



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 121.

An Act for improving the Navigation of the River
Ribble, in the County Palatine of *Lancaster*.

[12th July 1806.]

WHEREAS the Port of the Town of *Preston*, in the County Palatine of *Lancaster*, is of great Antiquity, and Merchants and other Persons engaged and employed in Commercial Business and Concerns have Time out of Mind used Vessels, British and Foreign, of various Descriptions and Burthens, to carry their Goods, Wares, and Merchandizes to and from the said Port, in and upon the River *Ribble*, within the Port aforesaid, with Advantage to themselves and the Publick, and the Increase of the Publick Revenue: And whereas the Navigation of the said River *Ribble*, from the Uncertainty and changeable Course of the Channel of the said River, and the Beds of Gravel, Sand, and other Obstructions raised therein and caused thereby, is become very difficult and dangerous, especially to Mariners, Strangers to the River, and hazardous to the Owners of Vessels and the Safety of the Property of Persons trading thereupon, and discouraging to the Trade thereof; but the Navigation of the said River is capable of being improved, and would be greatly improved and the Hazard lessened, the Passage of Vessels accelerated, and the Trade

[*Loc. & Per.*]

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thereof

thereof encouraged and increased, if the Changes in the Channel, and the Obstructions to a free Passage in and through the River, were designated by visible Marks to be placed therein, and in the Sea near the Place where the River falls into the Sea, and upon the Banks of the same respectively, beginning at or near a certain Bridge over the said River, between the Townships of *Preston* and *Penwortham*, both in the said County, called *Penwortham Bridge*, and running and continuing from thence westward between and abutting upon the several Parishes of *Penwortham*, *Hole*, *Croston*, and *North Meols*, in the County aforesaid, on the South Side thereof, and the several Parishes of *Preston* and *Kirkham* in the said County, on the North Side of the said River, unto and into the Sea near the Place where the said River falls into the Sea; but such Improvements and Marks, and the Works necessary for the Purposes aforesaid, and the continuing, preserving, and supporting of the same, will be attended with very considerable Expence, and require great Care and Attention, and cannot be made and effected, or Money raised necessary for the Purposes aforesaid, without the Aid and Authority of Parliament: 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 Sir *Henry Philip Hoghton*, Sir *Thomas Dalrymple Hesketh*, Barons, *James Barton*, *Rice Fellowe*, *John Clifton*, *Lawrence Rye*, *William Farrington*, *Joseph Hornby*, *Peter Patten*, and *Bald Fleetwood Hesketh*, Esquires, together with such Person or Persons as they, or the major Part of them, assembled at any General Meeting to be held as herein-after mentioned, shall nominate and appoint under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns of the said Persons herein-before named, and of the Person or Persons so to be nominated and appointed, being Proprietors of any Share or Shares in the Scheme, Undertaking, and Works aforesaid hereby authorized, are and shall be united into a Company for the carrying on the same Scheme and Undertaking, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be one Body Politick and Corporate, by the Name of 'The Company of Proprietors of the Undertaking for the Improvement of the Navigation of the River *Ribble*,' and by that Name shall have perpetual Succession, and shall have a common Seal, and by that Name shall and may sue and be sued; and the said Company of Proprietors, and their Successors shall be, and are hereby authorized and empowered, from and after the passing of this Act, by themselves and their Deputies, Agents, Officers, Workmen, and Servants, to form, establish, and carry on the said Undertaking, and to place Buoys, Perches, and other visible Marks in and near the Channel for the Time being of the said River *Ribble*, and in the Sea near the Place for the Time being where the same River falls into the Sea, and also Beacons, Land Marks, or other visible Marks in, upon, and near the Shores of the said River and Sea respectively, and to construct, erect, make, and do all other Works, Matters, and Things, which they shall think convenient or necessary for the Purposes aforesaid, and for improving the Navigation of the said River, in pursuance of and according to the true Intent and Meaning of this Act; and from Time to Time to alter, vary, or change the same, and the Situation thereof respectively, and again to replace the same as Occasion may be required; and this Act shall be sufficient to indemnify the said Company

Proprietors
Names.

pany of Proprietors, and their Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as herein-after mentioned.

II. And whereas Differences may arise between the said Company of Proprietors and the several Owners of Ships and Vessels trading upon the said River, and the several Persons interested in the Lands and Grounds adjoining the said River, touching the Damages to be paid by the said Company, or Recompence made to them respectively; be it therefore further enacted, That, *Charles Ambler, William Afsbeton, George Bolton, John Blundell, James Bolton, John Ball, Peter Brown, Gilbert Brown, John Birley, John Bisbrowne, Matthew Barton, George Blalock, James Blanchard, Daniel Baron, John Clayton, George Clayton, John Crookall, John Cardwell, James Carr, William Cross, Thomas Crosse, Richard Crosse, John Dalton, John Dalton the younger, William Dixon, Robert Fletcher, Robert Foster, Peter Fletcher, John Fletcher, James Finch, James Goodshaw, Samuel Horrocks, Joseph Harrison, Robert Holmes, Thomas Hornby, William Hornby, James Hull, Richard Heays, John Johnson, Thomas Knowles, Richard Grimshaw Lomax, John Lowes, William Langton, Daniel Lyon, Bertie Markland, John Mayor, Thomas Mayor, John Moss, the Reverend Strensham Masters, the Reverend James Whalley Masters, the Reverend Edward Masters, Thomas Ogle, Thomas Townley Parker, Edward Pedder, Edward Pedder the younger, William Pollard, John Pilkington, Richard Pilkington, Robert Robinson, Watson Robinson, William Rawstorne, the Right Honourable Edward Smith Stanley commonly called Lord Stanley, Thomas Stanley, James Singleton, William Thornber, Richard Threlfall, James Taylor, the Reverend Thomas Whitehead, Richard Watson, John Watson, John Watson the younger, John Walton, John Winstanley, Thomas Walmsley, Thomas Wilson of Preston, and Thomas Wilson of Poulton,* shall be and they are hereby constituted and appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, and the several Proprietors of and Persons interested in the Ships or Vessels using or trading in or upon the said River, or interested in any Lands or Grounds that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted.

Appointing
Commission-
ers.

III. Provided always, and be it further enacted, That no such Person, or any Person hereafter elected a Commissioner, shall be qualified and capable of acting as a Commissioner in the Execution of this Act, unless he shall be seized in his own Right, or in the Right of his Wife, and in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, within the said County Palatine of Lancaster, of the clear yearly Value of One Hundred Pounds, or unless he shall be possessed of or entitled to a Personal Estate to the Amount or Value of Two thousand Pounds; and that no Person shall be capable of acting as a Commissioner in the Execution of this Act, until he shall have taken and subscribed an Oath to the following Effect, which Oath the said Commissioners, or any Two or more of them, are or is hereby empowered to administer:

Qualification
of Commis-
sioners.

Oath of Qualification.

‘ I *A. B.* do swear, That I am truly and *bonâ fide* in the actual Possession
 ‘ and Enjoyment [*or, Receipt*] of the Rents and Profits of Lands,
 ‘ Tenements, or Hereditaments, of the clear yearly Value of One hundred
 ‘ Pounds above Reprizes, or possessed of or entitled to a Personal Estate
 ‘ to the Amount or Value of Two thousand Pounds; and that I will, with-
 ‘ out Favour or Affection, Hatred or Malice, truly and impartially,
 ‘ according to the best of my Skill and Knowledge, execute and perform
 ‘ the Powers and Authorities vested in me as a Commissioner by an Act,
 ‘ passed in the Forty-sixth Year of the Reign of His Majesty King George
 ‘ the Third, intituled, *An Act for improving the Navigation of the River*
 ‘ *Ribble, in the County Palatine of Lancaster.* So help me GOD.’

Penalty on acting, if not qualified.

And if any Person, not authorized or qualified according to the Provisions of this Act to act as a Commissioner in the Execution of this Act, shall presume to act in such Capacity, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts at *Westminster* or Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case, wherein no *Essoign* or Protection, or Wager of Law, or more than One *Imparlançe*, shall be allowed; and the Person so sued shall prove that he was so qualified at the Time he acted, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person had acted as a Commissioner in the Execution of this Act.

On Death of Commissioners, or Neglect or Refusal to act, or Disqualification, others to be chosen.

