



ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

Cap. cxiii.

An Act for better preserving the Harbour of *Maryport*, and for lighting and otherwise improving the Township of *Maryport*, in the County of *Cumberland*. [24th July 1833.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of King *George* the Second, intituled *An Act for repairing, enlarging, and preserving the Harbour of Ellenfoot in the County of Cumberland*: And whereas another Act was passed in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Twenty-second Year of His present Majesty, for repairing, enlarging, and preserving the Harbour of Ellenfoot in the County of Cumberland*: And whereas another Act was passed in the Thirty-first Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts made, one in the Twenty-second and the other in the Twenty-ninth Year of the Reign of King George the Second, for repairing, enlarging, and preserving the Harbour of Ellenfoot in the County of Cumberland*: And whereas another Act was passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of Three Acts of His late and present Majesty, for repairing the Harbour of Maryport in the County of Cumberland*: And whereas great Expence hath been incurred in the Execution of the Objects of the said recited Acts, and a large Portion of the Money borrowed on the Credit of the said Acts still remains due and unpaid; and it is expedient

[Local.] 28 K that

Recited Acts
repealed.

that the Powers and Provisions of such Acts should be extended and enlarged : And whereas it would facilitate the Objects herein-before mentioned if the Acts herein-before recited were repealed; and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act : And whereas it is also expedient that Powers should be given for better lighting, watching, paving, and otherwise improving the Township of *Maryport* within the said County of *Cumberland* : 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 Parliament assembled, and by the Authority of the same, That the said several recited Acts of the Twenty-second and Twenty-ninth Years of the Reign of King *George* the Second, and of the Thirty-first and Fifty-second Years of the Reign of King *George* the Third, shall be and the same are hereby declared to be repealed.

Rates and
Monies due
under former
Acts may be
recovered by
Trustees for
executing
this Act.

II. Provided always, and be it further enacted, That notwithstanding the Repeal of the said recited Acts hereby repealed, all Rates and Dues which before the passing of this Act shall have been legally imposed, and all Fines and Penalties which shall have been incurred, and all Bonds, Contracts, and Agreements which shall have been given or entered into, under or by virtue of the said recited Acts, and all other Monies due to the Trustees acting in the Execution of the said recited Acts, and which shall respectively remain uncollected or unpaid or be in existence and unperformed at the Time of the passing of this Act, shall and may be collected, recovered, and enforced by the Trustees for executing this Act in the same Manner and by the same Ways and Means as if such Rates and Dues had been imposed, and as if such Fines and Penalties had been incurred, and as if such Bonds, Contracts, and Agreements had been entered into, under or by virtue of this Act ; and all Treasurers, Collectors, and other Officers and Persons who at the Time of the passing of this Act shall have in their Possession or under their Controul any Money, Books, Documents, Papers, Writings, or other Effects belonging to the Trustees acting in the Execution of the said former Acts hereby repealed, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, and Effects to the Trustees for executing this Act, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Treasurers, Collectors, Officers, or Persons had been appointed by the Trustees for executing this Act ; and all other Persons who at the Time of the passing of this Act shall owe any Money to the Trustees acting in the Execution of the said former Acts for or in respect of any Matter or Thing affecting or relating to such Acts shall be liable to the Payment of such Money to the Trustees for executing this Act, and in case of Refusal or Neglect to pay the same shall be subject to the Provisions of this Act for the Recovery thereof as if such Money had become due under this Act.

Conveyances,
&c. under
former Acts
declared
valid.

III. Provided also, and be it further enacted, That all Bonds, Assignments, Grants, Conveyances, Leases, and other Securities made or granted to or by any Person or Body by virtue or under the Authority of the said former Acts hereby repealed shall be as valid and effectual to all Intents and Purposes whatsoever as if such Acts had not been repealed.

IV. Pro-

IV. Provided also, and be it further enacted, That the Right and Property of and in the present Harbour, and of and in the present and future Jetties, Piers, Cuts, Sluices, Docks, Wharfs, Lights, Buoys, Anchors, and other Works in any way appertaining to the said Harbour, and of and in all Offices, Edifices, Buildings, Materials, Lands, Tenements, Hereditaments, and Appurtenances, Funds, Chattels, and Effects purchased or otherwise obtained by or otherwise belonging to the Trustees acting in the Execution of the said former Acts hereby repealed under the Authority of and for the Purposes of such Acts, or which shall at any Time hereafter be purchased or obtained by the Trustees acting in the Execution of this Act, shall be and the same is and are hereby absolutely vested in the Trustees for the Time being for executing this Act for the Purposes of this Act; and such Offices, Edifices, Buildings, Materials, Lands, Tenements, Hereditaments, and Appurtenances, Funds, Chattels, and Effects, so hereby vested in the said Trustees, may be sold and disposed of from Time to Time as such Trustees shall think proper, and the Money arising by such Sale or Sales shall be applied in aid of such of the Purposes of this Act connected with the said Harbour as the said Trustees shall think proper; and the said Trustees are hereby empowered to bring any Action or to prefer any Bill of Indictment, as the Case may require, against any Person who shall injure, steal, or carry away any or any Part of any Articles or Effects so vested in them; and in all such Actions or Bills of Indictment it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which any such Action shall be brought, or any such Bill of Indictment shall be preferred, is or are the Property of "The Trustees for improving the Harbour and Township of *Maryport*," without stating the Name or Names of all or of any of the said Trustees.

Property of Trustees under former Acts vested in Trustees for executing this Act.

V. Provided also, and be it further enacted, That the several Rates and Duties hereby authorized to be raised by the said Trustees connected with the said Harbour shall be and the same respectively are hereby made liable to the Payment of all Monies which at the Time of the passing of this Act shall be due and owing from or by the Trustees for executing the said former Acts hereby repealed, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had become due on the Credit of this Act.

This Act made liable to Debts created under former Acts.

VI. Provided also, and be it further enacted, That the Clerk and Treasurer (if appointed consistently with the Provisions of this Act in reference to the Offices of Clerk and Treasurer), and all other Officers and Persons appointed under the said former Acts hereby repealed, or in the Employment of the Trustees acting in the Execution of such Acts at the Time of the passing of this Act, shall hold and enjoy their respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and they and their Sureties shall be liable to the same Penalties, Obligations, Restrictions, and Regulations in every respect, as if they had been appointed or taken under or by virtue of this Act.

Present Officers to continue in Office unless removed by Trustees.

VII. And be it further enacted, That *Humphrey Senhouse* Esquire, or the Lord of the Manor of *Ellenborough* for the Time being, together with

Appointment of Trustees.

Edward

Edward Stanley, Humphrey Senhouse the younger, Kelsick Wood, Joseph Huddleston, James Pictairne, Thomas Mark, John Kitson, John Walker, William Ostle, John Inman, Nicholas Ross, Anthony Dixon Clerk, and the Survivors and Survivor of them, shall be the first Trustees for carrying into execution the several Purposes of this Act, and shall continue in Office until the Second *Tuesday* in the Month of *October* next after the passing of this Act, or until other Trustees shall be appointed and elected in their Place in manner herein-after mentioned.

Service of
Trustees.

VIII. And be it further enacted, That on the Second *Tuesday* in the Month of *October* next after the passing of this Act the several Trustees herein named (except the Lord of the Manor of *Ellenborough* for the Time being, who shall always be a Trustee,) shall go out of Office and cease to be Trustees for the Purposes of this Act, and Four other Persons shall be named by the Lord of the Manor for the Time being, and Eight other Persons duly qualified as in this Act mentioned shall be elected by the Majority of the Inhabitants of the said Township qualified to vote as herein-after mentioned, who shall be present at some Meeting to be held for that Purpose, to be Trustees for carrying into execution the Purposes of this Act; and the Trustees so appointed by the said Lord of the Manor, and elected by the said Inhabitants as last herein-before mentioned, shall continue in Office for the Space of Five Years from the said Second *Tuesday* in the Month of *October* next after the passing of this Act; and on the Second *Tuesday* in the Month of *October* in every succeeding Fifth Year the Trustees who shall then be in Office shall go out of Office and cease to be Trustees, and their Places be supplied in like Manner: Provided always, that if the Lord of the Manor for the Time being, or the said Inhabitants, shall for the Space of Fourteen Days after the Day on which such new Trustees ought to have been appointed or elected neglect to make such Appointment or Election, it shall be lawful for the Persons who shall have last served the Office of Trustees on the Part of the Lord of the Manor, or of the said Inhabitants (as the Case may require), to continue in Office for the further Term of Five Years from the Day when such Appointment and Election ought to have taken place.

Trustees
going out of
Office re-
eligible.

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

Notice of
Meetings for
the Election
of Trustees
by the In-
habitants.

X. And be it further enacted, That previously to any Meeting of the said Inhabitants to be held for the Purpose of electing Trustees as herein directed Notice of such intended Meeting in Writing, signed by any Three or more of the Inhabitants of the said Township qualified to vote as herein-after mentioned, specifying the Time, Place, and Object of such Meeting, shall be affixed to the Door of the Chapel of *Maryport* aforesaid Ten Days at least before the Day of holding such Meeting.

Qualification
of Electors of
Trustees.

