in the Seventh Year of her Majesty's Reign, intituled, 'An Act for preserving and enlarging the Harbour of Whitehaven in the County of Cumberland,'* the Rates and Duties granted by the said recited Act were continued for the further Term of Fourteen Years from the Expiration of the said former

7 Anne recited.

10 Anne recited.

[Loc. & Per.]

26 A

Term:

Term: And whereas by One other Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Second, intituled, *13G. 2. recited.* *An Act for making more effectual Two Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen Anne, for preserving and enlarging the Harbour of Whitehaven, in the County of Cumberland, and for repairing and amending the High Roads leading to the said Harbour and Town of Whitehaven, the Rates and Duties granted and continued by the said recited Acts were further continued for the Term of Twenty-one Years, and certain Tolls, Duties, Powers, and Authorities were granted for amending, widening, and keeping in Repair several Roads leading to the Town of Whitehaven therein particularly mentioned:* And whereas by One other Act passed in the First Year of the Reign of *1G. 3. recited.* His present Majesty, intituled, *An Act for continuing so much of an Act passed in the Thirteenth Year of King George the Second, intituled, An Act for making more effectual Two Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen Anne for preserving and enlarging the Harbour of Whitehaven in the County of Cumberland, and for repairing and amending the High Roads leading to the said Harbour and Town of Whitehaven, as relates to the preserving and enlarging the said Harbour, the said recited Acts were further continued for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and the Powers thereof were altered and enlarged:* And whereas by One other Act passed in the Second Year of the Reign of His present Majesty, *2G. 3. recited.* intituled, *An Act for enlarging the Term and Powers of several Acts of Parliament relating to the Harbour of Whitehaven in the County of Cumberland, and to the Roads leading to the said Harbour and Town of Whitehaven, and for further enlarging the said Harbour, and for lighting the said Town and supplying the same with Water, and for regulating the Carmen there; and for repealing so much of an Act of the Twenty-third Year of the Reign of His late Majesty as relates to the Road from Calder Bridge to Egremont, and directing how the said Roads should be repaired; and for repairing several other Roads therein mentioned in the said County, the said recited Acts were further continued for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and the Powers thereof were altered and enlarged:* And whereas by One other Act passed in the *28G. 3. recited.* Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for continuing an Act made in the Second Year of the Reign of His present Majesty, intituled, An Act for enlarging the Term and Powers of several Acts of Parliament relating to the Harbour of Whitehaven in the County of Cumberland, and to the Roads leading to the said Harbour and Town of Whitehaven, and for further enlarging the said Harbour, and for lighting the said Town and supplying the same with Water, and for regulating the Carmen there; and for repealing so much of an Act of the Twenty-third Year of His late Majesty as relates to the Road from Calder Bridge to Egremont, and directing how the said Road should be repaired; and for repairing several other Roads therein mentioned in the said County,* the said recited Acts were continued for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and the Powers thereof were altered and enlarged: And whereas by One other Act passed in the Thirty-second Year of the *32G. 3. recited.* Reign of His present Majesty, intituled, *An Act for further enlarging and improving the Harbour of Whitehaven in the County of Cumberland, the Limits of the said Harbour were further enlarged, and the Powers of the said recited Acts were altered and amended:* And whereas in pursuance and by virtue of



of the said several Acts the said Harbour of *Whitehaven* hath been considerably enlarged, deepened, and improved, and several strong and substantial Moles, Wharfs, Quays, and other Works, have at great Expence been made and erected, whereby Ships in the said Harbour can now lie in Safety, and whereby the Trade and Navigation within the Port and Town of *Whitehaven* have been considerably increased, and the said Town hath been greatly improved, and large Sums of Money have been borrowed on the Credit of the said Acts, so far as the same relate to the Port, Harbour, and Town of *Whitehaven*, which still remain due and owing; and the said Port and Harbour cannot be effectually maintained, or the several Works aforesaid finished and kept in Repair, or the said Town of *Whitehaven* be effectually lighted and paved, or the Money so borrowed be repaid, unless the Terms and Powers of the said Acts are further continued and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts, and all and every the Clauses, Powers, Provisions, Duties, Penalties, Forfeitures, Punishments, Articles, Matters, and Things therein contained, (except so much of the said recited Acts as relate to Exemptions from Stamp Duties, and so much of the same as concerns or relates to the several Roads therein mentioned, and also except such Parts of the same as are varied, altered, or repealed), so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, shall be, and the same is and are hereby declared to be in full Force and Effect, and shall have Continuance for and during the Term herein-after mentioned, for the several Purposes in the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town, and in this Act mentioned and contained, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this present Act; and the Term hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts or any of them, so far as the same concern or relate to the said Port, Harbour, or Town, or which shall grow due upon the Credit of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town, and of this Act, and that the Persons who are or shall be for the Time being Trustees of the said recited Acts, under the Provisions therein contained relative to the said Port, Harbour, and Town of *Whitehaven*, shall be Trustees for carrying this Act into Execution.

Powers of  
former Acts  
continued.

II. And be it further enacted, That no Act of the said Trustees shall be or be deemed good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of the said recited Acts or of this Act, (except as may be therein and herein excepted) and that all the Powers and Authorities by the said recited Acts and this Act granted to the said Trustees, shall and may be exercised from Time to Time by the major Part of them, who shall be present at any Meeting to be holden in pursuance of the said recited Acts and this Act, the whole Number of Trustees present at every such Meeting not being less than Eleven; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings, shall have the same Force and Effect as if the same were

What Number  
of Trustees  
may act.



were made or done by all such Trustees for the Time being, (save and except as may be therein and herein excepted), and that at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question, (including the Vote of the Chairman), then and in any such Case it shall and may be lawful to and for such Chairman to give the decisive or casting Vote.

Trustees to  
allow Salaries  
to Officers, &c

III. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, to grant and allow such Salaries and Allowances to the Treasurers, Clerks, Collectors, Surveyors, Engineers, Pier Masters, Deputy Pier Masters, Harbour Masters, and all other Officers and Servants acting by and under the Authority of the Trustees for the said Port, Harbour, and Town of *Whitehaven*, as to the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees shall seem right and proper; and all such Salaries and Allowances shall be paid and defrayed out of the Monies received by virtue of the said recited Acts and this Act, or any of them.

That the Town  
is not properly  
paved, &c or  
secured against  
Fire.

Trustees to  
direct Car-  
riage and  
Foot-ways to  
be paved.