IV. And be it further enacted, That when and as often as the said Commissioners herein-before specifically named, or hereafter to be appointed as herein-after mentioned, shall by Death be reduced, or shall refuse or neglect to act for the Space of Twelve Calendar Months, or shall become disqualified by not continuing seized or to possess the Estate herein-before specified, so that the Number of Commissioners shall be reduced to the Number of Five, then the said Commissioners for the Time being, whether such Commissioners are herein-before specifically named, or shall have been elected Commissioners in pursuance of the Directions herein-after given, or the major Part of them, shall at any Time after such Death, Neglect, Refusal, or Disqualification, meet at some convenient Place in the Town of *Preston* aforesaid, and elect other Persons, qualified in the Manner herein-before mentioned, in the Place or Stead of the Commissioners so dying or neglecting or refusing to act, or becoming so disqualified as aforesaid, Ten Days Notice of the Time and Place of such Meeting having been given in Writing, signed by the Clerk to the said Company of Proprietors for the Time being, and fixed upon the Outer Doors of the Town Hall of *Preston* aforesaid, and of the Custom House of the said Port; and every Person so elected a Commissioner shall, from the Time of such Election, have the same Power and Authority in all Things relating to the Execution of this Act as if he had been expressly named and appointed a Commissioner in this Act.

Notice of Election to be given.

No Person interested to be a Commissioner.

V. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act during the Time of his holding any Place of Profit arising out of the Rates or Tolls to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned in Interest in any Contract

tract or Bargain, made or to be made for the Purposes of this Act, or in Cases where he shall be in anywise interested or concerned in the Matters in Question.

VI. And be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors, or the major Part of them, at any General Meeting assembled, and they are hereby authorized and required from Time to Time to nominate and appoint by Writing under their Hands a Treasurer or Treasurers, and One or more Receiver or Receivers, and Collector or Collectors, and also a Clerk to the said Company of Proprietors, taking such Security for the due Execution of their respective Offices as the said Company of Proprietors shall think proper; and such Clerk shall, in a proper Book or Books, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all the other Acts, Proceedings, and Transactions of the said Company of Proprietors by virtue of and under the Authority of this Act; and that each of the Proprietors of the said Undertaking shall and may, at all convenient Times, have recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk to the said Company of Proprietors, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk to the said Company shall refuse to permit any Proprietors or Persons so interested as aforesaid to inspect or peruse such Book or Books of Proceedings, or refuse to make any such Copy or Copies at the Rate and Time aforesaid, he shall for every such Offence pay any Sum not exceeding Five Pounds, and whenever any such Clerk or Clerks shall die or be removed, or quit the Service of the said Company of Proprietors, it shall be lawful for the Company of Proprietors for the Time being, or any Five or more of them, to appoint some other fit Person in the Place of the said Clerk so dying, being removed, or quitting the Service of the said Proprietors, until the then next General Meeting, when a new Clerk shall be nominated and appointed for the Purposes aforesaid; and all such Treasurers, Receivers, Collectors, and Clerks, and all other Officers of the said Company of Proprietors, who may at any Time resign or be removed, and the respective Executors and Administrators of any who may die, shall, within Two Calendar Months after Notice given in Writing, produce and deliver up to the said Company of Proprietors for the Time being, or any Five or more of them, all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of such respective Offices which shall be in their Custody or Power; and every such Officer or Person as aforesaid neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings, shall for every such Neglect forfeit any Sum not exceeding Fifty Pounds.

Officers to be appointed.

Clerk's Duty.

VII. Provided always, and be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless Fourteen Days previous Notice at least of every such intended Meeting shall be given in Writing, and affixed on the outer Doors of the said Town Hall and Custom House, or in such other Manner as the said Company of Proprietors or their Successors shall at any General Meeting direct or appoint

Commissioners to give Notice of their Meetings.

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(and every such Notice shall specify the Time and Place of every such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done) and that every Meeting of the said Commissioners by virtue of this Act shall be publick; and that no Order, Direction, Appointment, or Determination of the said Commissioners or any of them, touching any of the Matters and Things herein contained, shall be binding and effectual unless the same shall be made at one of such Meetings, and unless the Majority of the Commissioners present shall concur therein, such Majority not being less than the respective Numbers authorized to make such Orders, Directions, Appointments, or Determinations respectively; any Thing herein-before contained to the contrary notwithstanding.

General Meeting of Commissioners, on Application of Proprietors or Persons interested.

VIII. And be it further enacted, That upon Application to be made by the said Company of Proprietors or their Successors, or any Five or more of them or by the Owners of any Ships or Vessels trading in or upon the said River, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, upon which any Beacon, Land or other Marks or Works, shall be erected, placed, or made, or in anywise to be erected, by forming, completing, or carrying the said Undertaking into Execution, or any of the Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so requested or applied to, or any Five or more of them, may and shall, and they are hereby authorized and required, within Fourteen Days after such Notice or Application made, to give Notice in Manner aforesaid of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-eight Days from the Day on which such Request shall be made as aforesaid, and the said Commissioners are hereby authorized, empowered, and required, to assemble at the Time and Place so to be appointed, in order to put this Act and the Powers and Authorities hereby given to and vested in them in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as they the said Commissioners, or any Five or more of them, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners a sufficient Number of Commissioners to act at such Meeting and to adjourn to any other Time, then and in such Case the Clerk to the said Company of Proprietors shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the said Commissioners was appointed to be held.

Meetings upon Request may be summoned at any Time.

IX. Provided always, and be it further enacted, That it shall be lawful for any Five or more of the said Commissioners, and they are hereby empowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from Time to Time and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice for the settling and ascertaining of such Damages as are herein directed to be settled and ascertained,

ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

X. Provided also, and be it further enacted, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute or Difference, between the said Company of Proprietors for the Time being and any other Person or Persons, shall be held at the Towns or Townships of *Preston* and *Lytham* aforesaid, or at some Place within One Mile of some Part of the said River, and so as that all the Meetings of the said Commissioners to be holden in pursuance of this Act shall be appointed and holden only between the Hours of Ten in the Morning and Six in the Afternoon; and no Order shall be made or any Proceedings of the said Commissioners shall be had or done under this Act at an earlier or later Hour than aforesaid.

Meetings to determine Disputes to be held at certain Places, or within One Mile of some Part of the River.

XI. Provided always, and be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form, or removed 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 notwithstanding.

Proceedings not to be quashed for Want of Form.

XII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, and such Entries (being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings) shall be admitted as Evidence in all Courts whatsoever.

Proceedings of the Commissioners to be entered in a Book.

XIII. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, unless Application shall be made in relation thereto, by and on Behalf of such Person or Persons, to the said Company of Proprietors or their Successors, or to their known Agent or Agents, or to some Collector or Collectors of the Tolls or Tonnage arising from the said Undertaking, in Writing, setting forth the Nature and Particulars thereof, and signed by him, her, or them, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to the Proprietors before Complaint to the Commissioners.

XIV. And be it further enacted, That the said Commissioners, or any Five or more of them, acting in any Question, Matter, or Difference, which shall or may arise between the said Company and any other Person or Persons whomsoever, are hereby empowered, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby authorized and empowered to administer) and by any other lawful Ways and Means, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors, as a Recompence for any Damages which may or shall be sustained by such Bodies Politick or Corporate, or any other Person or Persons, being

Commissioners to settle Disputes or Differences, &c.

If Parties refuse to submit to Commissioners, or are dissatisfied with their Determination;

or refuse to accept the Damages;

or to treat;

or shall not agree;

Juries to be impannelled to assess the Damages.

being Owners of or interested in any such Ships or Vessels, or of any Lands Grounds, Tenements, or Hereditaments for or by reason of their making, placing, erecting, or building any such Beacons, Land Marks, or other Marks, or by their repairing, preserving, or maintaining the same, or by reason or means of the Execution of any of the Powers herein contained by the said Company of Proprietors, their Agents, Servants, or Workmen, in case such Damages and Recompence cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents for the Time being, or any of them, and such Owners of Ships or Vessels, and such Proprietors of and Persons interested in the said Lands, Grounds, Tenements, or Hereditaments respectively; and if the said Company of Proprietors for or on the Part and Behalf of themselves, or any such Owners of Ships or Vessels, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Parts, or for or on the Part of his, her, or their Cestuique Trust, or of any incapacitated Person or Persons, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Owners of Vessels or Ships, or any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Recompence as shall be so determined to be paid; or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest which they claim therein, then and in every such Case the said Commissioners, or any Five or more of them, shall, and they are hereby empowered and required, from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the County Palatine of *Lancaster* for the Time being, commanding such Sheriff to impanel, summon, and return a Jury, and the said Sheriff is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials, of Issue joined in His Majesty's Courts at *Westminster*, or Common Pleas of the County Palatine of *Lancaster*, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine or more than Twenty-one Days after such Warrant shall be served upon the said Sheriff; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Five of them, are hereby empowered to summon

mon and call before them all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matter in Question, and the said Commissioners, or any Five or more of them, may order and authorize the said Jury or any Six or more of them to view the Place or Places or Matter in Controversy; which Jury upon their Oaths, to be administered by the said Commissioners or any Five or more of them (which Oath as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for a Recompence for the Damages that may or shall be sustained as aforesaid, and the said Commissioners, or any Five or more of them, shall give Judgement for such Recompence so to be assessed by such Juries; which said Verdict and the Judgement thereupon pronounced by the said Commissioners, or any Five or more of them, shall be binding and conclusive to all Intents and Purposes against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Witnesses may be examined on Oath.