XI. And be it further enacted, That no Person shall be entitled to vote at any Meeting of the Inhabitants of the said Township for the Election of Trustees for the Purposes of this Act unless he shall be assessed

to the Rates made for the Relief of the Poor of the said Township to the Amount of Six Pounds *per Annum* at the least, and shall have resided within the said Township for the Space of Twelve Calendar Months at the least prior to the Day of Election, or be possessed in his own Right of One Fourth Part or Share of or in some Vessel (belonging to the said Harbour of *Maryport*) of between Fifty and One hundred Tons Register at the least, or of One Eighth Part or Share of or in some Vessel of between One hundred and Two hundred Tons Register at the least, or of One Sixteenth Part or Share of or in some Vessel of Two hundred Tons Register at the least, and have been possessed of such Share for the Space of Twelve Calendar Months at the least prior to the Day of such Election: Provided always, that Dues shall have been paid under the Authority of this Act on every Vessel in respect of which any Claim to vote at any such Election shall be made within the Period of Twelve Calendar Months prior to the Day of such Meeting.

XII. And be it further enacted, That no Person in this Act named (except the Lord of the Manor of *Ellenborough* for the Time being, and the Trustees to be from Time to Time appointed by the said Lord of the Manor as herein mentioned,) shall be capable of acting or of being elected; or if elected be capable of acting as a Trustee for the Purposes of this Act, unless he shall be, either in his own Right or in the Right of his Wife, in the actual Possession of or in the Receipt and Enjoyment of the Rents of Freehold or of Copyhold or Customary Lands, Tenements, or Hereditaments held for a Life or Lives of the clear yearly Value of Fifty Pounds at least above Reprizes, or be possessed of Personal Estate of the Value of One thousand Pounds at least, or unless he shall occupy some Dwelling House within the said Township of *Maryport* of the yearly Value of Twenty Pounds at least, or unless he shall be possessed of One Fourth Part or Share of and in some Vessel belonging to the Harbour of *Maryport* of between One hundred Tons and Two hundred Tons Register at the least, or of One Eighth Part or Share of or in some Vessel of Two hundred Tons Register at the least, and unless he shall reside within the said Township of *Maryport*, or within Five Miles thereof (except in administering the Oath or Affirmation herein-after mentioned), until he shall, at some Meeting of Trustees to be held under the Authority of this Act, have taken and subscribed an Oath, or have made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

Qualification
of Trustees.

‘ I *A. B.* do swear [*or, being a Quaker, do solemnly affirm,*] That I am;
‘ in my own Right, [*or in the Right of my Wife, as the Case may be,*]
‘ in the actual Possession of [*or in the Receipt and Enjoyment of*] the
‘ Rents and Profits of Freehold [*or of Copyhold or Customary*] Lands,
‘ Tenements, or Hereditaments, held for a Life or Lives, of the clear
‘ yearly Value of Fifty Pounds above Reprises [*or am possessed of Personal*
‘ Estate of the Value of One thousand Pounds] [*or that I occupy a Dwell-*
‘ ing House within the Township of *Maryport* of the yearly Value of
‘ Twenty Pounds] [*or that I am possessed of One Fourth Part or Share of*
‘ or in some Vessel belonging to the Harbour of *Maryport* of between One
‘ hundred Tons and Two hundred Tons Register] [*or of One Eighth Part*
‘ or Share of or in some Vessel of Two hundred Tons Register and
‘ upwards], and that I do now reside within the said Township of
‘ *Maryport* [*or within Five Miles thereof*].’

Oath of Qua-
lification.

Oath to be taken by all the Trustees.

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

‘ I *A. B.*, do swear, [*or, being a Quaker, do solemnly affirm,*] That I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act.*]

‘ So help me GOD.’

[*Or being a Quaker, omit the Words ‘ So help me God.’*]

Certain Persons not to act as Trustees.

XIV. And be it further enacted, That no Person shall be capable of being elected or of acting as a Trustee for the Purposes of this Act who shall be a Licensed Victualler, nor shall any Person be capable of acting as such Trustee during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act, or in any Contract under this Act in which he may be directly or indirectly concerned, or in any Matter wherein he shall be in anywise personally or beneficially interested, except as a Creditor on the Rates, Duties, or Assessments by this Act authorized to be received and levied; provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Trustee under this Act.

Penalty on Trustees acting not being qualified.

XV. And be it further enacted, That if any Person shall act as a Trustee in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes in this Act mentioned, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by any Person who shall sue for the same by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued shall prove that he was qualified, or (as the Case may be) that he was not disqualified at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Trustee without being qualified, or being disqualified as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified or had not been disqualified as herein-before mentioned.

Election of Trustees on Vacancies.

XVI. And be it further enacted, That whenever any Trustee (except the Lord of the Manor of *Maryport* for the Time being) to be appointed or elected under or by virtue of this Act shall die, resign, or refuse to act, or by Bankruptcy, Insolvency, or otherwise, shall become incapable of acting in the Execution of this Act, it shall be lawful for the said Lord

of the Manor for the Time being, or for the surviving or continuing Trustees elected by the Inhabitants of the said Township (as the Case may require), and he and they is and are hereby respectively required, within Six Calendar Months after the Decease of any such Trustee, or on Notice of the Resignation or Refusal or Incapacity of any such Trustee, to elect some Person to be a Trustee in the Room of every Trustee so dying, resigning, or refusing to act, or becoming incapable of acting as aforesaid; and every Person who shall be so elected a Trustee to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to have continued had he lived and remained in Office.

XVII. And be it further enacted, That the Trustees for executing this Act, or any Five or more of them, shall assemble and hold their First General Meeting at the *Golden Lion* in *Maryport*, or at some other convenient Place within the Township of *Maryport*, on the Second *Friday* next after the passing of this Act, or on some subsequent *Friday*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Trustees shall be held on the Second *Friday* in every Calendar Month at the Place and Hour aforesaid, unless some other Place within the said Township or some other Hour shall from Time to Time be appointed by the said Trustees; and the Trustees present at such First or any subsequent Meeting may from Time to Time adjourn the same to the same or any other Place within the said Township; and if at any such Meeting there shall not be Five or more Trustees then and there present within One Hour after the Time appointed for such Meeting, then any Three of the said Trustees assembled at any such intended Meeting may, if they shall think proper, adjourn such Meeting from Time to Time to the same or any other Place within the said Township; and no Act of the said Trustees shall be valid unless made or done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the Majority of them present at any Meeting to be held as aforesaid, the Number of Trustees present at any such Meeting not being less than Five; and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and the said Trustees shall defray their own Expences at every such Meeting, (except for the Use of the Room where such Meeting shall be held): Provided nevertheless, that it shall be lawful for the said Trustees and they are hereby authorized to hold any Special Meeting, so that such Meeting shall be required by Three or more of the said Trustees, and Notice thereof in Writing be given to or left with the Clerk to the said Trustees, who shall thereupon give Five Days Notice at the least of such Special Meeting by affixing a Notice in Writing on the Door of the Chapel of *Maryport* of the Time, Place, and general Purport thereof.

Meetings and Proceedings of the Trustees.

XVIII. And be it further enacted, That no Order, Rule, Regulation, Act, or Proceeding made or done by the said Trustees shall be revoked, altered, or suspended unless at some subsequent Special Meeting to be required

Restrictions as to revoking Orders.

required as aforesaid, and of which Five Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such Meeting.

Proceedings
to be entered
in a Book.

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

Trustees to
cause Ac-
counts to be
kept.

XX. And be it further enacted, That the said Trustees shall cause Books to be kept by some Book-keeper to be appointed for that Purpose, who shall enter or cause to be entered in the said Books separate and distinct Accounts of all Sums of Money received and expended for the Purposes of this Act connected with the said Harbour and with the Improvement of the said Township respectively, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Books shall at all reasonable Times be open to the Inspection of the said Trustees and of the Creditors on the Tonnage Rates or Duties and other Duties connected with the said Harbour, and of the Creditors on the Rates or Assessments connected with the Improvement of the said Township respectively (as the Case may be), without Fee or Reward; and the said Trustees and Creditors may take Copies of or Extracts from the said Books without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Trustees and Creditors, or any of them, to inspect such Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Trustees to
appoint Offi-
cers, &c.

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

XXII. And

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

Trustees empowered to appoint temporary Officers.

XXIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Trustees for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

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

XXIV. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Trustees, make out and deliver to the said Trustees, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Trustees, or to such Persons as they respectively shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees or to such Persons as they respectively shall appoint, within Three Days after being thereunto required by the said Trustees, or by such other

Officers to account.

Proceedings in case of Default.

Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or by any other Person on their Behalf, to any Justice of the Peace for the County of *Cumberland*, such Justice may and he is hereby required by Warrant under his Hand and Seal to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same; or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction for the said County of *Cumberland*, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him; and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Trustees for such Money and Charges, and have paid the Composition Money to the said Trustees (and which Composition the said Trustees are hereby empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

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

XXV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or of any of the said Trustees, and no Action or Proceeding which may be brought or instituted by or against the said Trustees by virtue of or on account of this Act shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death of such Trustee, or by any Act or Default of such Clerk or Trustee done or suffered without the Consent or Direction of the said Trustees, but such Clerk or Trustee shall be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of
Actions

Actions prosecuted between the said Trustees and their Clerk for the Time being : Provided always, that in all Cases in which the Clerk for the Time being, or any Trustee as aforesaid, shall be the Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the Trustees for executing this Act shall be suing or be sued in the Name of such Clerk or Trustee as aforesaid, such Clerk or Trustee as aforesaid may and shall, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Trustees ; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding shall and may be made by such Clerk or Trustee (as the Case may be), notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid : Provided also, that every Clerk or Trustee as aforesaid in whose Name any Action or Proceeding shall be instituted or defended as herein-before mentioned shall always be reimbursed out of the Money to arise by virtue of this Act all such Costs and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or been instituted or defended without the Order or Direction of the said Trustees.