IV. And whereas the Footways, Streets, Lanes, and publick Passages and Places within the said Town of *Whitehaven*, are not properly flagged or paved; be it therefore enacted, That the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees for the Time being of the said Port, Harbour, and Town of *Whitehaven*, shall and may from Time to Time and at all Times after the passing of this Act, direct and order the several Streets, Lanes, and other publick Passages and Places within the said Town of *Whitehaven* and Limits thereof, both in the Carriage and Footways to be paved or flagged, and such Pavements to be from Time to Time amended and kept in Repair upon such Levels and in such Manner, and with such Materials as they shall think necessary or proper.

Footways not  
to be altered  
without the  
Consent of the  
Trustees.

V. And be it further enacted, That if any Person shall without the Consent and Approbation of the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, make or cause to be made any Alteration in the Form of any of the Footways or other Pavements within the said Town of *Whitehaven*, then and in every such Case every such Person shall at his or her own Expence, within Five Days after Notice given him or her for that Purpose, or left at his or her last or usual Place of Abode, by the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, or their Clerk, put the Pavement or Flagging, or Way which shall have been so altered, into the same Form and Condition as it was in before the making of such Alterations, and in case of Neglect or Refusal so to do, the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, shall and may cause the same to be done, and the Costs, Charges, and Expences thereof shall be borne and defrayed by the Person who ought to do the same, and such Costs, Charges, and Expences shall be recovered in case of Non-



Non-payment on Demand in like Manner as any Penalty is herein directed to be recovered.

VI. And be it further enacted, That the Occupier of each and every House or Tenement within the said Town of *Whitehaven* shall Three Days in every Week, that is to say, on *Monday, Wednesday, and Saturday*, between the Hours of Eight and Ten of the Clock in the Forenoon of the said respective Days, scrape, sweep, and cleanse the Footway along the Front of his or her respective House or Tenement, or cause the same to be scraped, swept, and cleansed, and in Default thereof every such Occupier shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; such Sum to be recovered, in case of Non-payment thereof, in like Manner as any other Penalty is herein directed to be recovered.

Footways to  
be swept  
Three Times  
a Week.

VII. And be it further enacted, That the Occupier of every House, Building, or Tenement within the said Town shall and he and she is hereby required, at his or her own Costs and Charges, within Twenty-one Days after Notice in Writing, signed by the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, delivered to such Occupier, or left at his or her usual or last Place of Abode, to cause all Posts which the said Trustees shall think useless or inconvenient, and likewise all Steps, Iron or other Rails, Palisadoes, Pillars, Walls, or Fences, projecting over or upon the Footpaths within any of the said Streets, Lanes, or other publick Passages or Places, to be taken down, removed, or altered, and also all Window-hatches and Doors opening and leading over, upon, or from the said Footpaths into Vaults, Cellars, Entries, or Under Kitchens, to be removed or altered, so that the same may not be dangerous, or incommodious to Passengers, and all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any such Occupier, and all Sign Posts, Sign Irons, Penthouses, Porches, Sheds, Show Glasses, and Show Boards, Watering Tubs and Troughs, Pumps, and Stalls projecting into any of the said Streets, Lanes, publick Passages or Places to be taken down and removed; and in case any such Occupier shall neglect or refuse so to do it shall be lawful for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, and they are hereby required to cause the same to be taken down, removed, carried away, altered, or reformed in such Manner as they shall think proper, and to cause such Signs or other Emblems, or such Parts thereof as they may think proper, to be affixed or placed in the Fronts of the Houses, Shops, Warehouses, or Buildings whereto they belong, or were before affixed, and not otherwise, and shall return to the Owner thereof so much of the said Signs or other Emblems, Sign Posts, Sign Irons, and Show Boards, and of the Materials of the said Penthouses, Sheds, and other Things so taken down, removed, carried away, altered, or reformed, as shall not otherwise have been made use of, and the Costs, Charges, and Expences incurred thereby shall be paid out of the Money to arise by virtue of this Act, and shall and may be recovered of the Occupier of such House, Building, or Tenement, in like Manner as the Rates or Assessments to be made in pursuance of this Act, or of the said recited Act made in the Second Year of the Reign of His present Majesty, are hereby and thereby directed to be recovered; and if any Cellar Window, Cellar Door, Under Entry or Kitchen shall be left open after Sun-set in any Evening, or be opened before Sun-rising in the

Occupiers of  
Houses to take  
down Posts,  
Signs, &c.

[*Loc. & Per.*]

26 B

Morning,



Trustees may allow the Expences of Alterations, &c.

Morning, without being sufficiently lighted to prevent Accident happening therefrom, then and in every such Case the Occupier of such Cellar, Vault, Under Entry, or Kitchen, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that the said Trustees shall and they are hereby authorized and empowered, upon Application made to them for that Purpose by the Owner or Occupier of any House or other Building, to allow and pay to such Owner or Occupier, out of the Money arising by virtue of this Act, such Sum of Money towards the Expence which may have been incurred by such Owner or Occupier by the taking down, removing, or altering any such Posts, Steps, Iron or other Rails, Palisadoes, Walls or Fences, Window-hatches and Doors, Signs or Sign Posts, Sign Irons, Penthouses, Porches, Sheds, Show Glasses, and Show Boards, Watering Tubs and Troughs, Pumps, and Stalls, as the said Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, shall think reasonable and proper; provided that every such Alteration or Removal shall have been made agreeable to the Order, and under the Direction of the said Trustees.

Occupiers of Houses to take down Spouts and Gutters.

VIII. And be it further enacted, That the Occupier of every House, Building, or Tenement, and the Churchwardens of the said Parish of *Saint Bees*, and the Minister or Deacon officiating in every Meeting House or Chapel in the said Town, shall, and he or she is hereby required, at his or her own Costs and Charges, within such Time and in such Manner as the said Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, shall from Time to Time (by Notice in Writing under their Hands, to be delivered to every such Occupier, Churchwarden, Minister, or Deacon as aforesaid, or left at his or her usual or last Place of Abode) direct to take down, or cause to be taken down, all Spouts and Gutters which now or hereafter shall belong to such House or Building, or to any Church, Meeting House, or Chapel in the said Town, and to cause the Water to be conveyed from the Roof or Roofs of or belonging to such House, Building, or Tenement, Church, Meeting House, or Chapel, by proper and sufficient Pipes or Trunks to be fixed to and down the Sides thereof, and carried under the Flag or other Pavement to the common Channel; and in case any such Person shall neglect or refuse so to do, it shall be lawful for the said Trustees and they are hereby required to cause the same to be done, and to levy the Costs and Charges attending the same upon or from the Persons aforesaid, in like Manner as the Rates or Assessments to be made in pursuance of this Act, or of the said recited Act made in the Second Year of the Reign of His present Majesty, are hereby and thereby authorized and directed to be levied and recovered; and every such Person being Tenant at Rack Rent may deduct and retain the same out of his or her Rent, and the Person entitled to the Rent of such Premises is hereby required to allow such Deductions.