Jury to assess Damages.

Verdict of Jury to be final.

XV. And be it further enacted, That if any such Sheriff, or his Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Five or more of them, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus, if any, on Demand, to the Owner thereof, after such Penalties, and the Charges of such Distress and Sale, shall be deducted.

Penalty on the Sheriffs, Jurymen, and Persons summoned, who shall make Default.

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, if the same 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, or any Five or more of them, to the Intent that such Money shall be paid, under the Direction 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 Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled 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,

Application of Compensation when amounting to 200*l*.

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under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Grounds, 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 Premises 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 the Order of the Court of Chancery, 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 Proceeds 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, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of
Compensation
if less
than 200 l.
and exceed-
ing 20l.

XVII. Provided always, and be it further 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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, or Committee, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant 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 Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing 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 shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of
Compensation
if less than 20l.

XVIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as herein-before mentioned shall be less 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 this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use of such Person or Persons so entitled respectively.

XIX. And

XIX. 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 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 said Commissioners, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so 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 for the said Commissioners or any Five or more of them, 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 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.

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.

XX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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 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 or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, 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 or Interest 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.

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, unless, &c.

XXI. Pro-

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

XXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Tenements, or Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company of Proprietors or any Five or more of them, who shall, from Time to Time, pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty on giving false Evidence.

XXII. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the said Commissioners or any of them, or before any Justice of the Peace, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Penalty for destroying the Works.

XXIII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, damage, or destroy any of the said Buoys, Perches, Beacons, Land Marks, or other Marks or Works to be placed, erected, or made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, preserving, supporting, and maintaining of the said intended Undertaking, or any Matter or Thing thereto belonging, such Person or Persons shall be adjudged guilty of Felony; and the Court by and before whom such such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws of this Realm, or in Mitigation thereof, to award such Sentence as the Law directs in Cases of Petit Larceny.

Company of Proprietors may enter into Contracts.

XXIV. And be it further enacted, That the said Company of Proprietors, or any Five or more of them, shall and may, and they are hereby empowered, to enter into Contracts, and make Bargains with any Workmen or other Persons for the making and doing all and every or any Part of the Work or Business in and about the improving of the said River, and other Works, in and about the same, and the maintaining, repairing, keeping, and enlarging or increasing thereof from Time to Time, and to order and direct the Collection, Receipt, and Disposition of any Duties or Monies which from Time to Time shall be due and payable by virtue of this Act.

All Erections made to be vested in the Company of Proprietors.

XXV. And be it further enacted, That all Buildings, Erections, and other Matters and Things which shall be made, built, provided, or established by virtue or in pursuance of this Act, shall be and the same are hereby vested in the said Company of Proprietors, or any Five or more of them; and they are hereby authorized and empowered, in the Name of their Clerk or Treasurer for the Time being, to bring any Action or Actions, or to prefer Bills of Indictment against any Person or Persons who

who shall cut, damage, or injure, or cause to be cut, damaged, or injured, any of the Works to be made, erected, established, amended, or repaired by virtue of this Act, or who shall injure or destroy the same whilst doing, or impede the doing thereof, or who shall steal, purloin, or wrongfully take away Stones, Lead, Iron, Wood, Bricks, or other Materials, and Machines, Engines, or Utensils, provided or to be provided from Time to Time, or used or intended to be used therein, or for any other Purposes of this Act, or who shall wilfully do or suffer or consent to any Thing whereby Damage may accrue to the Erections, Works, or Machines to be made or erected by virtue of this Act; and all the Damages which shall be so recovered by any such Suit, Process, or Action, after deducting the Costs of Suit, shall be applied as herein-after directed; and all such Property may and shall, in any such Indictment or Action, be laid to be the Property of the said Company of Proprietors.

XXVI. And, to the End that the said Company of Proprietors may be enabled to begin, execute, and carry on the said Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors, to raise and contribute among themselves, in such Proportions as to them shall meet and convenient, a competent Sum of Money for the making and completing of the said Undertaking, and Works and Conveniencies to the same belonging or requisite thereto respectively, provided that the said Sum does not exceed the Sum of Two thousand Pounds in the Whole, except as herein-after mentioned; and that the same be divided into such Number of Shares as herein-after directed, at a Price not exceeding Fifty Pounds *per* Share; and the Money so to be raised is hereby directed and appointed to be laid out and applied in the first Place for and towards the Payment, Discharge, and Satisfaction of all the Charges and Expences of obtaining, passing, and executing this Act, and of making the Surveys, Plans, and Estimates incident thereunto, and all other Expences relating thereunto, and all the Residue and Remainder of such Money, for and towards making, completing, preserving, and maintaining the said Works and Undertaking, and other the Purposes of this Act.

Proprietors
may raise
2000*l.* among
themselves.

Application
thereof.

XXVII. And be it further enacted, That the said Sum of Two thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person or Persons who shall or may, at any Time within Three Calendar Months next after the passing of this Act, become a Subscriber or Subscribers to the said Undertaking, shall be divided and distinguished into Forty equal Parts or Shares, at a Price not exceeding Fifty Pounds *per* Share, and that such Shares shall be deemed Personal Estates, and shall be transmissible as such, and that the said Forty Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every Bodies Politick and Corporate, and all and every Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Fifty Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, shall be entitled to and receive, after the said Undertaking shall be completed, the entire and neat Distribution of One-fortieth Part of the Profits and Advantages that shall

The Money to
be raised to be
divided into
Forty Shares,
at 50*l.* each.

and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Corporate or Politick, Person or Persons having such Property of a Fortieth Part or Share in the said Undertaking, and so in Proportion as afore said, shall bear and pay an adequate and proportional Sum of Money towards carrying on the said Undertaking in Manner by this Act directed and appointed.

Proprietors may raise an additional Sum of Money amongst themselves if necessary.

XXVIII. And be it further enacted, That in case the said Sum of Two thousand Pounds herein-before authorized to be raised, shall be found insufficient for the Purposes of this Act, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves in Manner and Form afore said, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of One thousand Pounds; and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote by himself or herself, or his or her Proxy, in respect to every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in Proportion to the Sum he, she, or they shall or may subscribe thereto, as generally and extensively as if such further or other Sum had been originally raised, and a Part of the said first Sum of Two thousand Pounds, any Thing herein contained to the contrary notwithstanding.

If not sufficient, Company may borrow 1000l.;

XXIX. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising the further Sum of One thousand Pounds herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, then and in such Case it shall be lawful for the said Company of Proprietors and their Successors, as their Exigency may require, by an Order to be made at a General Meeting of the said Company of Proprietors, to borrow and take up at Interest all or any Part of the said further Sum or Sums upon the Credit of the said Undertaking, as to them shall seem fit and convenient; and they are hereby fully authorized and empowered to assign and make over their said Undertaking, and the Tolls, Tonnage Rates, and Duties arising and to arise by virtue of this Act or any Part thereof, as a Security for any Sum or Sums of Money to be borrowed, with Interest, to such Person or Persons, or his, her, or their Trustee or Trustees who shall advance the same, under the Common Seal of the said Company, by the following Deed of Mortgage; (that is to say),

and assign the Undertaking, &c. as a Security.

Form of Mortgage.