XXVI. And be it further enacted, That in case of the Death of any Officer or other Person to be appointed as aforesaid before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy, in the due Course of the Administration of the Estate and Effects of the deceased, the same out of the Estate and Effects of such Officer unto the said Trustees, or any Person appointed by them in that Behalf ; and in case of the Death of any such Officer or Person, or of his becoming bankrupt, or taking the Benefit of any Act for the Relief of Insolvent Debtors, before he shall have delivered up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act, the Executors or Administrators of such Officer or Person, or the Assignees of his Estate and Effects, or other Persons possessing the same, or in whom the same has or shall be vested, shall, upon Demand, deliver up to the said Trustees, or to any Person appointed by them, all such Books, Papers, and other Things as shall have come to the Hands of such Executors or Administrators or Assignees, and such Executors or Administrators shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence ; and in case of the Nonpayment of such Monies by such Executors or Administrators, or the Nondelivery of such Books, Papers, Writings, and Things by such Executors or Administrators or Assignees, for the Space of Fourteen Days after Demand made thereof by or on the Behalf of the said Trustees, it shall be lawful for the said Trustees to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or against such Executors, Administrators, or Assignees for the Recovery of Damages for the Detention of such
Books,

In case an
Officer dies,
Executors to
account.

Books, Papers, Writings, and Things; and in case the said Trustees shall succeed in such Action or Suit they shall be entitled to Treble Costs.

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

XXVII. And be it further enacted, That the Accounts of all Monies received or disbursed in pursuance of this Act from the Commencement thereof, or, as the Case may be, from the last annual Settlement thereof, shall be produced and stated at the regular monthly Meeting of the said Trustees which shall take place in the Month of *October* in every Year, or at some Adjournment thereof, and shall be examined, audited, and settled by them, and in case the same shall be found just and true shall and may be allowed by them, and certified accordingly under the Hand of the Chairman of such Meeting; and at which Meeting all Persons interested in such Accounts, and all Creditors on the Rates, Duties, or Assessments by this Act authorized, shall be at liberty to attend; and after such Accounts shall have been signed the same shall be final and conclusive on all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at the then next General Quarter Sessions of the Peace in and for the County of *Cumberland*, Notice in Writing of such Appeal having been given to the Clerk of the said Trustees within Seven Days next after such Accounts shall have been signed.

Accounts to be made out annually, and public Notice to be given thereof.

XXVIII. Provided always, and be it further enacted, That previously to the Examination, Audit, and Settlement by the said Trustees in the Month of *October* in each Year of all Monies received or disbursed by them during the preceding Year, the said Trustees shall and they are hereby required to cause a true Account to be made and written of all such Monies, and of the Amount of the Debts and Liabilities due from the said Trustees; and a Copy or Duplicate of such Account shall be deposited with the Clerk to the said Trustees, who shall permit any Person who shall pay any Rate, Duty, or Assessment to be levied and collected by virtue of this Act, or any Person on his Behalf, to inspect the same at seasonable Times, paying the Sum of One Shilling, and no more, for every such Inspection; and the said Clerk shall, upon Demand, forthwith give Copies of the same or any Part thereof upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words; and the said Trustees shall, Ten Days at least previously to their annual Meeting in the Month of *October*, give public Notice of such Meeting by causing Notice in Writing, signed by any Three of the said Trustees or by the Clerk of the said Trustees, to be affixed to the Door of the Chapel of *Maryport*, stating the Purpose of such Meeting, and the Day, Hour, and Place at which it shall be held, and that the Duplicate of the said Accounts has been deposited with the Clerk of the said Trustees.

Accounts when signed to be printed.

XXIX. And be it further enacted, That when and as soon as the said Accounts shall have been examined, audited, and settled in the Manner herein-before directed the said Trustees shall cause the same to be forthwith printed; and every Person who shall pay any Rate, Duty, or Assessment to be levied and collected by virtue of this Act shall be entitled to a printed Copy of such Accounts upon paying the Sum of Sixpence, and no more, for every such Copy.

XXX. And

XXX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time and at all Times hereafter to demand, receive, and recover from the Master of every Vessel entering into or using the said Harbour of *Maryport*, (except Vessels entering the Port for Safety only, and departing again without taking in any fresh Loading there,) a Rate or Duty of Sixpence for every Ton of the Burthen of such Vessel for each Voyage, the Amount of such Burthen to be ascertained according to the Rules and Directions contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the registering of British Vessels*; and all such Rates or Duties shall be paid over and above and in addition to any other Rates or Duties imposed by this Act; and no Vessel shall be cleared at or depart the said Harbour of *Maryport* before all such Rates and Duties shall have been paid.

Tonnage
Rate on Ves-
sels using the
Harbour.

6 G. 4. c. 110.

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

Vessels not
engaged in
Trade exempt
from Duty.

XXXII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to any of His Majesty's Vessels of War, or any Vessel employed in or upon His Majesty's Service for the Conveyance of Officers or Soldiers, or of Horses, Arms, Ammunition, or Baggage to such Officers or Soldiers belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster General.

Not to extend
to Vessels in
His Majesty's
Service.

XXXIII. And be it further enacted, That Double the Rates or Duties by this Act granted shall be paid in respect of every Foreign Vessel, and also in respect of all Goods or Articles imported or exported in such Foreign Vessels; and every Vessel shall be deemed or taken to be a Foreign Vessel within the Meaning of this Act which shall not be entitled to the Privileges of a *British*-built Ship by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Encouragement of British Shipping and Navigation*.

Double
Duties to be
paid in re-
spect of Fo-
reign Vessels.

6 G. 4. c. 109.

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

Power to His
Majesty to
reduce Dues
on Foreign
Vessels.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees to demand and recover from the Master of every Vessel remaining in the said Harbour for a longer Period than Three Calendar Months an additional Duty of Three-pence *per* Ton, provided such Vessel shall clear out in Ballast, and shall not take in a Cargo of Coals.

Additional
Duties on
Vessels re-
maining in
the Harbour.

Duty to be paid for Lights at the Pier Head.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustee to collect an additional Duty of One Penny *per* Ton from every Vessel entering the said Harbour, for the Purpose of sustaining a proper Light upon the Pier Head at the Entrance of the said Harbour.

Duties may be varied.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to reduce all or any of the Rates or Duties by this Act granted, and again and as often as they shall think proper to raise the same to any Sum or Sums of Money not exceeding the respective Rates or Duties by this Act granted; and such advanced or lowered Rates and Duties shall and lawfully may be collected, recovered, and applied in the same Manner as the Rates and Duties herein mentioned are directed to be collected, recovered, and applied.

Masters of Vessels to produce Registers, &c. to the Collectors when required.

XXXVIII. And be it further enacted, That the Master of every Vessel liable to the Payment of any of the Rates or Duties by this Act granted shall, whenever required by the Receiver or Collector of such Rates or Duties, produce and show to such Receiver or Collector the Register of such Vessel and other Documents relating to the Appointment of such Master or to the Ownership of such Vessel, and also every Manifest or other Paper in his Possession relating to the Lading thereof; and in case such Master shall upon such Requisition refuse or neglect to produce or show to such Receiver or Collector such Registers and other Documents as aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Refusal or Neglect.

Ships to be reported on arriving in the Harbour, and to give an Account of the Cargo.

XXXIX. And be it further enacted, That the Master of every Vessel which shall arrive in the said Harbour of *Maryport*, and be liable to the Payment of any of the Rates or Duties by this Act granted, shall make his Report of such Vessel and of her Cargo, and from whence she came, to the Harbour Master for the Time being of the said Harbour, or to such other Person as the said Trustees shall appoint for that Purpose, within Twelve Hours next after her Arrival within the said Harbour; and every such Master shall within Six Hours after such Vessel or Cargo shall be so reported deliver in Writing to the said Receiver or Collector, or to such other Person as the said Trustees shall appoint for the Receipt thereof, a true, full, and particular Account of the several Goods or Articles of which such Cargo shall be composed, and the Names of the respective Persons to whom they are consigned, and shall also (if required) give due Notice in Writing of the Time appointed for the Delivery of such Cargo; and in case any such Master shall refuse or neglect to make such Report or to deliver such Account within the respective Times and in the Manner herein-before directed, or to give such Notice when required, or shall wilfully give a false Statement, or do any other Act whereby the Payment of the said Rates or Duties shall be avoided, he shall for such Neglect or Refusal or false Statement forfeit and pay any Sum not exceeding Ten Pounds, over and above the Amount of the Rates or Duties payable in respect of such Goods or Articles.

Masters, &c. of Vessels loading to

XL. And be it further enacted, That the Master of every Vessel in the said Harbour shall give to the Receiver or Collector or other Person appointed to receive the said Rates or Duties a just Account in Writing,
signed

signed by the Person sending or consigning any Goods and Articles which shall be embarked in each such Vessel, or by his Clerk or Agent, of the Quantities and Weight of such Goods and Articles, and of their Nature, stating from whence brought and where the same are intended to be sent; and if such Goods or Articles shall be liable to the Payment of different Rates or Duties, then such Account shall specify the Quantities liable to the Payment of each of the said Rates or Duties; and in case the Master of such Vessel shall neglect or refuse to give such Account, or shall wilfully give a false Account, or do any other Act whereby the Payment of the said Rates or Duties, or any Part thereof, shall be avoided, or shall charge in respect of the said Rates or Duties more than shall actually have been paid for the same, or if the Person sending or consigning such Goods or Articles, or his Clerk or Agent, shall sign a false Account thereof, or shall refuse to give such Receiver or Collector (when required) an Account of the Charge made in respect of the said Rates or Duties by the Master of the Vessel containing such Goods or other Article, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds, over and above the Amount of the said Rates or Duties.

give an Account of Lading.