Tenants to deduct the Expences out of their Rents.

For preventing future Projections.

IX. And be it further enacted, That if any House or other Building in or near any Street, Lane, or other publick Passage or Place within the said Town and the Limits thereof, shall after the passing of this Act be made, erected, or built in such Manner or Form as in the Front or in any of the Gables or Sides thereof, to project into or over such Street, Lane, or other publick Passage or Place, or in any other Manner or Form than in



a perpendicular Line or Direction upwards from the Foundation of such House or Building; or if any Spout, Pipe, or Trunk for conveying Water from the Roof, Eaves, or Cornices of any House or other Building in any Street, Lane, or other publick Passage or Place in the said Town or the Limits thereof, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof by such Spouts, Pipes, or Trunks in the Fronts or Sides of such Houses and Buildings respectively, and brought down to the Ground; or if any Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cess Pool, Cistern, or Reservoir for Water, or any other Encroachment or Projection against or in the Front or Outside of any House or other Building within or adjoining to any Street, Lane, publick Passage, or Place within the said Town or the Limits thereof, shall be made, erected, or built so as to obstruct the free and commodious Passage along any of the Carriage or Footways of the same, then and in every such Case the Owner or Owners of every such House or other Building, Sign, Sign Iron, Sign Post or other Post, Shed, Penthouse, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cess Pool, Cistern, or Reservoir for Water, or other Encroachment or Projection which shall be so made, erected or built as aforesaid, or of every such Spout, Pipe, or Trunk which shall be so made or affixed, otherwise than as aforesaid, contrary to this Act, shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings a Day for every such House or other Building, Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cess Pool, Cistern, or Reservoir, for Water, Spout, Pipe, or Trunk, or other Encroachment or Projection, shall continue in such State as is herein provided against; and it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees (whether any of such Penalties or Forfeitures shall be levied or not) to cause all such Houses or other Buildings, Signs, Sign Irons, Sign Posts and other Posts, Sheds, Penthouses, Steps, Stairs, Bow Windows, Window Shutters, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses, Show Boards, Pools, Cess Pools, Cisterns, and Reservoirs for Water, Spouts, Pipes, Trunks, and other Encroachments and Projections, or any of them, to be taken down, taken away, and removed.

X. Provided always, and be it further enacted, That in all Cases where any Encroachments or Projections as aforesaid shall be made against or in the Front of any House or Building wherein any Person or Persons shall have any Estate, Term, or Interest, originally granted for Twenty-one Years, or Three Lives, upon which any Fine or Fines hath or have been paid, or any greater Estate, shall be and be deemed to be the Owner or Owners of such House or Building, so as to be liable to the Penalties and Forfeitures which may be incurred by the Owner or Owners thereof.

Persons having a greater Estate than Twenty-one Years, deemed Owners of Houses, &c.

XI. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot-pavements within the said Town of *Whitehaven*, or Limits thereof, run, draw, drive, or carry any Truck, Wheel Sledge, Wheelbarrow, Handbarrow, Bier or Carriage whatsoever, or roll any

For preventing Annoyances in the Streets.



any Cask or Tub other than for the necessary loading or unloading thereof, into, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled, (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled), or if any Person shall wilfully ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footways or Footpavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench or any other Matter or Thing, so as in any Manner to cause any Obstruction or Impediment in the Footway, or on the Footpavement, or shall in any Street, Lane, or other publick Passage or Place within the said Town or Limits thereof, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stave, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose), or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Animal, either wholly or in Part, in any of such Streets, Lanes, publick Passages or Places, or cause or permit any Blood or Offal to run from any Slaughter House, Butcher's Shop, or Shambles into the same, or any of them, or shall hang up, place, or expose to Sale any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing projecting over, or in or upon the Footway or Carriageway of any of such Streets, Lanes, publick Passages or Places, or so as to obstruct or incommode the Passage of any Person, or Carriage therein, or shall commit any other Kind of Obstruction or Annoyance in any such Street, Lane, publick Passage or Place within the said Town, then and in every such Case every Person so offending in any such Cases shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees to  
appoint  
Watchmen.

XII. And be it further enacted, That it shall be lawful for the Lord or Lords, for the Time being, of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, and they are hereby authorized and empowered from Time to Time to appoint such Number of Watchmen to be employed within the said Town or Limits thereof, for so long Time in the Night, under such Regulations, and for such Wages as they the said Trustees shall think proper, and to provide such Watchmen with proper Arms, Ammunition, Weapons, and Clothing, for the Discharge of their Duty, and to erect and set up any Watch House or Watch Houses, and any Watch Box or Watch Boxes in such Place or Places as they the said Trustees shall think proper; also to appoint One or more fit Person or Persons in the Room or Stead of any Watchman or Watchmen who shall die, or shall be discharged from his or their Office for Neglect of Duty, or other Misdemeanour in Office, and also to impose any Fine not exceeding Ten Shillings, on any Watchman or Watchmen for every such Neglect, or other Misdemeanour (such Fine to be deducted out of the Wages of such Watchman or Watchmen), and from Time to Time to make Orders and Regulations for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others.

XIII. And



XIII. And be it further enacted, That the Watchmen to be appointed and employed as aforesaid, shall during the Time of their being upon Duty in their respective Stations, use their utmost Endeavours to prevent any Mischief by Fire, and also any Burglaries, Robberies, Affrays, or other Outrages and Disorders, within the said Port, Harbour, and Town of *Whitehaven*, and the Limits thereof, and that it shall be lawful for all such Watchmen and he and they is and are hereby required while on Duty to apprehend and secure all Malefactors, Rogues, Night Walkers, Vagabonds, and disorderly Persons within the Port, Harbour and Town of *Whitehaven*, and Limits thereof respectively, who shall disturb the publick Peace, and all suspected Persons who shall be found wandering about, or misbehaving themselves during the Hours of keeping Watch, and to secure and keep in safe Custody in the Common Prison of the said Town of *Whitehaven*, or such other Place or Places to be provided by the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, every such Person in order that he, she, or they may be conveyed, as soon as conveniently may be, before some Justice of the Peace, for the County of *Cumberland*, to be examined and dealt with according to Law; and if any Person or Persons shall assault or resist, or shall promote or encourage the assaulting or resisting any such Watchman or Watchmen in the Execution of his or their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Victualler, or Keeper of any Publick House, shall knowingly harbour or entertain any such Watchman or Watchmen to be employed as aforesaid, or permit or suffer any such Watchman or Watchmen to be and remain in his House during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper of such Publick House shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds.