WE, the Company of Proprietors of the Undertaking for the Improvement of the Navigation of the River Ribble, by virtue of an Act, passed in the Forty-sixth Year of the Reign of King George the Third, intituled, *An Act for improving the Navigation of the River Ribble, in the County Palatine of Lancaster*, in Consideration of the Sum of _____ to us paid by _____ of _____ do hereby bargain, sell, and transfer unto the said _____ all and singular the Tolls, Tonnage Rates, and Duties arising by virtue of the said Act, and also the said Undertaking, and all the Right, Title, and Interest of us the said Company of Proprietors, of, in, and unto the same, to hold unto the said _____ Executors, Administrators, and _____

and Assigns, until the said Sum of _____ together with Interest
 for the same after the Rate of _____ *per Centum per Annum* shall be
 fully paid off. Given under our Hand and Seal the _____ Day of _____ in
 the Year of our Lord _____

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made; shall be equally entitled to his, her, or their Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Mortgage or Mortgages mentioned, to be advanced without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining of the said Buoys, Perches, Beacons, Land and other Marks and Works of the Undertaking aforesaid, hereby authorized to be made, and other the Purposes of this Act.

XXX. And be it further enacted, That an Entry or Memorial of every such Mortgage, containing the Date, Names of the Parties, and Sum of Money borrowed, shall within Sixty Days next after the Date thereof, be entered *gratis*, in one or more Book or Books to be kept for that Purpose by the Clerk to the said Company of Proprietors, which Book or Books shall and may be perused *gratis* at all seasonable Times, by the Proprietors or Creditors of the said Undertaking; and every Person to whom such Mortgage shall be made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit of, in, and to the Principal Money and Interest thereby secured, to any Person or Persons whomsoever by any Deed or Instrument in Writing under his, her, or their Hand and Seal, and which Transfer shall or may be made in the Words or to the Effect following; (that is to say),

Mortgage to be entered in a Book;

and may be transferred.

I [or, we] _____ of _____ in consideration of the
 Sum of _____ paid by _____ of _____ do
 hereby transfer a certain Mortgage made by the Company of Proprietors
 of the Undertaking for the Improvement of the Navigation of the River
 Ribble, to _____ bearing Date the _____ Day of _____
 for securing the Sum of _____
 and Interest, and all my [or, our] Right and Property therein, to the
 said _____ his or her Executors, Administrators, or
 Assigns. Dated this _____ Day of _____ in the
 Year of our Lord _____

Which said Assignments or Transfers shall, within Sixty Days after the Date thereof, be produced and notified to the said Clerk to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sums of Money thereby transferred in the said Book or Books to be kept for entering the said original Mortgages, for which last mentioned Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and after such Entry made, every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and every such Assignee may in like Manner assign the same again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons who shall have made any such Assign-

Transfers to be entered by the Clerk.

ment

The Interest of the Money borrowed to be paid first.

ment at any Time afterwards to make void, release, or discharge the original Mortgage, or any Monies thereby secured, or any Part thereof; and the Interest of the Money so to be borrowed by Mortgage as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividend due and payable by virtue of this Act to the said Company of Proprietors, or any of them: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or capable of acting or voting either as Principal or by Proxy, for or on account of having lent or advanced any Money on the Credit of such Mortgage or Assignment.

Highest Rate of legal Interest to be paid to the Proprietors till the Works are completed.

XXXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and their Successors and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Undertaking, and all Things necessary for making, completing, preserving, and maintaining the same, shall be carrying on, and until the same shall be completed and finished, in case an Order of any General Assembly of the said Company of Proprietors shall be made in that Behalf, to pay unto every Body Politick or Corporate, Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and have paid in the Sum of Fifty Pounds, or such Sum or Sums of Money as shall from Time to Time be demanded in respect thereof towards carrying on and completing the said Undertaking, Interest for the same after the Rate of Five Pounds per Centum per Annum, at and during the Time that each of such Sum or Sums shall be so respectively advanced as aforesaid.

Subscribers to have a Vote for every Share by themselves or Proxies, and additional Votes for every Share above One.

XXXII. And be it further enacted, That every Body or Bodies Politick or Corporate, or other Person or Persons who shall by virtue of this Act have subscribed or undertaken for One Share of the said Undertaking, and his, her, and their Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor, and a constituent Part of the said Corporation hereby created, for so much, and shall have a Vote for every such Share in every publick Meeting to be held as herein-after appointed for carrying on the said Undertaking, which Vote may be given by him, her, or them, or in his, her, or their Absence by his, her, or their Proxy or Proxies, being a Proprietor or Proprietors, duly constituted under his, her, or their Hand and Seal, or Hands and Seals, and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question, Election of proper Officers, or other Matters or Things shall be proposed, discussed, or considered in any publick Meeting of Proprietors to be held by virtue of this Act, shall be determined by the Majority of Votes and Proxies so given as aforesaid, computing One Vote to every Share; and at every such Meeting One of the Proprietors present shall be appointed Chairman, and shall not only vote as a Proprietor, but in case of Equality of Votes, shall have the decisive or casting Vote; and the Appointment of the said Proxy or Proxies shall and may be in the Words or to the Effect following; (that is to say),

Form of appointing Proxies.

I of One of the Proprietors of the Undertaking for the Improvement of the Navigation of the River Ribble, do hereby nominate, constitute, and appoint of (being a Proprietor as aforesaid) to be my Proxy, in

' in my Name and in my Absence to vote, and give my Assent or Dissent
 ' to any Business, Matter, or Thing relating to the said Undertaking;
 ' that shall be mentioned or proposed at any Meeting of the Proprietors
 ' of the said Undertaking, or any of them, as he the said
 ' shall think proper, according to his Opinion and Judgement, for the
 ' Benefit of the said Undertaking, or any Thing appertaining thereto.
 ' In Witness whereof I have hereunto set my Hand and Seal the
 ' Day of _____ in the Year of our
 ' Lord _____

Such Proprietor, having appointed his or her Proxy as aforesaid, being hereby nevertheless authorized and empowered by any Instrument in Writing under his or her Hand and Seal for that Purpose, at his or her Will and Pleasure to revoke and make void such Appointment, and in like Manner from Time to Time on future Occasions, to appoint any other Person on the like Restrictions, to act as Proxy for him or her in his or her Absence.

XXXIII. And be it further enacted, that the First General Meeting of
 the said Company of Proprietors for putting this Act in Execution shall be
 held at the *George and Dragon Inn*, in *Preston*, aforesaid, upon the Third
Thursday next after the passing of this Act, and the Second Meeting at the
 End of Six Calendar Months from the Day on which such First Meeting was
 held, at such Place within the Town of *Preston* aforesaid as the said Com-
 pany of Proprietors, or the major Part of them present at their said First
 Meeting, shall appoint; and the like General Meeting shall be held on the
 like Two respective Days in each and every Year for the future, at or
 before the Hour of Eleven of the Clock in the Forenoon, at which said
 General Meetings the said Company of Proprietors assembled together,
 with such Proxies as shall be produced, or the Majority of them, shall
 manage and regulate all the Affairs of the said Undertaking in such Man-
 ner as is herein-after directed; but if at any Time it shall appear to any
 Five or more of such Proprietors that for more effectually putting this Act
 in Execution, a Special Meeting of Proprietors is necessary to be held, it
 shall be lawful for such Five or more of them to cause Ten Days Notice at
 least to be given thereof in Writing, by affixing the same upon the outer
 Doors of the Town Hall and Custom House aforesaid, or in such other
 Manner as the said Proprietors or their Successors shall at any General Meet-
 ing direct or appoint, specifying in such Notice the Time and Place, and
 the Reason and Intention of such Special Meetings respectively; and the
 Proprietors are hereby authorized to meet pursuant to such Notices, and
 proceed to the Execution of the Powers by this Act given them with
 respect to the Matters so specified only; and all such Acts of the Proprie-
 tors, or the major Part of them at such Special Meetings assembled, shall
 be as valid, to all Intents and Purposes, as if the same were done at General
 Meetings: Provided always, that at every Meeting to be held under or by
 virtue of this Act, there shall be a Chairman, who shall be chosen by and
 out of the said Company of Proprietors, and who, in case of a Division of
 equal Numbers, shall have the casting Vote, although he may before have
 given one Vote for each Share he is entitled to.

XXXIV. And be it further enacted, That the Book and Books in which
 all the Accounts relating to the said Undertaking shall be stated and settled,
 and all other Matters relating thereunto, shall be deposited and kept locked

[Loc. & Per.]

28 U

up

General Meetings

Chairman have the casting Vote.

Books to be kept.

up under the Direction of the said Company of Proprietors, at such Place or Places as the said Company of Proprietors and their Successors shall from Time to Time direct; and every Proprietor or Proprietors upon every reasonable Desire, shall have free Access to such Book and Books for his, her, or their Inspection.

Power of
Gen-ral
Meetings to
audit Ac-
counts, call
for Money,
&c.