XLI. And be it further enacted, That it shall be lawful for the Collector or other proper Officer of His Majesty's Customs within the said Harbour and he is hereby required, with the Permission of the principal Officers of His Majesty Customs, to refuse to receive any Entry, or to give or make any Cocquet or other Discharge or Clearance, or to take any Report Inwards or Outwards, for any Vessel subject to the Payment of any of the Rates or Duties by this Act granted, until such Rates or Duties shall have been paid to the Collector or other Person appointed by the said Trustees to receive the same, and until a Receipt under the Hand of such Collector or other Person shall have been produced to the Collector or other proper Officer of His Majesty's Customs.

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

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

Persons eluding Payment of Duties to continue chargeable with them.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees or any of them, whenever they shall see Occasion, to summon before them by Writing under their Hands, at any Time or Place within the said Township of *Maryport*, any Person being the Master of any Vessel liable to the Payment of any of the Rates or Duties by this Act granted, and to examine him of and concerning any Goods or other Articles liable to the Payment of any of the said Rates or Duties, or otherwise concerning the Execution of this Act; and in case any Person so summoned before the said Trustees shall not appear at the Time and Place in such Summons mentioned, or appearing shall refuse to give such Answer, and discover what he knows or believes concerning the Matters examined or inquired into, he shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, together with Double Costs of Suit, to be recovered by Bill, Complaint, or Information, or by Action

Trustees may examine Persons liable to the Rates.

of

of Debt, in any Court of Record, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed, or by Conviction in a summary Way before a Justice of the Peace.

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

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

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

XLV. And be it further enacted, That the Master of every Vessel liable to the Payment of any of the Rates or Duties by this Act granted shall, immediately after the Shipping or Delivery of the Goods on board such Vessel, not only pay and discharge such Sums of Money as shall be due for such Rates or Duties, but shall also, if required by the Receiver or Collector of the said Rates or Duties, give a true Note in Writing of the Names and Places of Abode of the Merchants and others who shall load or unload such Goods or Articles within the said Harbour of *Maryport*, or shall be the Owners of such Goods or Articles; and in case any such Master shall refuse to give such Note, or shall neglect to pay such Rates or Duties, within Three Days from the shipping or Delivery of such Goods, he shall forfeit and pay Ten Pounds, over and above the Amount of the said Rates or Duties: Provided nevertheless, that if any Vessel entering into the said Harbour shall attempt to depart therefrom

without

without having first paid the Duties to which such Vessel shall be liable by virtue of this Act, it shall be lawful for the Receiver or Collector or other Person appointed by the said Trustees to require Payment thereof from the Master of such Vessel; and in default of Payment of the same it shall be lawful for such Receiver, Collector, or other Person, and all others whom they may call to their Assistance, to detain and prevent the said Vessel from proceeding out of the said Harbour, with the same Powers of Entry, Distress, and Sale, and the same Penalty as hereinbefore mentioned in other Cases of Nonpayment of the Rates or Duties by this Act granted; and any Pilot or Salvageman piloting or assisting any Vessel out of the said Harbour, after being desired to desist therefrom by the Receiver, Collector, or other Person employed by the said Trustees, shall forfeit and pay any Sum not exceeding Ten Pounds for every Offence.

XLVI. And be it further enacted, That the Master of every Vessel using the said Harbour shall be and is hereby declared answerable for any Trespass, Damage, or Mischief done by such Vessel, or by the Crew or Boatmen, or by any Person belonging to or employed in or about the same respectively, to any of the Piers, Quays, Wharfs, Jetties, or other Works by this Act vested in the said Trustees, or for any Trespass done to the Owner or Occupier of any Lands or Grounds adjoining to such Harbour; and such Master shall for every such Damage, upon Conviction thereof before some Justice of the Peace acting for the County or Place wherein such Offence shall be committed, either by Confession of the Party offending, or upon the Oath or Affirmation of some credible Witness, pay the Person injured the Damages, to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding One Half of the Penalty; and the same shall be levied by Distress and Sale of the Goods and Chattels of the Master of any such Vessel in like Manner as any Penalty or Forfeiture may by this Act be levied; and if the Damages shall exceed the Sum of Five Pounds, then the Master of such Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either by Proof made or by Default or by Demurrer, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit: Provided always, that if the Master of any Vessel shall be made to pay any Penalty or to make any Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his Servant, then any such Servant shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Master; and in case of Nonpayment thereof, on Demand, the same shall be recovered from the Servant in like Manner as such Penalty or Satisfaction for Damages may by virtue of this Act be recovered from the Master.

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

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

XLVII. And be it further enacted, That it shall be lawful for any Person appointed in pursuance of this Act to act as Harbour Master within the said Harbour of *Maryport* to direct any Person having the Command of any Vessel entering into or being within the said Harbour to moor, anchor, and place the same in such Situation within

Power for the Harbour Master to regulate and direct the placing and

[*Local.*]

28 O

the

mooring
of Vessels in
the Harbour.

the said Harbour as the said Harbour Master shall direct; and in case the Master of such Vessel shall refuse or neglect to remove the same as soon as may be after being required, and to moor, anchor, and place the same as the said Harbour Master shall direct, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and it shall be lawful for the said Harbour Master and such other Persons as he shall call to his Assistance to remove or cause to be removed the said Vessel in such Manner as he shall deem necessary; and such Master shall pay all the Charges and Expences attending the removing such Vessel after such Direction, Refusal, or Neglect as aforesaid, such Charges and Expences to be recovered in manner herein directed with respect to the Recovery of Penalties and Forfeitures; and if any Person shall prevent or impede the Removal of any such Vessel such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for
throwing
Rubbish, &c.
into the Har-
bour.

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

Trustees em-
powered to
make Bye
Laws.

XLIX. And be it further enacted, That the said Trustees shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem expedient for the good Government of the Officers and Servants of the said Trustees connected with the said Harbour, and also in respect of the Admission to and the Use and Management of such Harbour in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Trustees shall seem meet, not exceeding the Sum of Five Pounds for any Offence; and all Bye Laws, Orders, and Rules made under the Authority of this Act, being reduced into Writing under the Hands of any Five or more of the said Trustees, and published and printed, or painted on Boards, shall be hung up and affixed and continued on some conspicuous Part of the said Harbour, and at all other Places at which any Tonnage Rates or Duties, or other Duties
connected

connected with the said Harbour, shall be collected or paid under the Authority of this Act, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

L. And be it further enacted, That all the present and future Pavements, Stone, Gravel, and all the other Materials of the several present and future public Streets, Roads, Highways, Lanes, Passages, and other public Places within the said Township of *Maryport*, and all the present and future public Drains and Sewers within the said Township, and all Gasometers, Pipes, and Apparatus and Machinery, Lamps, Lamp Irons, Watchboxes, Posts, and other Things purchased or provided under the Authority of this Act for the Purpose of lighting and watching the said Township, and all other Implements, Apparatus, Materials, Articles, and Things whatsoever purchased or provided under the Authority of this Act for any of the Purposes of this Act, shall severally and respectively be deemed to belong to and be the Property of and the same are hereby vested in the Trustees for the Time being for executing this Act; and the said Trustees shall and may cause any Action to be brought or direct any Bill of Indictment to be preferred (as the Case may require) against any Person who shall deface, damage, injure, or destroy, detain, steal, or carry away, any of the Property so vested in the Trustees as aforesaid; and in every such Action and Bill of Indictment respectively it shall be sufficient to state generally that the Articles, Matters, or Things for or in respect of which such Action shall be brought or Indictment preferred is or are the Property of "The Trustees for improving the Harbour and Township of *Maryport*," without stating or specifying the Names of all or any of the said Trustees.

Vesting Pavements within the Township in the Trustees.

LI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, at any of their regular monthly Meetings to be held within Six Calendar Months after the passing of this Act, or at some Adjournment thereof, to declare and direct what Part or Portion of the said Township shall be lighted, watched, and regulated under the Authority of this Act, and in like Manner at their regular annual Meeting in the Month of *October* in every Year to declare and direct whether any and what Part or Portion of the said Township shall be added to the Part already lighted, watched, and regulated; and the Part or Portion of the said Township so appointed to be lighted, watched, and regulated as aforesaid, and the Part and Parts from Time to Time added thereto, shall be considered as the District to be lighted, watched, and regulated by the said Trustees under the Authority of this Act during the ensuing Year, and until the same shall be altered by the said Trustees at any subsequent annual Meeting as aforesaid; and the Tenants or Occupiers of any Messuages, Houses, Shops, Buildings, or Premises not within the District so from Time to Time set out shall

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

shall not be subject or liable to the Payment of any of the Rates hereinafter directed to be raised for the Improvement and Regulation of the said Township.

For providing
Lamps and
lighting the
Streets.

LII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time to purchase and provide such and so many Lamps of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, with all requisite Materials for the same respectively, as they shall judge necessary, and to direct the same to be affixed or set up upon or against the Posts, Rails, Palisadoes, or Walls of all or any of the several Houses or Buildings, or upon or against any other Walls or Posts, Rails or Palisadoes, or such other Places within the District so appointed to be lighted, watched, and regulated as aforesaid, and to be altered, taken down, or renewed in such Manner, as they shall think fit, but so as not to injure any Building, or to interfere with or prevent any Person from erecting Buildings on any Land or Ground, and also to cause such Lamps or any of them to be lighted, either with Gas or Oil or otherwise, at such Seasons of the Year, and during such Hours, and to use the same in such Manner as to them shall seem necessary or proper for sufficiently lighting the several Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places within the said District: Provided always, that no Lamp Iron or Lamp Post shall be affixed or set up or continued upon or against the Walls of any House or Building without the Consent of the Occupier thereof.