Watchmen's  
Duty.

Penalty for  
assaulting  
Wathmen.

XIV. And be it further enacted, That for the more expeditious extinguishing of Fires that may happen in the said Town of *Whitehaven*, it shall be lawful for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, and they are hereby empowered to make and cause to be made, under any of the publick Streets, Lanes, Passages, or Places, within the said Town or the Limits thereof, such and so many Reservoirs for collecting and preserving Water as they shall think fit; and that any Fireman or other Person, by order of any one of the said Trustees, or their Clerk, present at any Fire, shall or may take up or break any of the Pavements within the said Town, or any Water-pipe or Water-pipes laid or to be laid therein; and the said Trustees shall and may, from Time to Time, order and appoint such and so many Plugs, called *Fire Plugs*, to be put and placed into the main or other Plugs laid or to be laid along any Part or Parts of the said Streets, Lanes, Passages, and Places, and belonging to any Person or Persons, Proprietor or Proprietors whatsoever, for the better obtaining Water for the working of the Fire Engine or Engines, or otherwise extinguishing of such Fires, but for no other Use or Purpose whatsoever: Provided always, that all such Pavements so to be broken, and all Damage happening thereby, shall be repaired and made good by the said Trustees out of the Rates and Monies to be raised by virtue of this Act.

Fire Plugs to  
be made.



Trustees may contract for paving the Town, and providing Watch-boxes, Fire-engines, &c.

XV. And be it further enacted, That it shall be lawful for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, from Time to Time to contract and agree with any Person or Persons for the paving, flagging, and keeping in repair the Footways, Streets, Paths, Passages, and other Places within the said Town of *Whitehaven*, and Limits thereof; and also to contract and agree with any Person or Persons for the furnishing of any Materials, Matters, and Things necessary for the carrying of the said recited Acts and this Act into Execution or any of them, and for any other the Purposes of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and this Act, or of any of them; and such Trustees shall, and they are hereby required, to take Security from every such Contractor for the due Performance of his or her Contract; and it shall and may be lawful to and for such Trustees, from Time to Time, and at all Times hereafter, to contract and agree with any Person or Persons on account of Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Pavements, &c. vested in Trustees.

XVI. And be it further enacted, That all the present and future Pavements, Flag Stones, and Curb Stones in the several Streets, Lanes, and other publick Passages and Places within the said Port, Harbour, and Town of *Whitehaven* and Limits thereof, and the Stones, Gravel, and other Materials, of which as well the Footways as Carriageways of such Streets, Lanes, and other publick Passages and Places, do and shall consist, and also all Fire Engines, Fire Buckets, Lamps, Lamp Irons, Lamp Posts, Watch Boxes, Watch Houses, and other Houses and Buildings erected, fixed up, made, or built by virtue of the said recited Acts or any of them, or to be erected, fixed up, made or built by virtue of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or of any of them, and all Materials, Implements, and other Things purchased or provided, or which shall be purchased or provided for the Purposes of the said recited Acts so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or of any of them, shall belong to, and be the Property of, and the same is and are hereby vested in the said Trustees for the Time being of the said Harbour and Town of *Whitehaven*; and that the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, (as the Case may require) against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure or destroy the several Articles and Things, hereby vested in them the said Trustees as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of 'The Trustees for the Improvement of



of the Port, Harbour, and Town of *Whitehaven*, without particularly mentioning or specifying the Name or Names of all or any of such Trustees; and the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of the said recited Acts and of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as such Trustees shall think proper; and if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles or Things hereby vested in them the said Trustees, or any of the Works done by them in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XVII. And whereas from the Increase of the Commerce and Population of the said Town of *Whitehaven*, new Streets, Lanes, and Ways may from Time to Time be found necessary to be laid out and made within the said Town of *Whitehaven*; be it therefore further enacted, That when any new Streets, Lanes, Ways, or Passages shall be laid out and made in or near any Part of the said Town of *Whitehaven* or Limits thereof, it shall be lawful for the Lord or Lords for the Time being, of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, to cause such new Streets, Lanes, Ways, or Passages, to be thereafter lighted and watched, under the Powers and Authorities of the said recited Acts and of this Act.

If new Streets shall be made, the Powers of paving, watching, &c. to extend to them.

XVIII. And be it further enacted, That it shall be lawful for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, to elect and appoint from Time to Time fit and proper Persons to be Collectors or Receivers of the Rates and Duties authorized to be collected and received by virtue of the said recited Acts and of this Act, or of any of them, and Surveyor and Surveyors of the Pavements hereby authorized to be made and kept in Repair, and all such and so many Keepers and Managers of Fire Engines, and able-bodied Men to be Fire-Men within the said Port, Harbour, and Town, and Limits thereof, and such other Officers as the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, shall think proper; and from Time to Time to remove and displace all or any of such Officers as they shall see Occasion, and elect and appoint others in the Room or Place of such of them as shall be so removed, or shall die, or resign their Offices; and also that it shall be lawful for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, from Time to Time, by and out of the Rates and Duties granted and continued by virtue of this Act, to pay such Wages and Salaries, and make such Allowances to the said Officers and to all other Persons to be employed in or about the Execution of this Act as such Trustees shall think reasonable and proper; and they shall require and take such Security from every such Collector and other Officers so to be appointed, for the Execution of their respective Offices, as such Trustees may think proper, and every Officer and Person so to be appointed as aforesaid, shall, under his Hand, at such Time or Times and

Power to appoint Receivers of Rates, Surveyors of Pavements, Firemen, &c.