XXXV. And be it further enacted, That every such General Meeting shall have Power to call for, audit, and settle all Accounts, of Money laid out and disbursed on Account of the said Undertaking with the Receiver and Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for or under them in and about the said Undertaking; and for that Purpose shall have Power to adjourn themselves over from Time to Time, and from Place to Place, as shall be thought convenient by the Persons entitled to a Majority of Votes in Manner aforesaid; and every General Meeting of such Proprietors assembled by the Authority of this Act, shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Five Pounds for every Share of Fifty Pounds, and so that no Calls be made but at the Distance of Three Calendar Months at least from each other; and such Proprietors, or the Majority of them assembled at any General Meeting, shall have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Lands, Rights, Liberties, Privileges, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Work and Workmen, and in placing and in displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the Proprietors present at such General Meeting; and every Owner or Owners of One or more Share or Shares in the said Undertaking, shall pay his or their Share and Shares, and Proportion and Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Times and Places as the said General Meeting shall from Time to Time appoint and direct, of which One Calendar Month's Notice in Writing at least shall be given, by affixing the same upon the outer Doors of the Town Hall and Custom House aforesaid, or in such Manner and Place as the said Company of Proprietors or their Successors shall at any General Meeting direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Meeting, he, she, or they neglecting or refusing, shall forfeit a Sum not exceeding Five Pounds for every Fifty Pounds of his, her, or their respective Share and Shares in the said Undertaking; and in case such Person or Persons shall neglect to pay his, her, or their rateable Calls as aforesaid, for the Space of Three Calendar Months after the Time appointed for the Payment thereof as aforesaid, then he, she, or they shall forfeit his, her, and their respective Share and Shares in the said Undertaking, and all the Profit and Benefit thereof; all which Shares so forfeited shall be sold at a publick Sale by the said Company of Proprietors; and the Produce thereof (except the said Forfeiture of Five Pounds a Share) shall be paid unto the Person or

Persons who was or were entitled to the Share or Shares so forfeited immediately before the Forfeiture thereof, or his; her, or their Executors, Administrators, or Assigns.

XXXVI. Provided always, and be it further enacted, That no Advantage shall be taken of the Forfeiture of any Share or Shares in the said Undertaking until after personal Notice to the Owner, nor unless the same be declared to be forfeited at some General Meeting of the said Company of Proprietors, who shall assemble within Three Calendar Months next after such Forfeiture shall be incurred, and every such Forfeiture shall be an Indemnification to and for every Proprietor so forfeiting against all Action and Actions, Suits or Prosecutions whatever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor and the rest of the Proprietors, with regard to carrying on the said intended Undertaking.

Subscriber forfeiting his Share shall have personal Notice, and the Forfeiture must be declared at a General Meeting.

XXXVII. And be it further enacted, That the said Company of Proprietors and their Successors, shall always have Power and Authority, at any General Meeting assembled as aforesaid, to remove or displace any Person or Persons chosen to be Chairman at any such General Meeting as aforesaid, and to elect another to be a Chairman in the room of the Chairman who shall die or be removed or displaced, and to remove or displace any other Officer or Officers under them.

General Meetings may remove Chairman.

XXXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors, or any Five or more of them, at any General Meeting assembled as aforesaid, to make such Bye Laws, Rules, Orders, and Regulations, for the good Government of the said Company, and their Officers, Servants, Agents, and Workmen, and for the ordering and securing of the Safety of Ships and Vessels coming into and going out of the said River, and of the Works to be made or done in pursuance or by virtue of this Act, and for the Appointment, Regulation, Direction, and well-conducting of Ships and Vessels into, out of, or whilst within the said River, or any other Matter or Thing not herein-before particularly specified, as shall from Time to Time appear necessary and proper, and to alter, vary, or repeal the same as Occasion shall be or require (the Method of calling General Meetings, and the Time and Place of assembling, and Manner of voting only excepted) and to impose reasonable Fines and Penalties for the Breach or Non-observance of such Bye Laws, Rules, Orders, and Regulations, so as no One Penalty shall exceed Ten Pounds, which Fines and Penalties shall be recovered and levied as other Fines, Penalties, and Forfeitures, by this Act inflicted or imposed, are hereby directed to be recovered and levied; and that all such Bye Laws, Rules, Orders, and Regulations, and the Fines and Penalties for the Breach and Non-performance thereof, shall from Time to Time as often as they shall be made, altered, or varied, be put up, either in Print or in Writing in a clear legible Hand, in the Custom House of the said Port of *Preston*, and in such other Place or Places as the major Part of the said Company of Proprietors at a General Meeting shall appoint, and at all Times thereafter to remain and be in the said Places; and upon Application a Copy thereof shall be delivered to any Captain or Owner of any Ship or Vessel requiring the same, on Payment to the Clerk to the said Company of Proprietors of the Sum of Sixpence for the same; which said Rules, Bye Laws, and Orders being put into Writing under the Common Seal of the said Company of Proprietors

Power to make Bye Laws.

prietors or their Successors, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

But not to be repugnant to the Laws of the Realm, or the Jurisdiction of the Lord High Admiral.

XXXIX. Provided always, That the said Rules, Orders, and Bye Laws, or any of them, shall not be contrary or repugnant to the Laws, Statutes, or Customs of that Part of the United Kingdom called *Great Britain*, nor to any Thing contained in this Act, nor prejudicial or derogatory to any Right, Authority, or Jurisdiction belonging to the Office of Lord High Admiral of *Great Britain*, or to any Powers, Privileges, or Authorities heretofore made, given, or created relating thereto, nor to any Claims for Anchorage or Groundage, or any other Rights and Privileges of any Lord of a Manor or Manors, or of any Proprietor of Lands adjoining the said River; and provided also, that every such Rule, Order, Bye Law, and every Alteration thereof, shall be subject to Appeal in Manner herein-after directed.

General Meetings adjourned in case of Non-attendance.

XL. And be it further enacted, That if at any such General Meetings there shall not be present Five or more of the said Company of Proprietors, besides Proxies, no Choice of or Removal of any Person as Chairman, or Election of any Person in the Room of the Person so removed, or who shall die, shall be made at that Time, but in such Case there shall be a new Meeting of the said Company of Proprietors of the said Undertaking, at the same Place upon that Day Week following, and so on as often as Occasion shall require, and such Choice shall be then made as ought to have been made on the Day herein-before appointed, had there been a sufficient Number of Voters present; and the Person then chosen to be Chairman of the said General Meeting shall have the same Power which he would have had, and shall continue in such Office until such Time as he would have done, had he been chosen on the said Day herein-before appointed; and that in case of failure of the Meeting of Five or more of the said Company of Proprietors besides Proxies, at such First Meeting, every Proprietor who shall not be at such Second Meeting in Person or by Proxy, shall forfeit to the said Company of Proprietors for every Share which he, she, or they shall then have in the said Undertaking, the Sum of Five Shillings, to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

On the Death of Subscribers before Share completed, Executors may do it.

XLI. Provided always, and be it further enacted, That if any Owner of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be paid in, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Guardian or Guardians of any Infant or other Person or Persons entitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and any other Persons whatsoever, for paying any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor, Administrator, Trustee, or Guardian, shall refuse or neglect

neglect to answer such Calls, the said Company of Proprietors shall be and are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner deceased, on Condition of paying on or before such Admission, to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians of any Infant, or others entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Life-time by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for.

XLII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking to sell or dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions herein mentioned, and every Purchaser shall have a Duplicate of the Deed of Bargain and Sale and Conveyance made unto him or her; and One Part of such Deed, duly executed by the Seller and Purchaser, shall be delivered to the said Company of Proprietors or their Clerk for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered to the said Company of Proprietors or their Clerk, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for his said Share, paid unto him, her, or them, or any Vote as a Proprietor or Proprietors.

Shares may be disposed of.

XLIII. And be it further enacted, That after any Call of Monies shall be made by a General Meeting of the said Company of Proprietors as aforesaid, no Person or Persons shall sell or transfer any Share or Shares in the said Undertaking, until the Monies to be called for upon the Share or respective Shares so to be sold shall be paid, under the Penalty of forfeiting his, her, or their Share or respective Shares in the said Undertaking, to the said Company, for the Benefit of all the said Company of Proprietors, unless he, she, or they shall at the Time of such Sale or Transfer pay the Money called for upon each Share so sold or transferred, to the Treasurer of the said Company, such Forfeiture nevertheless to be notified and declared at a General Meeting in Manner above directed; and that the Instrument of Sale of the said Shares shall be in the Form or to the Effect following; (that is to say),

After a Call no Share to be sold until the Money be paid.