Powerto con-
tract for
lighting.

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

Trustees
may erect
Apparatus to
make Gas
themselves.

LIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, in case they shall deem it expedient to light the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places within the said District with Gas without contracting for the same, to set up and establish a Manufactory of Gas for the Use of the said Township, with all necessary Works and Apparatus for the same, and to purchase or rent from any Person, or Body Politic or Corporate, who shall be willing to sell or let the same, any Buildings, Lands, Tenements, Hereditaments, or Premises whatsoever within the said Township, or within any other Township contiguous thereto, not exceeding Two Statute Acres of superficial Content, for the Purpose of erecting and making suitable and necessary Erections, Buildings, Works, and Apparatus for the manufacturing or preparing of Gas; and it shall be lawful for the said Trustees from Time to Time to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Township, or within any other Township contiguous thereto, where the said Buildings, Works, and Apparatus shall be made, and also to cause Mains or Pipes
I for

for the Conveyance of Gas to be laid and carried, altered and renewed, as may be necessary, along, through, and under the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places, or any of them: Provided always, that nothing herein contained shall empower the said Trustees, or any Company of Proprietors or other Person furnishing or supplying Gas to be burnt or used in the said Township, to carry, lay, or affix any Pipe through, into, or against any Dwelling House, Manufactory, public or private Building, or any private Yards or Grounds, or to continue the same, against the Will of the Owner or Occupier, or the Person for the Time being having the Superintendence or Controul thereof respectively, expressed by Writing under his Hand; and if any Injury or Damage shall be occasioned to any Post, Rail, Palisado, Building, or Wall by the affixing or setting up, taking down, altering, removing, or renewing of any Lamp or Lamp Iron, or any Fastener thereof, the said Trustees, or the Person by whom or by whose Direction the same shall have been done, shall immediately cause the same to be well and sufficiently made good and repaired.

LV. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Trustees, or of any Company or other Person supplying Gas as aforesaid, into or through or against any private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground, for the Purpose of lighting the same or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his Desire shall give Notice in Writing to the said Trustees, or Company, or other Person as aforesaid, then the said Trustees, Company, or other Person as aforesaid shall within Seven Days after the Receipt of such Notice alter or remove and take away all or any of such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Trustees, Company, or other Person as aforesaid; and in default thereof it shall be lawful for such Owner or Occupier, or any other Person acting under his Authority; to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require; and the Costs and Expences of such Removal may be recovered from the said Trustees, Company, or other Person as aforesaid, on Complaint before a Justice of the Peace, in the same Manner as any Penalty is recoverable under this Act.

Pipes to be removed from Dwelling Houses on Notice.

LVI. And be it further enacted, That in case the said Trustees shall deem it expedient to erect such Gas Apparatus, and to light the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Passages, and other Places within the Limits of this Act with Gas, without contracting for the same, it shall be lawful for the said Trustees, after sufficiently lighting the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Passages, and public Places, to let out or grant to any Person whomsoever who shall be willing to take the same a Supply of Gas, upon such Terms and

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

[*Local.*]

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Conditions,

Conditions, and at such annual and other Rents for the same, and in such Manner, as they the said Trustees shall from Time to Time think proper: Provided nevertheless, that all Monies to proceed therefrom or arise thereby, or by the Sale of any Coke, Tar, or other Product of Coal, shall be in the first place applied to defray the Expence of the Gas Apparatus and other Things connected therewith, and of maintaining the same, and of the Manufactory of Gas; and if there shall be any Surplus, then the same shall be applied in aid of the Improvement Rate herein-after mentioned.

Recovery of
Gas Rents.

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

Pavements to
be reinstated
after Pipes,
&c. have been
laid down.

LVIII. And be it further enacted, That in case the said Trustees shall enter into any Contract with any Company of Proprietors or any other Person for the lighting the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Ways, Passages, and public Places with Gas, or in case the said Trustees shall manufacture Gas for the Purposes aforesaid, the said Company of Proprietors or other Person so contracting to light as aforesaid, or the said Trustees (as the Case may require), shall, in the supplying of such Gas, or in the laying or repairing of any Pipes, Plugs, or other Apparatus, do as little Damage as may be to the Soil or Pavement of the Footpaths or Carriageways which it may be necessary to break or take up, and shall immediately after fill in the Trenches, and reinstate and make good such Footways and Carriageways, and shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges; and during the Time that such Works are carrying on, and until such Soil and Pavement shall be so reinstated and made good as aforesaid, such Company of Proprietors or other Person as aforesaid, or the said Trustees, as the Case may be, shall sufficiently guard and affix Lights during the Night at or near the Place where any Ground shall be opened in such Manner as to prevent Accident, Damage, or Inconvenience to Passengers, Cattle, or Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Company of Proprietors or other Person aforesaid, or in the said Trustees, (as the Case may be,) or any of their respective Agents or Servants, in filling in such Ground, or removing such Rubbish, or making good such Soil or Pavement, or in case the Ground so opened shall not be sufficiently guarded and lighted, then and in every such Case it shall be lawful for the said Trustees or their Surveyor, or in case the Offence be committed by the
said

said Trustees, then it shall be lawful for the Surveyor of the Highways within the said Township, or other the Persons having the Controul, Direction, or Superintendence of such Soil and Pavement, to fill in, reinstate, and make good such Ground, Soil, or Pavement, and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence or guard any such Trench or Excavation, and provide necessary Lights at Night; and the Expences attending the same shall be repaid to the said Trustees by the said Company of Proprietors or by the Person so contracting to light as aforesaid, or (as the Case may require) by the said Trustees; and in default of Payment thereof within Twenty-eight Days next after Demand made in Writing, all such reasonable Costs, together with a Penalty not exceeding Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the same Company of Proprietors or other Person so contracting to light as aforesaid, or (as the Case may be) of the Treasurer of the said Trustees, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Cumberland*, who, upon due Proof of such Default, is hereby empowered to grant the same.

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

Service Pipes to be kept fully charged with Gas.

LX. And be it further enacted, That no Person shall lay any Pipe to communicate with any Main or other Pipe, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Trustees, or to any Company of Proprietors or any Person so contracting to light as aforesaid, without their Consent in Writing first obtained, on pain of forfeiting to the said Trustees, or Company of Proprietors or Person as aforesaid (as the Case may be), the Sum of Forty Shillings *per* Day for every Day such Pipe shall so remain, or such Fittings remain altered.

No Pipes of Communication to be laid without the Consent of the Trustees, &c.

LXI. And be it further enacted, That if the said Trustees, or any Company of Proprietors, or any Person, making, furnishing, or supplying Gas within the said Township, shall empty, or cause or suffer to be emptied, or to flow, any Washing or other waste Liquid, Substance, or Thing whatsoever, which may arise or be produced in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or Ditch communicating therewith, or shall do or cause to be done any Act to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Canal, Dock, Basin, Cut, or navigable Stream, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall be fouled or corrupted, then the said Trustees, or such Company of Proprietors or such Person as aforesaid (as the Case may require), shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's

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

Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and the whole of such Penalty shall be paid to the Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Three Calendar Months next after the Time in which such Act shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for and recovered or not, in case any of the said Washing or other waste Liquid, Substance, or Thing shall be emptied, or caused or suffered to flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or Well, or any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or Ditch communicating therewith, or any such Act shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Trustees, or to the Company of Proprietors or to such Person as aforesaid, and the said Trustees, Company, or Person as aforesaid shall not within Twenty-four Hours after such Notice shall have been given prevent such Washing or other waste Liquid, Substance, or Thing from being emptied or from flowing in manner aforesaid, and every such Act as aforesaid from being done, then the said Trustees, Company, or Person as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Washing or other Substance or Thing shall be so emptied, or caused or suffered to flow, in manner aforesaid, or such other Act shall be done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in the like Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer or to the Person who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done as aforesaid.

Penalty for
allowing
Escape of
Gas, &c.

LXII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Trustees, or by any Company of Proprietors, or by any Person, making, furnishing, or supplying any Gas within the said Township, the said Trustees, or such Company or Person as aforesaid, shall, at their own Expence, immediately after Notice given to them or him by Parol or in Writing of any such Escape of Gas by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case the said Trustees, Company of Proprietors, or other Person aforesaid shall not within Twenty-four Hours next after such Notice being given effectually prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, the said Trustees, Company of Proprietors, or other Person aforesaid shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of such Notice being given during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be recoverable in a summary Way, on the Oath of some credible Witness; by Information to be laid and exhibited before some Justice of the Peace for the said County of *Cumberland*, and shall be recovered and levied, with all reasonable Charges, by Distress and Sale

Sale of the Goods and Chattels of the said Trustees, or of the said Company of Proprietors or Person aforesaid, by the Warrant of any Justice of the Peace as in manner herein-after directed.