and in such Manner as the Lord or Lords for the Time being of the said Manor of *Saint Beas*, and any Eleven or more of the rest of the said Trustees shall direct, deliver to such Trustees, or to such Person as they shall appoint to receive the same, a true and perfect Account in Writing of all Money which shall have been by such Officers respectively received by virtue of or for the Purposes of the said recited Acts and of this Act, or of any of them, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers of such Payments, and shall pay all such Money as shall remain in their respective Hands to the Lord or Lords for the Time being of the said Manor of *Saint Beas*, and any Eleven or more of the rest of the said Trustees, or to such Persons as they shall appoint, and every such Person so accounting shall upon Oath (which Oath any One of the said Trustees is hereby authorized and empowered to administer and take) verify such their respective Accounts, and if any such Collector, Officer, or Person, shall not make and render, or shall neglect and refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees or their Clerk within Five Days next after being thereunto required by Notice in Writing signed by such Trustees or by their Clerk and given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of the said recited Acts or of this Act, or of any of them, or give Satisfaction to the said Trustees or their Clerk respecting the same, and if Complaint shall be made thereof by or on Behalf of the said Trustees to any Justice of the Peace for the County or Place wherein such Treasurer, Collector, Clerk, Officer, or Person shall be or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Collector, Officer, or Person so refusing or neglecting as aforesaid to be brought before him, and upon his appearing, or having been summoned, and not appearing or not being found, to hear and determine the Matter of Complaint in a summary Way, and if upon the Confession of the Party, or by the Testimony of One credible Witness upon Oath, it shall appear to such Justice that any of the Money that shall have been collected and raised by virtue of the said recited Acts or of this Act, or of any of them, shall be in the Hands of such Collector, Officer, or Person, such Justice may, and he is hereby authorized and required to order the Payment thereof, and upon Non-payment 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 Collector, Officer, or Person, together with the Costs and Charges of such Distress and Sale to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus, if any, to the Party or Parties so distrained, or leaving the same at the Place where the Distress shall be made, or if it shall in Manner aforesaid appear to any such Justice that any such Collector, Officer, or Person shall refuse or neglect to render or give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the said recited Acts and of this Act, or of any of them, shall be in the Custody or Power of any such Collector, Officer, or other Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case, such Justice shall commit such Collector or  
 Officer



Officer or other Person to the Common Gaol of the said County of *Cumberland*, or to the House of Correction of the said County, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or shall have compounded with such Trustees touching the same, and have made such Composition in such Manner as they shall appoint, which Composition the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, are hereby empowered to make and receive, or until he shall deliver up all such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof as aforesaid: Provided always, that no such Officer or other Person who shall be so committed by virtue of this Act, for want of sufficient Distress, shall be detained in Prison for any longer Space of Time than Three Calendar Months.

XIX. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees for the said Port, Harbour, and Town of *Whitehaven*, and they are hereby authorized and empowered from Time to Time to license such and so many Waggon, Wains, Carts, Drays, and other such Carriages as to them shall seem right and proper, to ply or be kept for Hire, for the Purpose of carrying or conveying Goods, Wares, and Merchandize, and other Matters and Things within the said Town of *Whitehaven* and Limits thereof.

Trustees to  
license Carts,  
&c.

XX. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, to demand and take, or cause to be demanded and taken, for each and every such Licence, for each and every Waggon, Wain, Cart, Dray, and other such Carriage, the Sum of Twenty Shillings, and no more, which Money shall be paid to the Clerk of the said Trustees for his Trouble in making out such Licence; and if any Person or Persons shall after the First Day of *August* next ply with or carry or convey for Hire in any Waggon, Wain, Cart, Dray, or other Carriage, any Goods, Wares, Merchandize, or other Matter or Thing within the said Town of *Whitehaven* and Limits thereof, or in any Part thereof, such Person or Persons not being so licensed by such Trustees, then and in every such Case, every such Person shall forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall extend or be construed to extend, so as to require any such Licence to be taken for any Waggon, Wain, Cart, Dray, or other such Carriage employed or hired for the Purpose of carrying or conveying any Goods, Wares, or Merchandize, or other Matter or Thing beyond the Limits of the said Town of *Whitehaven*.

Penalty for  
driving Car-  
riages without  
a Licence.

XXI. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees for the said Port, Harbour, and Town of *Whitehaven*, from Time to Time to appoint such Stand or Stands for all such Waggon, Wains, Carts, Drays, and other Carriages, and for the Drivers thereof respectively, to stand and ply for Hire within the said Town and Limits thereof, as to them such Trustees shall seem right and proper; and if any Person or Per-

Trustees to ap-  
point Stands  
for Carriages.

[Loc. & Per.]

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sons



sons shall stand and ply for Hire with any Waggon, Wain, Cart, Dray, or other such Carriage, in any other Place or Places than such Place or Places as shall be so appointed as such Stand or Stands, then and in every such Case every such Person so offending shall, for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Carriages to  
be numbered.

XXII. And be it further enacted, That the Owner or Owners of each and every such Waggon, Wain, Cart, Dray, or other such Carriage so licensed and used or kept for Hire shall paint or cause to be painted such Number or Numbers as the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the Port, Harbour, and Town of *Whitehaven*, shall direct or appoint, in white on a black Ground, each Number not being less than Twelve Inches in Length, upon or fixed or attached to one Side of each and every such Waggon, Wain, Cart, Dray, and other such Carriage, or upon or to such other Part or Parts thereof respectively as such Trustees shall direct or appoint; and if any Person or Persons shall stand or ply with or let for Hire within the said Port, Harbour, and Town or Limits thereof, any such Waggon, Wain, Cart, Dray, or other such Carriage, not having such Number or Numbers so painted upon or fixed or attached to such Waggon, Wain, Cart, or other such Carriage, or having such Number or Numbers, or any Part or Parts thereof, not clear and legible, every such Person so offending shall, for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Fares to be  
regulated by  
the Trustees.

XXIII. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, to ascertain and affix the several Rates or Fares to be paid for the Use or Hire of every such Waggon, Wain, Cart, Dray, or other such Carriage, for carrying or conveying Goods, Wares, or Merchandize, and other Matters and Things within the said Town and Limits thereof, or any Part or Parts thereof, and from Time to Time to advance, lower, vary, or alter such Rates or Fares, or any of them, as to such Trustees shall seem right and proper; and when and so often as such Rates or Fares or any of them shall be ascertained, fixed, advanced, lowered, varied, or altered by such Trustees, the same shall from Time to Time be painted upon Tables or Boards; which Tables or Boards shall be fixed or put up on the Lighthouse within the said Harbour, and upon the Door of the Custom House, and upon the Doors of the several Churches or Chapels within the said Town of *Whitehaven*, and such Tables or Boards when so fixed or put up, shall be and be deemed to be full and conclusive Evidence of all such Rates to all Persons whomsoever.

Tables of  
Fares to be  
put up.

Penalty on  
Drivers mis-  
behaving.