I *A. B.* in consideration of the Sum of _____ paid to
 • me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* Form of Sale.
 • Share [*or, Shares, as the Case may be*] of the
 • Undertaking, for improving the Navigation of the River *Ribble*, to
 • hold to the said *C. D.* his Executors, Administrators, and Assigns,
 • subject to the same Rules and Orders, and on the same Conditions that I
 • held the same immediately before the Execution hereof; and I the said
 • *C. D.* do hereby agree to accept the said Share [*or,*
 • Shares] subject to the same Rules, Orders, and Conditions. Witness
 • our Hands and Seals the _____ Day of _____

Time from which the Company of Proprietors are to receive Duties.

XLIV. And be it further enacted, That when and so soon as the said Company of Proprietors shall have placed and fixed the said Buoys, Perches, Beacons, Land Marks, and other Marks, or such or so many of them as they shall deem requisite and necessary for the Safety and Convenience of Ships and Vessels coming into and going out of the said River *Ribble*, and as soon as they or any Five or more of them shall have certified the same by Writing under their Hands, to be delivered to the Justices at the General Quarter Sessions of the Peace to be holden at *Preston*, in and for the said County Palatine of *Lancaster*, and the said Justices shall have allowed the same, all and singular the said Buoys, Perches, Beacons, Land Marks, and other Marks, and Works, shall be deemed, considered, and taken to be finished, perfected, and completed; and that then and from thenceforth it shall be lawful for the said Company of Proprietors to demand, receive, and take the several and respective Sums of Money, Duty, or Rates of Tonnage herein-after mentioned, yearly and every Year, on the Fifth Day of *January*, or such other Day or Days afterwards upon which any Vessel coming into or going out of the said River, shall first enter or clear at the Custom House of the said Port of *Preston*.

Vessels to pay the Tonnage Duty only once in each Year.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken in anywise to enable the said Company of Proprietors to receive from any Owner or Master of any Ship or Vessel coming into or going out of the said River, any of the Rates, Duties, or Tonnages in this Act contained, until such Certificate as afore-said shall by the said Company of Proprietors, or any Five or more of them, have been delivered to and allowed by the said Justices as afore-said, or to enable them to receive the same Rates, Duties, or Tonnage, oftener or more than once in every Year.

Rates to be raised.

XLVI. And be it further enacted, That from and after the Delivery and allowing of such Certificate as afore-said, there shall be annually paid unto the said Company of Proprietors, by the Owners or Masters having the Command of Vessels belonging to or coming into the said Port of *Preston*, and for all Ships and Vessels coming into the said River (except as herein-after mentioned) the several and respective Rates, Dues, or Duties, herein-after mentioned and specified in the Table hereunto annexed, marked (A.) and which said Table, and all the several Matters and Things therein contained, is, are, and shall be deemed and taken as Part of this Act, to all Intents and Purposes, as fully and effectually as if the same were enacted in the Body thereof.

Vessels passing the Buoys, and not taking in or delivering any Part of their Cargoes, to pay full Tonnage.

XLVII. And be it further enacted That if any Ship or Vessel sailing to or from any other Port or Place than the Port of *Preston*, shall, from tempestuous Weather, from Distress, or from any other Cause, be driven or sail into the said River and pass the said Buoys, Perches, Beacons, Land Marks, and other Marks, for the Purpose of finding Safety or Security there; and the same Ship or Vessel shall come to an Anchor, or moor within the said Port, it shall be lawful for the said Company of Proprietors, and they are hereby empowered to receive, and there shall be paid unto them by the Owner or Owners, Master or Masters having Command of the same Vessel, One Moiety of the said Tonnage Rates, Duties, and Dues; and in case of Dispute between the said Company of Proprietors, or the Person authorized to receive the said Duties, and the Owner or Owners, Master

Master or Masters of such Vessel, touching the same, then the Matter in Dispute shall be referred to any Five or more of the said Commissioners, who are hereby authorized and required to settle the same.

XLVIII. Provided always, and be it further enacted, That all Vessels belonging to His Majesty shall be exempted from the Payment of all and every the Rates and Duties hereby granted.

Vessels in the Service of Government to be exempted.

XLIX. And be it further enacted, That on any Neglect or Refusal to pay any of the Tonnage Rates, Duties, and Dues by this Act granted, it shall be lawful for the Person entitled to collect or receive such Tonnage Rates, Duties, and Dues, to seize and detain the Ship, Vessel, Boat, Barge, Lighter, Craft, or Raft, whereon the same shall be payable, and if within Three Days such Tonnage Rates, Duties, and Dues, shall not be paid and satisfied, it shall be lawful for such Person to sell such Ship, Vessel, Boat, Barge, Lighter, Craft, or Raft, for the raising such Tonnage Rates, Duties, and Dues, and the Expences of compelling Payment thereof; rendering the Overplus (if any) upon Demand, after deducting the said Tonnage Rates, Duties, and Dues, and the Costs and Charges of recovering the same, to the Owner or Owners, Consignor or Consignees of such Ship, Vessel, Boat, Barge, Craft, Lighter, or Raft; and the said Company of Proprietors shall have full Power from Time to Time at any General Meeting, to lower or reduce all or any of the said Tonnage Rates, Duties, and Dues, and again to raise the same to any Sum not exceeding the Rates before mentioned, as often as it shall be deemed necessary for the Interests of the said Undertaking.

On Refusal to pay Duties Collectors to seize Vessels; &c.

Rates may be reduced or altered.

L. And be it further enacted, That all Ships and Vessels trading to and from the said Port, liable to the Duties of Tonnage by this Act imposed, shall pay the said Duties according to the Admeasurement contained in the Certificate of Registry belonging to such Ship or Vessel, and the said Duties of Tonnage shall be thereby computed and collected accordingly; and all Foreign Vessels shall be measured by the Surveyor of the Customs of the said Port of *Preston*, and the several Duties of Tonnage shall be computed and collected according to such Admeasurement; and that such Surveyor shall be paid such Sum or Sums of Money as the said Commissioners, or any Five or more of them, shall think a proper Compensation for the Trouble such Surveyor may have.

Tonnage to be paid according to the Certificate of Registry.

LI. And be it further enacted, That the Masters and Owners of all Ships, Hoys, Barks, or Vessels, entering and using the said River, and liable to the Payment of the Rates and Duties by this Act imposed, that shall be unregistered, or who shall refuse or decline to produce their Registers, shall suffer and permit the said Ships, Hoys, Barks, or Vessels, to be measured by the said Surveyor, and shall pay the Rates and Duties aforesaid according to such Measurement; and that every Owner or Master aforesaid who shall refuse to produce such Register, or to have his, her, or their Ship, Hoy, Bark, or Vessel measured as aforesaid, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors.

Ships, &c: may be measured.

LII. And, for preventing any Delay or Evasion in the Payment of the Rates and Duties by this Act granted, be it further enacted, That there shall be produced to the Collector or other proper Officer of His Majesty's

Customs

Rates to be paid before Vessels enter or clear from the Custom House.

Customs at the Port of *Preston*, by the Master or Owner of every Ship, Hoy, Bark, or Vessel coming into or going out of the said Port or River, and liable to the Rates and Duties by this Act granted, a Receipt or other sufficient Voucher for the Payment of the said Rates and Duties by such Masters or Owners, from the proper Person appointed to receive the same, and that until such Production be made, and the Collector or other proper Officer as aforesaid shall be satisfied with the same, the said Collector or other proper Officer shall not take or receive, or grant or issue any Entry, Report, Cocket, Permit, Sufferance, or other Dispatch, inwards or outwards, for any such Ship, Hoy, Bark, or Vessel, Foreign or British, liable or subject to Payment of the said Rates and Duties, under Penalty of any Sum not exceeding Twenty Pounds, to be paid to the said Company of Proprietors, or to such Person or Persons as they shall appoint to receive the same.

Act not to extend to charge Vessels carrying Stones, &c. within the Port, with Duties;

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to charge any Flat, Lighter, Barge, Boat, or other Vessels, employed upon the said River *Ribble* in carrying Stones or Merchandize (so that the same do not go without the Limits of the said Port of *Preston*) with the Rates and Duties allowed by this Act.

For Vessels coming from Leeds and Liverpool and Douglas and Asland Canals.

LIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to charge any Flat, Lighter, Barge, Boat, or other Vessel, coming from or going to the *Leeds* and *Liverpool* Canal, and *Douglas* otherwise *Astrand* Navigation, or either of them, in or through the present or any future Communication, made, or to be made, between such Canal and Navigation, or either of them, and the said River *Ribble*.

Pilots to be licensed.

LV. And, for the better Regulation of Pilots within the said Port of *Preston*, be it further enacted, That from and after One Calendar Month next after passing of this Act, if any Person or Persons shall take upon him or themselves to conduct or pilot any Ship or Vessel into or out of the said River without being licensed so to do by Five or more of the said Company of Proprietors for the Time being, which Licence they are hereby empowered to grant, every Person so offending shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds: Provided nevertheless, that the said Company of Proprietors shall not authorize any Person or Persons to be a Pilot of the said Port as aforesaid, unless such Person or Persons shall have first obtained the Recommendation in Writing of six Masters, Commanders, or Owners of Vessels of the Burthen of Fifty Tons and upwards, Register Tonnage, trading to and from the said Port, certifying the Ability and Skill of such Person or Persons to pilot or conduct Ships or Vessels to and from the said Port.

Masters of Vessels not belonging to the Port of *Preston*, inward or outward bound, refusing to take Pilots who offer, to be liable to full Pilotage.

LVI. And be it further enacted, That in case the Master or Commander of any Ship or Vessel inward or outward bound shall refuse to take on board and employ a Pilot so to be licensed as aforesaid, who shall offer his Services (except such Vessel shall belong to the said Port of *Preston*, or be under the Burthen of Fifty Tons Register Tonnage) such Master or Commander shall pay or cause to be paid to the Pilot who first or who only shall offer his Services as aforesaid, and shall be so refused, the full Pilotage according to the different Rates and Prices herein-after directed to be paid, as if the

said Pilot had been received and employed in conducting or piloting such Ship or Vessel into or out of the said Port : Provided nevertheless, that nothing herein contained shall extend or be construed to extend, to compel such Master or Commander to take or employ any such Pilot for any such Ship or Vessel outward bound, except from a certain Place on the North Side of and adjoining the said River *Ribble* called *Naize Point* and from thence Westward to the Buoy next the Sea, or inward bound, except from the said Buoy next the Sea, and from thence Eastward to the said Point called *The Naize Point*.

LVII. Provided also that this Act shall not extend to prevent or hinder the Master or other Person having the Command of any Ship or Vessel, being under or of less Burthen than Fifty Tons by the Certificate of Registry, or belonging to the said Port of *Preston*, and employed in the Coasting Trade only, from conducting or piloting his said Ship or Vessel into or out of the said Port, or to hinder any Person or Persons from assisting any Ship or Vessel in Distress, nor to subject any such Person to any of the Penalties inflicted by or in pursuance of this Act ; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Masters in the Coasting Trade under the Burthen of Fifty Tons, may pilot their own Vessels, and any Person may assist a Ship in Distress.

LVIII. And be it further enacted, That any Pilot so to be licensed as aforesaid, who shall take upon himself the Charge of any Ship or Vessel sailing into or out of the said Port, shall and is hereby required to conduct or pilot any such Ship or Vessel inward bound, from the said Buoy next the Sea up to a certain Place or Quay within *Ashton-upon-Ribble*, near the South-West Corner of *Preston Marsh*, and within the Port and County aforesaid, commonly called *Preston Quay*, and outward bound from the said Quay down to the said Buoy next the Sea, if the Master or Commander, or other Person having the Charge or Command of such Ship or Vessel shall require the same, before such Pilot shall relinquish the Care or Charge of any such Ship or Vessel ; and upon Refusal in either Case, such Pilot shall not be entitled to any of the Rates or Prices hereby directed to be paid for Pilotage, and shall and may forfeit his Licence or Warrant at the Discretion of the said Company of Proprietors, or any Five or more of them.

Limiting the Distance to which Vessels are to be piloted.

LIX. And be it further enacted, That the Master or Commander of every Ship or Vessel so to be piloted or conducted into or out of the said River, shall and is hereby required to declare and give a true Account to the Pilot employed in conducting or piloting such Ship or Vessel, of the Draught of Water which such Ship or Vessel shall draw, and in case the Pilot so employed shall suspect the Truth of such Declaration, such Pilot is hereby authorized to admeasure, or cause such Ship or Vessel to be admeasured, in order to find the true Draught of Water such Ship or Vessel shall then draw ; and if upon such Admeasurement it shall appear that such Master or Commander gave a false Account wilfully and fraudulently, such Master or Commander shall not only forfeit a Sum equal to double the Amount of Pilotage, according to the Rate or Rates herein-after mentioned, but also all the Expences of the Admeasurement as aforesaid, and be subject to a Fine at the Discretion of the said Commissioners, or any Five or more of them, in any Sum not exceeding Ten Pounds, together with all Expences incurred in the Recovery thereof.

Every Master to give the Pilot a true Account of the Draught of Water of his Ship, and the Pilot authorized to admeasure.

Pilotage of
Ships out-
ward bound,
to be secured,
or the Pilot
may refuse to
take the
Charge.

LX. And be it further enacted, That if any of the Pilots so to be licensed as aforesaid shall be requested by the Master, Commander, Owner, Agent, or Consignee of any Ship or Vessel outward bound, to take the Charge or Conduct of such Ship or Vessel, it shall be lawful for such Pilot, previous to his taking such Charge or Conduct, to demand a sufficient Security from such Master, Commander, Owner, Agent, or Consignee, for the Payment of such Pilotage outward, according to the Rates and Prices herein-after directed to be paid; and if such Master, Commander, Agent, or Consignee, shall refuse to give such Security, then and in such Case such Pilot may refuse to conduct or pilot such Ship or Vessel, and shall not be subject to any of the Penalties inflicted by or in pursuance of this Act on Pilots refusing to take the Charge or Conduct of such Ship or Vessel.

Penalty on
Owners and
Masters of
Ships refusing
to pay the
Rates, etc.

LXI. And be it further enacted, That in case any Owner or Master, or other Person having or taking upon himself, or appearing to have or take the Command, Charge, Agency, or Consignment of any Ship or Ships, Vessel or Vessels, charged or chargeable with the said respective Rates or Prices of Pilotage hereby directed to be paid, shall refuse to pay the same, then and in such Case it shall be lawful for any Two of His Majesty's Justices of the Peace for the said County Palatine of Lancaster, on Complaint and Proof thereof on Oath being made by such Pilot, and preferable to and notwithstanding any Right of Attachment, Arrestment, or other Right whatsoever claimable by or due to any Person or Persons whomsoever, to seize, take, and detain any of the Goods, Guns, Ropes, Tackle, Furniture, and Apparel, of or belonging to any such Ship or Vessel, and the same to distrain and keep until the Sum or Sums of Money due for Pilotage in conducting such Ships or Vessels into or out of the said River, according to the Rates and Prices, and the reasonable Charges for taking such Distress, shall be paid and satisfied; and in case of any Neglect or Delay in Payment of such Sum and Sums of Money, and Charges, for the Space of Seven Days next after such seizing, taking, or distraining, then it shall be lawful for any Two of the said Justices of the Peace for the said County Palatine of Lancaster, to cause the same to be appraised by any Two sufficient Persons or Appraisers of the said Town of Preston, and afterwards to sell and dispose of the said Goods so taken and appraised, and the Proceeds to satisfy the Rates or Prices of Pilotage so due and unpaid, with all reasonable Charges for taking, seizing, distraining, appraising, and selling the same; rendering the said Rates and Prices so due and unpaid to the Pilot or Pilots entitled thereto, and the Overplus (if any there be, after such Charges deducted) upon Demand, to the Masters or Owners, Agents or Consignees of such Ships or Vessels.

What Rates
are to be paid
to the Pilots.

LXII. And be it further enacted, That from and after the Expiration of One Calendar Month after the passing of this Act, there shall be paid unto the Pilots for conducting Ships and Vessels upon and in the said River Ribble; the several and respective Rates, Dues, or Duties herein-after mentioned and specified in the Table hereunto annexed, marked (B.) and which said Table, and all the several Matters and Things therein contained, is, are, and shall be deemed and taken as Part of this Act, to all Intents and Purposes, as fully and effectually as if the same were enacted in the Body thereof.

LXIII. And

LXIII. Provided nevertheless, That it shall be lawful for the said Company of Proprietors, or any Five or more of them, at any Time or Times after the Expiration of One Calendar Month from the passing of this Act, to alter, vary, or reduce any of the said Rates of Pilotage; and as often as they shall think proper, again to advance the same, so as such Rates shall not at any Time exceed the Rate herein-after mentioned; and such Rates, so altered, varied, reduced, or again advanced, may be recovered as such Rates as aforesaid may be recovered.