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

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

LXIV. And be it further enacted, That whenever the Water of any Waterworks within the said Township, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person whomsoever within the said Township, shall be contaminated by the Gas of the said Trustees, or of the Company of Proprietors or other Person aforesaid, such Trustees, Company of Proprietors, or other Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds; and the same shall be applied to the Use and Benefit of the Owner of such Waterworks, Well, or Pond, or the Party using any such Water and suing for the same; and in case any such Water shall be contaminated by Gas in any way whatsoever, the said Trustees, Company of Proprietors, or other Person as aforesaid shall, within Twenty-four Hours after Notice thereof in Writing, signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting the Business of the said Trustees, or of such Company of Proprietors or other Person aforesaid, cause the most proper and speedy Method to be taken effectually to prevent Gas from further escaping from their Mains, Works, or Pipes, and from contaminating such Water; and in case such Trustees, Company of Proprietors, or Person shall not within Twenty-four Hours next after such Notice so left as aforesaid effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, the said Trustees, Company of Proprietors, or such Person shall forfeit

Trustees to prevent Contamination of Water

[Local.]

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and

and pay to the Party so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party (over and above the before-mentioned Penalty of Twenty Pounds), the further Sum of Ten Pounds for each Day during which any such Water shall remain contaminated by any such Gas as aforesaid.

For ascertaining if the Water be contaminated.

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

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

LXVI. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend to protect the said Trustees, or any Company of Proprietors, or other Persons making, furnishing, or supplying Gas within the said Township, or any of the Servants, Officers, or Workmen of such Trustees, Company of Proprietors, or other Person, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or of the Means which shall be employed by them in making or using the Gas, or in furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or of the Use of the said Gas, or of the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of such Gas, or from the Method of lighting, or from the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for wilfully breaking of Lamps, &c

LXVII. And be it further enacted, That if any Person shall wilfully or maliciously break, throw down, deface, or damage any Lamp set up under the Powers of this Act by Order of the said Trustees, or in pursuance

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

LXVIII. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Lamp set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the County of *Cumberland*, upon Complaint thereof to him made by any credible Person, to summon before him the Party complained of, and upon hearing the Allegations and Proofs on both Sides, or on the Nonappearance of the Party so complained of, to award such Sum of Money as the Damage proved shall amount unto, and in case of Refusal or Neglect to pay the Money so awarded within Five Days next after Demand to cause the same to be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered.

Damages to be paid for Lamps broken accidentally

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

Trustees may appoint Constables and Assistant Constables.

and

and Regulation of the said Constables or Assistant Constables, as they shall see fit.

Constables,
&c. to be
sworn in.

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

Constables to
take Recognizances.

LXXI. And be it further enacted, That for the better Administration of the Police within the said Township of *Maryport* it shall be lawful for the said Constables or Assistant Constables, on having an Appointment in Writing from the said Trustees for that Purpose, to take Recognizances, without any Fee or Reward, from any Person who shall be brought before them or any of them in the Night-time upon any Charge not amounting to Felony, and who shall be willing to enter into such Recognizance, for the Appearance of such Person before any Justice of the Peace for the said County of *Cumberland* within the Space of Seven Days then next ensuing for further Examination; and such Recognizances so to be taken as aforesaid shall be of equal Obligation on the Parties entering into the same, and be liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and such Constables or Assistant Constables as aforesaid shall enter in a Book to be kept for that Purpose the Names, Residences, and Occupations of the Parties and their Sureties (if any) entering into such Recognizances, together with the Conditions thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Parties are required to appear; and if the Parties do not appear at the Time and Place required, or within One Hour after, the Justice shall cause a Record of the Recognizance to be drawn up and to be signed by such Constables or Assistant Constables as aforesaid, and shall return the same to the next General or Quarter Sessions, or the Adjournment thereof, for the County of *Cumberland*, with a Certificate at the Back thereof, signed by such Justice, that the Parties have not complied with the Obligations therein contained, and the Clerk of the Peace for the said County, or his Deputy, shall make the like Extracts and Schedules of every such Recognizance as of Recognizances in the Sessions of the Peace; and if the Parties not appearing shall apply by any Person on their Behalf to postpone the hearing of the Charge against them, and the Justice shall think fit to consent thereto, such Justice shall be at liberty to enlarge the Recognizances to such further Time as he shall think proper, either by the Dismissal of the Complaint, or by binding the Parties over to answer the Matter thereof at the Sessions, or otherwise the Recognizances for the Appearance of the Parties before a Justice shall be discharged without a Fee.

Power to
erect Watch-
houses and

LXXII. And be it further enacted, That it shall be lawful for the said Trustees, when and as often as they shall think it expedient, to provide such

such Watch-houses and Watchboxes in such Situations as they shall judge proper within the District from Time to Time directed to be watched as aforesaid, and to appoint and employ so many Watchmen and Night Patroles, and so many Superintendents of such Watchmen and Night Patroles, and so many Beadles, as well for the Day as Night, as they shall judge expedient for the Security and good Order of the said District, and also from Time to Time to remove and displace such Watchmen, Night Patroles, and Beadles, and to appoint others in their Stead, and to make such Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patroles, and Beadles, and to pay them such Salaries, as the said Trustees shall think proper.

to employ
Watchmen.

LXXIII. And be it further enacted, That the said Constables, Assistant Constables, Watchmen, Night Patroles, and Beadles shall in their several Courses of Service use their utmost Endeavours to prevent Fires, and also to keep Watch and Ward, within the said Township, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace, and to that end they shall and may and they are hereby empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons, Prostitutes and Night Walkers, who shall be found misbehaving or wandering within the said Township, and to lodge them in any Place of Security within the said District which shall be provided and appointed for that Purpose by the said Trustees, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law.

Duties of
Constables,
Watchmen,
&c.

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

Penalty on
Constables,
Watchmen,
&c. for Neg-
lect of Duty.

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

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

LXXVI. And be it further enacted, That if any Innkeeper, Victualler, or Keeper of any Public House, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether Spirituous or otherwise, shall knowingly harbour or entertain, or wilfully suffer to remain in his Inn, Public House, Shop, Room, or other Place, any such Constable,

Penalty on
Publicans
harbouring
Constables,
Watchmen,
&c. during

[*Local.*]

28 R

Assistant

the Time
they should
be on Duty.

Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle as aforesaid, during any Part of the Time appointed for his being on Duty, he shall, on Conviction thereof, forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to re-
ward disabled
Constables,
Watchmen,
&c.

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

Penalty on
Persons as-
saulting Con-
stables,
Watchmen,
&c.

LXXVIII. And be it further enacted, That if any Person shall obstruct or assault any Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle to be appointed or employed by virtue of this Act whilst in the Execution of his Duty, or shall aid or incite any Person so to obstruct or assault, every Person so offending, upon being convicted thereof before any Justice of the Peace for the said County of *Cumberland*, shall forfeit and pay any Sum not exceeding Ten Pounds; or such Justice may, at his Discretion, commit such Person either for Trial at the Quarter Sessions, or to the House of Correction for the said County for any Time not exceeding Four Calendar Months, and to be kept to hard Labour if the Justice shall so think fit.

Trustees em-
powered to
provide Fire
Engines.

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

Repair of
Streets to be
under the Di-
rection of the
Trustees.

LXXX. And be it further enacted, That immediately after the said Trustees shall have appointed the District to be so lighted, watched, and regulated as herein-before mentioned, the Repair and ordering of all the public Streets, Roads, Lanes, Highways, and Passages, and other public Places within the said District, shall be wholly under the Management and Direction of the said Trustees; and all Surveyors appointed under or by virtue of this Act shall be and they are hereby invested with and made subject and liable to all the Rights, Liberties, Powers, and Authorities, Duties, Penalties, and Obligations, in respect of the public Streets, Roads, Lanes, Highways, and Passages and other public Places within the said District, which by Law now are or hereafter shall or may be granted to or conferred or imposed upon the Surveyors of public Highways within that Part of *Great Britain* called *England*; and all Monies, Costs, and Charges which any such Surveyors shall pay or be subjected to in the Duties of their Office shall be paid by the said Trustees or their Treasurer out of any Monies to be raised by virtue of this Act connected with the Improvement of the said Township.

LXXXI. And

LXXXI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, when and so often and in such Manner as they shall think proper, to order and cause the several Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways (as well Carriage as Foot Ways), Passages, and Places within the District which from Time to Time shall be declared to be placed under the Operation of this Act, to be altered, widened, extended, paved, flagged, or otherwise constructed, improved, sougled, repaired, and amended, supported and kept in good Order and Condition, with such Materials as the said Trustees shall think proper, and also from Time to Time to cause the Pavements, Flagging, and other Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Trustees shall deem proper, and also to cause proper and convenient Sewers, Gutters, Drains, or Watercourses to be made along or under the said several Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or other public Places, for carrying off Water, Mud, or other Filth from the same, and to cause Grates to be placed over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situation of such Grates, in such Manner as the said Trustees shall think proper.

Trustees em-
powered to
pave the
Streets, &c.

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

Penalty for
damaging
Materials.

LXXXIII. And be it further enacted, That it shall be lawful for the said Trustees to make and keep in repair any Causeways for the Use of Foot Passengers in, upon, or on the Sides of any of the Streets, Roads, or Thoroughfares within the said District, in such Manner as they shall think proper; and after any such Causeway shall have been made and completed by the said Trustees any Person convicted of riding or driving thereon shall forfeit and pay any Sum not exceeding Five Pounds for every Offence.

Trustees may
make Cause-
ways on the
Sides of Road
for Foot
Passengers.

LXXXIV. And be it further enacted, That it shall be lawful for the said Trustees, during such Time as any of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or public Places within the said District shall be under repair, or during the making or repairing of any Sewers or Drains therein, to cause so many Bars, Posts, Rails, and Chains, or other Obstructions to be fixed, set up, and placed across or in any of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or other public Places, to prevent the passing of Carriages, Horses, and Cattle whilst such Works and Repairs are in progress, as to the said Trustees shall seem proper; and if any Person shall throw down, break, remove, or injure any of the said Bars, Posts, Rails, Chains, or other Obstructions, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Power to
place Bars
across the
Streets under
repair.