XXIV. And be it further enacted, That if any Owner or Driver of, or other Person attending any Waggon, Wain, Cart, Dray, or other such Carriage so licensed as aforesaid, and standing or plying for Hire, shall refuse or neglect (when applied to for that Purpose by any Person or Persons whomsoever) to carry any Goods, Wares, or Merchandize, or other Matter or Thing to any Place or Places within the said Port, Harbour, Town, and Limits thereof, or within any Part thereof, or if the Owner or Driver of, or any other Person attending any such Waggon, Wain, Cart, Dray, or other such Carriage, so licensed as aforesaid, shall demand



or take any greater or larger Rate or Fare than such Rate or Fare so ascertained and fixed as aforesaid, and of which such Notice shall have been given as aforesaid, or shall in anywise insult or otherwise misbehave himself or themselves to any Person or Persons whomsoever hiring or employing him or them, or if the Driver of any such Waggon, Wain, Cart, Dray, or other such Carriage, shall not duly attend the same, then and in every such Case every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, in case they shall think fit, to take away and revoke any Licence or Licences so granted for any Waggon or Waggon, Wain or Wains, Cart or Carts, Dray or Drays, or other Carriage or Carriages.

XXV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand to the Driver of any Waggon, Wain, Cart, Dray, or other Carriage, so licensed as aforesaid, the Money justly due to him for the Use or Hire of such Waggon, Wain, Cart, Dray, or other Carriage, according to the Rates or Fares so ascertained and fixed as aforesaid in pursuance of this Act, it shall and may be lawful to and for any Justice of the Peace for the said County of *Cumberland*, upon Complaint to him made, to grant a Summons against the Person or Persons complained of, to appear before him at some Time and Place to be mentioned in such Summons, to answer the Matter of Complaint, and on Proof on Oath of the Service of such Summons it shall and may be lawful to and for such Justice to proceed in and to hear the Matter of such Complaint, whether the Person or Persons summoned shall appear or not, and to make such Order therein as to such Justice shall seem meet; and if the Person or Persons against whom such Order shall be made shall not immediately pay down the Money (if any) which shall be ordered as a Satisfaction to the Driver or Drivers of such Waggon, Wain, Cart, Dray, or other Carriage, for the Service done, and such further Sum for the Loss of Time thereby occasioned, to the Complainant or Complainants, as to the said Justice shall seem meet, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any) of the Money arising by such Distress and Sale, after deducting the Costs and Charges of making and selling such Distress and Sale, shall be returned to the Owner or Owners of such Goods and Chattels; but in case sufficient Distress shall not be found, or such Money as aforesaid shall not be paid forthwith, it shall and may be lawful to and for such Justice to commit such Offender or Offenders to the common Gaol or House of Correction for the said County of *Cumberland*, there to remain without Bail or Mainprize for any Time not exceeding Twenty-one Days, unless such Money shall be sooner fully paid and satisfied.

Provisions for securing Fares.

XXVI. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, from Time to Time to make, ordain, and establish such Bye Laws, Rules, Orders, and Regulations for the Conduct of the Owners and Drivers of the several Waggon, Wains, Carts, Drays, and other Carriages, so licensed as aforesaid, and likewise from Time to Time to repeal, add to, amend, vary or alter all or any of such Bye Laws, Rules, Orders, and Regulations, as to the

Trustees may make Bye Laws for regulating Waggon, &c.

Lord







other Tenement, and also upon the Landlords or Owners of any Lands, Houses, Shops, Wharfs, Warehouses, Buildings, and Erections divided into or let out into separate Tenements or Parcels, within the said Town of *Whitehaven*; and the Annual Value of such Lands, Houses, Shops, Wharfs, Warehouses, Buildings, and Erections, such Annual Value to be from Time to Time ascertained by the respective Sums such Lands, Houses, Shops, Wharfs, Warehouses, Buildings, and Erections shall be respectively rated at, to the Rate or Assessment for the Relief and Maintenance of the Poor of the said Parish of *Saint Bees*, and the Townships, Liberties, and Places in which such Lands, Houses, Shops, Wharfs, Warehouses, Buildings, and Erections shall stand or be situate; and the Monies arising from such Rate or Rates, Assessment or Assessments, shall be appointed and disposed by the said Trustees for the several Purposes of defraying the Costs, Charges, and Expences of paving, lighting, and cleansing the said Town, and of watching the said Town, and of providing the Means of Security against Fire, and of defraying other Costs, Charges, and Expences incurred by effecting and executing such several Purposes; and all such Rates and Assessments shall be paid by equal Half-yearly Payments to the respective Collectors of the Rates or Assessments appointed by virtue of the said recited Acts or any of them, or to be appointed by virtue of this Act; and such Monies shall be by every such Collector paid over to the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, or to such other Persons, at such Times and in such Manner as the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees shall from Time to Time direct or appoint.

XXVIII. And, in order to ascertain the Rates and Assessments to be made by virtue of this Act; be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, and they are hereby authorized and empowered to cause all or any of the Books or Assessments of Rates towards the Relief of the Poor of the said Parish of *Saint Bees*, and the Townships, Liberties, and Places within the said Town of *Whitehaven* and Limits thereof, to be brought before them, and to take or cause to be taken a Copy or Copies of such Books or Assessments, or of any Part or Parts thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power, any of the said Books or Assessments, shall refuse or neglect to attend such Trustees with such Books or Assessments in his, her, or their Custody or Power, or to permit or suffer the said Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees for the said Port, Harbour, and Town of *Whitehaven*, to take or cause to be taken a Copy or Copies thereof, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power for Trustees to order the Parish Rate Books to be produced, etc.

XXIX. And be it further enacted, That after any such Rate or Rates, Assessment or Assessments, shall have been so rated, assessed, and charged by virtue of this Act, and after the said Rate of Sixpence in the Pound shall be charged by virtue of the said recited Act, made in the Second Year of the Reign of His present Majesty, the Collector or Collectors appointed for the Purpose of collecting such Rate and Rates, Assessment

Mode of recovering Rates.

[Loc. & Per.]

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and



and Assessments shall, and he and they is and are hereby required to collect the same accordingly; and in case any Person or Persons who shall be rated or assessed, or subject or liable to the Payment of any such Rate or Rates, Assessment or Assessments to be made or laid, or made payable by virtue of this Act or of the said recited Act, made in the Second Year of the Reign of His present Majesty, shall refuse or neglect to pay such Rate or Rates, Assessment or Assessments to any Collector to be appointed as aforesaid for the Space of Three Days after personal Demand made by the Collector or Collectors thereof, on Demand in Writing under the Hand of any such Collector, and left at the last or usual Place of Abode of the Person or Persons so refusing or neglecting to pay as aforesaid, or on the Premises so charged with such Rate or Rates, Assessment or Assessments, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said County of *Cumberland*, by Warrant under his Hand and Seal, to authorize and direct the said Collector, or any other Person, to levy such Rate or Rates, Assessment or Assessments, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay as aforesaid, or on the Goods and Chattels found on such Premises, rendering the Overplus (if any) to the Owner or Owners of the Goods and Chattels to be so distrained, on Demand, after deducting the Costs and Charges attending such Distress and Sale; or it shall and may be lawful to and for the said Trustees for the said Port, Harbour, and Town of *Whitehaven* to recover any such Rate or Rates, Assessment or Assessments, due and payable by virtue of this Act, and also the said Rate or Assessment of Sixpence in the Pound to be levied and collected by virtue of the said recited Act, made in the Second Year of the Reign of His present Majesty, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparance shall be allowed.