Company empowered to alter Rates.

LXIV. And be it further enacted, That in case any Ship or Vessel shall be wilfully or negligently run or be driven against any of the Buoys, Perches, or other Marks or Works to be made, placed, or erected by the said Company of Proprietors, so as to break, damage, or injure the same, the Person having the Government or Charge of such Ship or Vessel, or acting as such, so wilfully or negligently offending, shall be liable to answer and make good the Damage or Injury done to the said Buoys, Perches, or other Marks or Works, to be settled and ascertained in a summary Way by any Two of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*; and in case the Person so offending shall not have compounded or settled the Damage or Injury with the said Company of Proprietors, which they are hereby required to do, or shall refuse to pay the Sum or Sums of Money to be awarded by the said Justices for or in respect of such Damage or Injury, it shall be lawful for the said Justices, and they are hereby required, by Warrant under their Hands and Seals, to cause such Ship or Vessel to be seized and distrained, together with the Tackle, Furniture, or Apparel thereof, until due Payment thereof, together with the reasonable Charges of such Seizure and Distress; and if such Ship or Vessel shall not be redeemed within Seven Days next after the same shall be so seized or distrained, it shall be lawful for the Person or Persons so seizing or distraining the same, to sell so much of the Tackle, Furniture, or Apparel, of or belonging to such Ship or Vessel, as shall be sufficient to answer and make good the said Damage or Injury, and all Costs and Charges in consequence thereof, rendering the Overplus (if any) on Demand to the Owner of such Ship or Vessel.

Damages done to the Buoys, Perches, Beacons, Land or other Works, to be ascertained by the Justices.

LXV. And be it further enacted, That the Master or Owner of any Ship, Boat, or Barge or other Vessel, frequenting, coming to, or lying or being in the said River, shall be and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Ship, Boat, Barge, or other Vessel, or by any of the Sailors, Boatmen, Watermen, or others belonging to or employed in or about the same, unto any of the Buoys, Perches, Beacons, Land Marks, or other Marks or Works upon, in, or adjoining to the said River *Ribble*, such Damage, Spoil, or Mischief to be ascertained by any Two of the said Justices of the Peace for the said County Palatine of *Lancaster*, and to be recovered in like Manner as any Penalty is herein mentioned or directed to be recovered; and in case the Owner of any such Ship or Vessel, Boat or Barge as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass by reason of any wilful Act or Default done or committed by his Servant or Servants, every such Servant shall be liable to repay such Penalty, or the Money paid for any such Damage or Trespass to such Owner; and in case of Non-payment upon Demand, the same shall be recovered by such Owner in like Manner as any Penalty is herein authorized or directed to be recovered.

Masters or Owners of Vessels answerable for Damages.

LXVI. Provided

Commissioners to be paid out of Rates.

LXVI. Provided always, That all Costs and Expences which shall be incurred by or on the Behalf of the said Commissioners, or any Person or Persons employed by them, in prosecuting any Action or Suit or Prosecution touching the Execution of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act.

Actions to be brought in the Name of the Clerk.

LXVII. And be it enacted, That when any Action or Suit shall be brought or instituted by Order of the said Company of Proprietors for the Time being, or any Five or more of them, against any Person or Persons in pursuance or by virtue of this Act, the same may be brought in the Name of their Clerk or Treasurer, on Behalf of the said Company of Proprietors, and that no such Action or Suit shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by any Act of such Clerk or Treasurer done, without the Consent of the said Company of Proprietors for the Time being, or any Five or more of them.

To oblige Subscribers to pay their Subscription.

LXVIII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions as the said Company of Proprietors, or any Five or more of them, shall order and direct, and the same shall be paid to such Person or Persons as the said Company of Proprietors, or any Five or more of them, shall by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Company of Proprietors, or any Five or more of them, to sue for and recover the same in the Name of the Clerk or Treasurer to the said Company of Proprietors in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparance shall be allowed.

Saving the Rights of all Persons.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, abridge, or take away any Rights, Estates, Powers, Jurisdictions, Immunities, and Advantages or Privileges whatsoever, belonging or appertaining to any Person or Persons whomsoever (except such as are hereby expressly taken away or altered), but that all such Right, Estates, Powers, and Privileges, shall continue in full force and effect, and may be exercised and enjoyed in as full and ample a Manner, to all Intents and Purposes as if this Act had not been made; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Persons aggrieved by any Irregularity in Distress to recover only the Special Damages.

LXX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining

distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case:

LXXI. And be it further enacted, That all Offences under this Act may be heard and determined by any Two Justices of the Peace for the said County Palatine of *Lancaster*; and all Penalties and Forfeitures by this Act imposed, concerning which no particular Direction hath been already given, shall, if the same be not paid within Ten Days after the same shall have been demanded, be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace for the said County, which Warrant they are hereby empowered and required to grant upon the Information of one or more credible Witness or Witnesses, upon Oath, before them made (which Oath they are hereby empowered to administer) provided the Offender or Offenders shall not in the mean Time have compounded or settled with the said Company of Proprietors, or any Five or more of them, which they are hereby empowered to do; and that all such Penalties and Forfeitures, and also all other Penalties and Forfeitures by this Act imposed, shall when recovered (after deducting all Costs and Charges of Distress and Sale, and rendering the Overplus (if any) when demanded, to the Parties whose Goods and Chattels shall be so distrained and sold) be paid to and for the Purposes of this Act; and in case no such Distress as aforesaid can be had, then it shall be lawful for the said Justices for the said County, by like Warrant or Warrants, to commit the Party or Parties offending to the Common Gaol or House of Correction for the said County Palatine of *Lancaster*, there to remain without Bail or Mainprize for the Space of Twenty-eight Days, at the Discretion of such Justices, unless the said Penalty, and Charges, shall be sooner paid and satisfied.

Recovery and Application of Penalties:

LXXII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or in any other Form of Words to the same Effect, as the Case shall happen; (*videlicet*),

Form of Conviction.

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____
 A. B. is convicted before me C. D. one of His Majesty's Justices of the Peace for the County Palatine of *Lancaster*; [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*]. Given under my Hand and Seal the _____ Day and Year first above mentioned.

LXXIII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Alteration of such Bye Law, or by any Order of the said Company of Proprietors, or by any Order or Determination of any Justice or Justices of the Peace, may within Three Calendar Months after such Order shall

Persons aggrieved may appeal to the Quarter Sessions.

[*Loc. & Per.*]

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have

have been made or given, complain to the Justices of the Peace at the General Quarter Sessions, or any Adjournment thereof, to be holden at *Preston* in and for the said County Palatine of *Lancaster*, which Justices shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions or Adjournment, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden at *Preston* aforesaid, for the said County; and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Limitation
of Actions.

General Issue.

LXXIV. And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Determinations herein-before given or granted, every such Suit and Information shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid and brought in the said County, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by virtue of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information, shall not be brought before the Time so limited for bringing the same, or shall be brought in any other County or Place than aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwise, Judgement shall have been given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

LXXV. And be it further enacted, That this 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.

SCHEDULES to which this Act refers.

Schedule (A.)

RATES, TOLL, OR TONNAGE DUTY ON SHIPPING.

	£.	s.	d.	
Every British Ship or Vessel	0	2	6	per Ton.
Every Foreign Ship or Vessel	0	3	0	per Ton.

Schedule (B.)

RATES OR PRICES TO BE PAID TO THE PILOTS.

From Preston Quay to Naize Point and Freckleton Pool, or from Naize Point and Freckleton Pool to Preston Quay :

For every British Sloop or Vessel with One Mast, Two Shillings and Sixpence per Foot for every Foot of Water such Sloop or Vessel shall draw.

For every other British Vessel with Two or more Masts, Three Shillings for every Foot of Water such Vessel shall draw.

From Naize Point and Freckleton Pool to the furthest or West Buoy next the Sea, or from the furthest or West Buoy to Naize Point and Freckleton Pool :

For every British Ship or Vessel, Two Shillings per Foot for every Foot of Water such Ship or Vessel shall draw.

For every Foreign Ship or other Vessel, double the aforesaid Rates to and from such Part of the said River Ribble as such Foreign Ship or Vessel shall be piloted.

(1) *Alvin*

THE HOUSE OF COMMONS

1917

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a list of names and possibly dates, organized in a tabular or list format.]