LXXXV. And

Power to set up Posts for guarding Footways, and to remove the same.

LXXXV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to erect and set up in such Parts of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places as they may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fences, either permanent or temporary, for the Purpose of preserving any of the Footways within the said District clear from Annoyance by Horses, Cows, Swine, or other Cattle, and for the Purpose of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents, and also to repair and replace any such Posts, Pillars, Stones, Rails, Bars, Chains, or other Fences from Time to Time whenever it shall appear to be requisite, and also from Time to Time to order and cause the Removal of all or any Posts, Rails, Pales, and Fences which are or shall be in any of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or public Places, and which shall in the Opinion of the Trustees be useless, or an Obstruction to the free Passage along the same.

Land to be provided for depositing Materials.

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

Inhabitants assessed under this Act discharged from Statute Duty, &c.

LXXXVII. And be it further enacted, That from and after the Expiration of One Year next after the said Trustees shall have appointed the District to be lighted, watched, paved, and regulated as aforesaid, every Person who shall be assessed, under or by virtue and for the Purposes of this Act, for or in respect of any Messuages, Lands, Tenements, or Hereditaments within such District, shall be and he is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said District, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways in the said District, for or in respect of such Messuages, Lands, Tenements, or Hereditaments.

Roads within the Limits of this Act to be discontinued as Turnpike.

LXXXVIII. And be it further enacted, That from and after the Expiration of One Year next after such District shall have been so appointed as aforesaid, the Trustees of any Turnpike Road passing or leading into or through such District shall be exonerated and discharged from the Repair of such Part of the said Road as is or may be within the said District, and the said Part of the same Road shall be thenceforth repaired, supported, and kept in order by the Trustees for executing this Act.

Inhabitants of the Township to continue liable to Indictment

LXXXIX. Provided always, and be it further enacted, That the Inhabitants of the said Township shall be liable to Indictment at Common Law for the Nonrepair or the Want of sufficient Repair of the Streets, Roads, Lanes, Highways, Passages, and other public Places being common

mon Highways within the said Township; and all Indictments and other Processes of Law which may be brought for or on account of the Non-repair or Want of sufficient Repair of the same Streets, Lanes, Roads, Highways, and other public Places shall be brought against the Trustees or any Five of them, or their Clerk or Treasurer.

for Non-repair of the Streets, &c.

XC. And be it further enacted, That it shall be lawful for the said Trustees, and for such Persons as shall be appointed by them, to remove and prevent Annoyances on any of the Highways within the said District occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter being placed upon any of the Highways within the said District, or upon any open or waste Ground adjoining thereto, within Eighty Feet of the Centre thereof, and to dispose of the same in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by any Three of the said Trustees or their Surveyor for the Time being, given to or left at the usual Place of Abode of such Owner for that Purpose, if the same shall be known, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any of the aforesaid Highways to the Prejudice of the same, and to open, scour, and cleanse any Watercourses or Ditches adjoining to any Highways, and make the same as deep and large as such Trustees shall think necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches after Five Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances (such Charges being settled by any Justice of the Peace for the County of *Cumberland*), shall be reimbursed to the said Trustees by such Owners or Occupiers, and the same shall be recovered in such Manner as Penalties and Forfeitures are in this Act directed to be recovered; and if after the Removal of any such Annoyances any Person shall again offend in the same Manner, he shall forfeit and pay any Sum not exceeding Five Pounds for every Offence.

To prevent Nuisances on the Sides of the Highways, &c.

XCI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to cause such and so many Common Sewers, Drains, Culverts, and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think necessary, to be constructed and made or continued in, along, or across any of the Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or other public Places within the said District where in the Opinion of the said Trustees private Individuals ought not to be required to make or construct the same at their own Expence, and also to adopt any of the Common Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, which now are or hereafter shall be made within the said District, and to cause the same to be altered, enlarged, repaired, cleansed, or completed, as the said Trustees shall deem proper, and also for any of the said Purposes from Time to Time to cause to be dug and carried away or brought into the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or other public Places, such Gravel, Stones, Bricks, and other Materials as they shall think necessary, and to cause such and so many Gutters or Openings to be made therein for carrying off the Filth, Soil, and other Waters from the Houses and Buildings already built or to be built in or adjoining to such Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways,

Power to make Common Sewers.

[*Local.*]

28 S

Passages,

Passages, or other public Places, into the said Sewers and Drains, as the said Trustees shall think necessary; and in case it shall be found necessary for completing any of the aforesaid Sewers, Drains, Culverts, and Watercourses, Wells and Pumps, to carry and continue the same into and through any inclosed Lands lying within the said District, it shall be lawful for the said Trustees to carry and continue the same into and through the same accordingly, such Lands not being occupied as Courts, Yards, Gardens, or Orchards, or as Avenues or Approaches to Dwelling Houses: Provided always, that if the Owners or Occupiers of any Lands into or through which any Sewer, Drain, Culvert, or Watercourse, Well or Pump, shall be made and continued as aforesaid, shall be injured thereby, and such Owners or Occupiers shall refuse to treat or cannot agree with the said Trustees as to the Recompence to be paid for such Injury, such Owners or Occupiers may apply to the next General or Quarter Sessions of the Peace for the said County of *Cumberland*, and the Justices of the Peace of such Sessions shall have Power to direct the Jury there attending for the Trial of Traverses to assess the Recompence which ought to be paid to such Owners or Occupiers for such Injury as aforesaid, and thereupon the said Justices shall order the Sum assessed by the Jury to be paid accordingly; and such Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award Costs to either Party as they shall think proper; and all Expences in or about the making, enlarging, widening, altering, repairing, cleansing, or scouring such Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, shall be defrayed out of the Monies to be raised by virtue of this Act connected with the Improvement of the said Township: Provided always, that the said Trustees shall and they are hereby empowered to charge the Expences of making, altering, and widening any Sewers, Drains, and Culverts which they shall think ought to be defrayed by Individuals upon and against the Owners, or Persons receiving the Rents and Profits as such, of the Land adjoining the same, in the Proportions respectively in which the said Sewers, Drains, or Culverts shall run along or be parallel to the said adjoining Land; and if any Owner or Person shall refuse or neglect to pay the Sum of Money with which he shall be charged by the said Trustees the Amount thereof may be recovered by the said Trustees, upon Application to some Justice of the Peace, in like Manner as Penalties and Forfeitures are in this Act directed to be recovered.

Consent to be had for turning private Drains into Common Sewers.

XCII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to empower any Person, at his own Expence, and upon such Terms as they may think proper, to turn or carry any new private or branch Drain into any Common Sewer, Drain, Culvert, or Watercourse already made or which shall be made by virtue of this Act; but if any Person shall turn or carry any such new private or branch Drain into any such Common Sewer, Drain, Culvert, or Watercourse, without the Consent of the said Trustees, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that all such private or branch Drains so to be made as aforesaid, and communicating with any Common Sewer, Drain, Culvert, or Watercourse already made or hereafter to be made, shall be made of such Size, Construction, and Form as the said Trustees shall direct, and under the Inspection and Direction of their Surveyor.

XCIII. And

XCIII. And be it further enacted, That all private Drains which now are or by Permission of the said Trustees shall hereafter be made within any of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places of the said Township, and which do or shall issue into any of the public Sewers or Drains, shall be repaired and cleansed, under the Inspection and Direction of the Surveyor of the said Trustees, at the Costs and Charges of the Owners or Occupiers of the Lands or Tenements to which the said private Drains do or shall respectively belong.

Private Drains to be cleansed.

XCIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to direct and cause the Course of any Gutter or Channel running in, upon, or through the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or other public Places, to be turned, tunnelled, covered, or altered in such Manner as they shall think proper, the Expences attending which shall be defrayed out of the Money arising by virtue of this Act connected with the Improvement of the said Township.

Course of Gutters to be turned if necessary.

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

Trustees to appoint or contract with Scavengers.

XCVI. And be it further enacted, That the Persons employed by or contracting with the said Trustees as such Scavengers as aforesaid shall, on such Days and Times and in such Manner as the said Trustees shall appoint, cause to be swept or collected together, and also removed and carried away, all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil found in the several Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places within the said District, and (where practicable) shall also bring or cause to be brought therein a Cart or other proper Carriage, and at their Approach therewith, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants in such Streets, and also in every Court or Passage wherein such Cart or Carriage cannot pass, of their coming, and such Persons shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil (except Filth from any Privy or Necessary House) from

Scavengers Duty.

the respective Premises in such Streets, Roads, Lanes, Highways, Passages, and Places, and by means of the said Cart or Carriage immediately or as soon as may be remove the same away to the Place appointed by the said Trustees for that Purpose, upon pain of forfeiting the Sum of Five Pounds for every Neglect therein; and the Persons so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters in the Front or on some conspicuous Part of every Cart or Carriage used for that Purpose aforesaid, on pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on Contractors for cleansing not fulfilling their Agreement.

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

Penalty on casting Rubbish into the Streets, &c.