Application  
of Compensation, when  
amounting  
to 200l.

XXX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts or any of them, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account: there *ex parte* the Trustees for the said Port, Harbour, and Town, for executing the said recited Acts and this Act, to the Intent that such Money shall be applied under the Directions and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt  
or



or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XXXI. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Account General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option and approved by the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees for the said Port, Harbour, and Town of *Whitchaven*, for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of  
Compensation  
if less  
than 200 l.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than

Application of  
Compensation  
if less than 20 l.  
than



than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts or any of them, or of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

Subject to the Order of the Court of Chancery, on Motion or Petition.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts, or any of them, or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees for the said Port, Harbour, and Town of *Whitehaven*; or in case such Person or Persons to whom any Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such case it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, etc. shall be deemed entitled thereto according to such Possession.

XXXIV. Provided also, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or any of them, or of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person



Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interests of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXXV. Provided also, and be it enacted, That when by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or any of them, or of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or any of them, or of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases, from Time to be made in pursuance of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or any of them, or of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, for the said Port, Harbour, and Town of *Whitehaven*, out of the Monies to be received by virtue of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or of this Act, or any of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XXXVI. And whereas the Rates and Duties on the Tonnage of Ships and Vessels on their Arrival at the said Port of *Whitehaven*, are insufficient for repairing the said Port and Harbour, and for carrying the several Purposes into Execution to which such Rates and Duties are by the said recited Acts, or One them, directed to be applied; be it therefore enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees of the said Port, Harbour, and Town of *Whitehaven*, to demand and take, or cause to be demanded or taken, in case the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees shall think expedient, from the Master or other Person or Persons having the Rule or Command of any Ship or Vessel upon her Arrival at the said Port or Harbour from any other Port or Place within the United Kingdom of *Great Britain and Ireland*, the Sum of One Penny per Ton; and from the Master or other Person or Persons having the Rule or Command of any Ship or Vessel upon her Arrival at the said Port or Harbour from any Port or Place of her last Discharge in *Europe*, other than from any Port or Place

Additional Duties on Tonnage.



within the United Kingdom of *Great Britain* and *Ireland*, the Sum of One Penny *per* Ton; and from the Master or other Person or Persons having the Rule or Command of any Ship or Vessel upon her Arrival at the said Port, from any Port or Place of her last Discharge in *Asia*, *Africa*, or *America*, the Sum of One Penny *per* Ton, according to the Tonnage of the Ship or Vessel so arriving at the said Port and Harbour; and such respective Rates and Duties on Tonnage shall be, and are hereby declared to be over, and above and in Addition to any Rate or Rates, Duty or Duties, on Tonnage, that can or may be raised, levied, or collected by virtue of the said recited Acts, or any of them.

Additional Rates how to be collected.

XXXVII. And be it further enacted, That such additional Rate and Rates, Duty and Duties on Tonnage, shall and may be raised, levied, and collected in such and the like Manner, and by such Ways and Means as the several Rates and Duties on Tonnage, granted by the said recited Acts or any of them, can or may be raised, levied, and collected, and such additional Rate and Rates, Duty and Duties on Tonnage, shall be applied and disposed of in such and the like Manner, and for such and the same Purposes, as the several Rates and Duties on Tonnage granted by the said recited Acts or some of them, are by the said recited Acts directed to be applied and disposed of.

Power to Trustees to lessen or reduce Rates and Duties on Tonnage, &c.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees, from Time to Time to lessen or reduce all or any Part or Parts of the said Rates and Duties on Tonnage, given and granted by this Act, as to such Trustees shall seem meet and convenient, and for and during such Time as they shall think right and proper, and afterwards from Time to Time to advance all or any such Rates and Duties on Tonnage so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates and Duties on Tonnage, given and granted by this Act; provided nevertheless, that when the whole Money charged and borrowed on the Credit of the said Rates and Duties on Tonnage shall not be paid off and discharged, such Rates and Duties on Tonnage shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon such Rates and Duties on Tonnage.

Tonnage of Vessels how to be ascertained.

XXXIX. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels liable to the Payment of any of the Rates of Tonnage by the said recited Act and this Act, or any of them imposed, shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or other Person having the Command of each and every such Ship or Vessel is hereby required to produce such Certificate of the Registry at the Time of Payment of the said Rates to the Person or Persons who shall be duly authorized to collect and receive such Rates; and in case of any Dispute in or about the same, -then and in such Case the Tonnage of such Ship or Vessel shall be ascertained by dropping a Plumb Line over the Stem of the Ship, and measure the Distance between such Line and the After-part of the Stern Post at the Load Water Mark; then measure from the Top of the said Plumb Line in a parallel Direction with the Water, to a perpendicular Point immediately over the Load Water Mark at the Fore-part of the Main Stem, subtracting from such Measurement



Measurement the above Distance, the Remainder will be the Ship's extreme Length, from which is to be deducted Three Inches for every Foot of the Load Draught of Water for the Rake abaft, and also Three-fifths of the Ship's Breadth for the Rake forward, the Remainder shall be esteemed the just Length of the Keel to find the Tonnage, and the Breadth shall be taken from Outside of the Plank in the broadest Part of the Ship either above or below the Main Wales, exclusive of all Manner of Sheathing or Doubling that may be wrought upon the Side of the Ship, then multiplying the Length of the Keel for Tonnage by the Breadth so taken, and that Product by Half the Breadth, and dividing by Ninety-four, the Quotient shall be deemed the true Contents of the Tonnage.

XL. And be it further enacted, That in case the Master or other Person having the Rule or Command of any Ship or other Vessel lying within the said Port and Harbour, or any other Person whatsoever, shall obstruct or hinder the Person or Persons appointed to collect the Rates or Duties by the said recited Acts or any of them, or by this Act made payable, or any other Person employed or appointed by such Person or Persons, from entering on board such Ship or Vessel, or from taking the Admeasurement thereof, then and in every such Case, every such Master or other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for  
obstructing  
Officers.

XLI. And be it further enacted, That if any Person or Persons who shall at any Time or Times hereafter wilfully or designedly demolish, break down, or damage, or set on fire any Pier, Quays, Wharfs, or any of the Works, which shall be constructed in, or which shall belong to the said Port and Harbour, or who shall wilfully do any Damage to any of the Shipping or Goods within the same, or who shall wilfully or designedly extinguish or put out any Light or Lights used in or belonging to the said Port and Harbour, for the Safety and Protection of Ships or other Vessels resorting to the same, then and in every such Case every such Person shall be adjudged guilty of Felony, and the Court by or before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or, in Mitigation of such Punishment, may award such Sentence as the Law directs in cases of Petit Larceny.

Penalty for  
damaging  
Works.

XLII. And be it further enacted, That no Person shall in any Action, Prosecution, Information, or other Proceeding whatsoever relating to or concerning the Execution of this or the said recited Acts, or any of them, or any Rule or Order, or Bye Law, made in pursuance thereof respectively, be deemed as incompetent to give Evidence, on account of his or her being charged with and liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of the said Acts or any of them, or of this Act.

Inhabitants to  
to be deemed  
competent  
Witnesses.

XLIII. And be it further enacted, That all Fines, Penalties, and Forfeitures by the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or any of them, or this Act imposed or incurred, or which shall be imposed or incurred by any Rule, Order, or Bye Law made in pursuance of the said recited Acts so far as the same concern or relate to the said Port, Harbour,

The Mode of  
Recovery and  
Application of  
Penalties and  
Forfeitures.



Harbour, and Town of *Whitehaven*, or any of them or of this Act (for the Recovery whereof no other Method hath been directed by the said recited Acts or of this Act) shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place where the Offender shall be or reside, or where the Offence shall be committed, which Warrant such Justice is hereby empowered and required to issue upon Confession of the Party or Patties, or upon the Evidence of any credible Witness upon Oath (which Oath such Justice is hereby empowered and required to administer), and the Overplus of the Money (if any) arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and all such Penalties and Forfeitures when recovered shall, if not herein directed to be otherwise applied, be paid One Half thereof to the Informer and the other Half to the Treasurer of the said Trustees for the said Port, Harbour, and Town of *Whitehaven*, and such Moiety shall be applied by them for such of the Purposes of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, as to the Lord or Lords for the Time being of the said Manor of *Saint Bees*, and any Eleven or more of the rest of the said Trustees shall think fit; and in case sufficient Goods and Chattels cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to commit such Offender or Offenders to the common Gaol or House of Correction of and for such County, Town, and Place, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Form of Conviction of Offenders.

XLIV. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence against the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, or any of them, or of this Act, or any Matter in pursuance thereof respectively, the Conviction shall be in the Words or to the Effect following; (*videlicet*),

BE it remembered, That on this \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord \_\_\_\_\_ *A. B.* is  
 duly convicted before \_\_\_\_\_ of His Majesty's  
 Justices of the Peace for the \_\_\_\_\_  
 of having [*here state the Offence, as the Case may be*] contrary to the Form  
 of the Statutes in that Case made and provided, and I [*or we, as the Case may be*]  
 do declare and adjudge that the said *A. B.* hath forfeited for his  
 [*or her, as the Case may be*] said Offence the Sum of \_\_\_\_\_  
 Given under my Hand [*or our Hands, as the Case may be*] the Day and  
 Year first above written.

Appeal.

XLV. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments made by virtue of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or any of them, or by any Bye Law, Rule, Order, or Regulation made in pursuance of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town



of *Whitehaven*, and of this Act or any of them, or by any other Matter or Thing done or directed to be done, or committed by or by Order of the said Trustees for the said Port, Harbour, and Town, or any of them, or by reason of any Judgement or Determination of any Justice or Justices of the Peace acting in the Execution of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or of any of them, then and in every such Case he, she, or they may appeal to the General or Quarter Sessions of the Peace, to be holden for the County, Town, or Place where the Cause of Complaint shall have arisen, within One Calendar Month next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving, or causing to be given Six Days Notice in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Clerk to the said Trustees, or to the Person or Persons appealed against (as the Case may be), and forthwith entering into a Recognizance in the Sum of Fifty Pounds, before some Justice of the Peace for such County, Town, or Place, conditioned for prosecuting such Appeal, and to abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions, upon due Proof of such Notice given as aforesaid; and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may if they see Cause mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, Regulation, Judgement, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of such Justices at their General Quarter Sessions shall be final and conclusive.

XLVI. Provided always, and be it enacted, That an Appeal from the Rates or Assessments, or any of them, to be made for the several Purposes of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or of any of them, to be made for the several Purposes of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or of any of them, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary, for giving Relief, without quashing or altering such Rates or Assessments, with respect to other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made for such Purpose.

Justices may relieve on Appeal against the Rates, without quashing the whole Assessment.

XLVII. And be it further enacted, That no Order, Verdict, Judgement, Conviction, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and this Act, or any of them, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed or removed by *Certiorari*.

[*Loc. & Per.*]

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XLVIII. And



Distress not  
unlawful for  
Want of Form  
merely.

XLVIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or any of them, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Plaintiff not to  
recover without  
Notice, or  
after Tender  
of Amends.

XLIX. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or any of them, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode Six Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants 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, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of  
Actions.

L. Provided always, and be it enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done or to be done by virtue or in pursuance of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or any of them, after Twelve Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County of *Cumberland*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, or their Election, specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and of this Act, or any of them; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Six Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict



Verdict for the Defendant or Defendants; and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer, Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs; and have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

LII. And be it further enacted, That the Charges and Expences incident to and attending the passing and obtaining this Act shall be paid as soon as conveniently may be after the passing thereof; out of the Monies to be raised by virtue of this Act. Expences of the Act, how to be paid.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, vary, alter, or controul any of the Powers given by the said recited Act, made in the Thirty-second Year of the Reign of His present Majesty, to the Owner or Owners for the Time being of the Soil of the Limits and Extent thereby made Part of the said Port and Harbour; and further, that the Owner or Owners for the Time being of the Soil of the said new Limits or Extent shall be, and he, she, and they are hereby invested with the same Powers and Authorities, over such new Limits and Extents, and all other Things appertaining thereto, as the Trustees of this Act are by this Act invested with over the other Parts of the said Port and Harbour. Clause giving similar Powers to the Owners of the Soil of the new Limits of the Harbour.

LIV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded. Publick Act.

LVI. And be it further enacted, That the Term granted and continued by the said recited Acts shall on the passing of this Act cease and determine; and that the said recited Acts, so far as the same concern or relate to the said Port, Harbour, and Town of *Whitehaven*, and this Act, shall commence, continue, and be in force from and after the passing of this Act for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance of the Act.