XCVIII. And be it further enacted, That if any Person shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever into or upon any Pier, Quay, Wharf, Street, Road, Lane, Highway, Passage, or other public Place within the said District (with the Exception of such Ashes as may be laid upon any Foot Pavement in Time of Frost for the Prevention of Accidents), or shall throw or cast, or cause to be thrown or cast, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal or Carcase, or any noxious or offensive Materials or Ingredients, or any other Substance whatsoever, into any common Drain, Sink, public or private Well, Pump, Canal, Pond, Pool, Watercourse, Reservoir for Water, Common River or Brook within the said District (except such Night Soil or other Filth as may be conveyed into any Common Sewer from any Privy or Water Closet within the said Township), every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend to subject any Person whomsoever to any Penalty for or on account of any Dirt or Rubbish being laid or placed in any such Pier, Quay, Wharf, Street, Road, Lane, Highway, Passage, or public Place as aforesaid, in the Course of erecting, pulling down, altering, or repairing any Building, so as there be sufficient Space left in or at the Side of the Pier, Quay, Wharf, Street, Road, Lane, Highway, Passage, or public Place where such Dirt or Rubbish shall lie or be placed, for Carriages to pass and repass, and sufficient Way be kept clear for Foot Passengers, by the Person laying or causing such Dirt or Rubbish to be laid or placed as aforesaid, and so as a sufficient Light be, at his own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent Accidents to Passengers and Cattle, and so as such Dirt or Rubbish be inclosed in such Manner and within such Time as the Surveyor of the said Trustees shall direct, and so as such Dirt or Rubbish be removed, at the Expence of the Person
laying

laying or causing the same to be laid, within such Time as shall be ordered by the said Surveyor.

XCIX. And be it further enacted, That if any Person shall take away any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth (other than any Ashes laid upon the Pavement in Time of Frost for the Prevention of Accidents, and any Rubbish or Dirt occasioned by building as aforesaid,) out of or from any of the Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, or other public Places, except the Person appointed by the said Trustees, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

No Ashes, &c. to be taken from Streets except by the Scavengers.

C. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Person from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or be made within his own Premises, or from making use of the same for Manure or otherwise, so as the same be not suffered to remain there or become a Nuisance to any of the Inhabitants of the said District, and so as the same be not laid down or placed in any Street, Road, Lane, Highway, Passage, or other public Place within the said District for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, and other Filth shall keep the same in such Streets or Places for the Space of Twelve Hours before the same shall be removed and carried away, he shall forfeit any Sum not exceeding Twenty Shillings for every Hour that such Nuisance shall be permitted to remain after the Time aforesaid.

Inhabitants may use their own Ashes, &c.

CI. And be it further enacted, That if any Person shall begin to empty any Privy or carry away any Night Soil, or bring or place any Cart for removing the same from any House, Building, or Place within the said District, except between the Hours of Twelve of the Clock at Night and Four of the Clock in the Morning from *Lady Day* to *Michaelmas*, and between the Hours of Twelve of the Clock at Night and Six of the Clock in the Morning from *Michaelmas* to *Lady Day*, or if any Person shall use any Cart or Carriage for the Purpose before mentioned without a proper Covering thereto, or shall at any Time negligently spill or cast any Night Soil out of any Cart, Tub, or otherwise, in or over any of the said Streets, Roads, Lanes, Highways, public Passages or Places, or into any Drains therein, or shall deposit any Night Soil on any open Space within Four hundred Yards from any Dwelling House within the said District, or in any respect improperly, carelessly, or negligently remove the same, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Regulations as to Night Soil.

CII. And be it further enacted, That the several Occupiers of Houses and Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances next adjoining the several Streets, Roads, Lanes, Highways, Passages, and other public Places within the said District, the Churchwardens or Chapelwardens of every Church or Chapel, the Owner of any dead Wall or other Fence and vacant Piece of Land not used as Arable, Meadow, or Pasture only, the Trustee, Treasurer, and Minister of every Meeting House or Place of public Worship, or any

Occupiers of Houses to cleanse Foot-paths.

One or more of them, and the Person who for the Time being shall be the ostensible Director or Manager of every Hospital, School, Theatre, or other public Building situated or being next adjoining any Street, Road, Lane, Highway, Passage, or public Place within the said District, shall and they are hereby required to cause the several Footpaths or Pavements along the whole Length of the Front of the respective Premises aforesaid, and to the full Extent of the said Footpaths or Pavements, before, behind, and on the Side or Sides of the same respectively, to be well and effectually swept and cleansed every Morning in the Year between the Hours of Six and Ten of the Clock; and every such Occupier or other Person making default therein shall forfeit and pay any Sum not exceeding Five Shillings for every such Default.

Trustees may compound for the sweeping of the Footpaths.

CIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time as they shall think proper to compound, by the Year or otherwise, with the several Occupiers of Houses or Buildings or other Persons within the said District, for relieving such Persons from the Burthen of sweeping and cleansing the Footpaths or Pavements to which they may be liable under the Provisions of this Act, and from all Penalties to be incurred for any Neglect therein, at or for such Sums of Money as the said Trustees and such Persons as aforesaid shall agree upon: Provided nevertheless, that such Composition Monies shall always be paid in advance.

Dirt not to be swept into Channels.

CIV. And be it further enacted, That in case any Person shall sweep, rake, or place any Mud, Dirt, Dust, Rubbish, Filth, or Soil into or upon the Channels on the Sides of the said Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, and public Places within the said District, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Streets may be watered.

CV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to cause all or any of the Piers, Quays, Wharfs, Streets, Roads, Lanes, Highways, Passages, and other public Places within the said District to be watered, at such Seasons, and to provide such Engines, Carts, and Labour for that Purpose, as the said Trustees shall think proper and requisite.

Water from Buildings to be conveyed by Pipes into Drains.

CVI. And be it further enacted, That no Water shall be permitted to drain from any Building upon the Footpath of any Street, Road, Lane, Highway, or public Place, but all such Water shall be conveyed from Buildings in covered Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footpath, and where impracticable on account of the Level of the Street in Channels formed in the Pavement or Flagging of the Footpath, nor shall any Water be pumped up or discharged from any Building upon the Footpath of any Street, Road, Lane, Highway, or public Place, but the same shall be conveyed over or under the Footpath by Spouts or Trunks to the Drain or Channel of the Street, nor shall any Smoke or Steam be discharged from the Front, Side, or End of any Building into any Street, Road, Lane, Highway, or public Place, under the Penalty of any Sum not exceeding Forty Shillings for each Offence.

CVII. And

CVII. And be it further enacted, That for the Purpose of laying or forming such Pipes, Tunnels, or Channels as aforesaid it shall be lawful for the Proprietors of any Buildings, at their Expence, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite; and the said Pipes, Tunnels, or Channels shall be laid and formed under the Directions of the Surveyor of the said Trustees; and all Damage which may thereby be occasioned to the Flagging of the Footpath or Carriageway shall be made good and shall be paid by the said Proprietors of Buildings to the Surveyors of the said Trustees; and in the event of any Neglect or Refusal to make good or pay the Amount of such Damages, such Amount shall and may be recovered as any Penalties are by this Act authorized to be recovered.

How Pipes
&c. for con-
veying Water
shall be laid.

CVIII. And be it further enacted, That if any Cellar-door, Trap-door, Hatchway, or Flap Window leading into, or giving Light or Air to, or placed over, any Cellar, Area, Vault, or Office under Ground, within the said District shall be left open, or shall not be effectually made and secured so as to prevent Accidents, or if any Grate or other Covering placed over any Opening in the Flagging or Pavement, and used for putting Coals or other Articles into any Cellar or Place under Ground, or for any other Purpose, shall be left opened, or not well and effectually fastened down and made in such Manner so as to prevent Accidents, the Occupier of such Cellar, Area, Vault, Office, or other Place shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case the Occupier of such Cellar, Area, Vault, Office, or other Place shall not, after Twenty-four Hours Notice in Writing from the said Trustees, well and effectually secure, fasten down, and put in proper Repair, so as to prevent Accidents from such Cellar, Area, Vault, Office, or other Place under Ground as aforesaid, such Occupier shall, in addition to the said Penalty of Forty Shillings, forfeit and pay any Sum not exceeding Twenty Shillings for each Day during which such Cellar, Area, Vault, Office, or other Place under Ground as aforesaid shall so remain open and unsecured or not in repair as aforesaid.

Cellar Win-
dows and
Grates to be
secured.

CIX. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Parish are hereby respectively required, at their own Costs and Charges, within Fourteen Days next after receiving Notice in Writing from the said Trustees signed by their Clerk, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Land in their respective Occupations (and not being Cellar-doors or Trap-doors) which now do or shall hereafter open outwards, and which when open project over or upon any of the Streets, Roads, Lanes, Highways, Passages, or public Places within the said Township, to be altered so as that the same Doors or Gates shall thenceforth open inwards, and into their said respective Premises; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid according to such Notice he shall forfeit and pay any Sum not exceeding Five Shillings a Day for every Day during which such Neglect or Refusal shall continue: Provided nevertheless, that where any such Occupier shall cause any Door or Gate to be altered in pursuance of Notice as aforesaid, it shall be lawful for him, if a Tenant at Rack Rent, to retain out of his Rent the Charges of altering the same,
and

Doors and
Gates to open
inwards.

and his immediate Landlord is hereby required to allow the same accordingly; and it shall be lawful for the Trustees to allow such Occupier or Landlord all or any Part of the Expence attending such Alteration if the said Trustees shall consider it expedient.

Regulating
Slaughter-
houses.

CX. And be it further enacted, That it shall be lawful for the said Trustees, or for any Person by them appointed as an Inspector for that Purpose, from Time to Time, and they and he are and is hereby empowered, at all Times in the Day or Night, with or without any Servants or Assistants, to enter into and inspect any House or Place kept or used for the slaughtering or killing, storing or preserving of Cattle, Swine, or Beast of any kind, or any Fish, within the said District, and also any Building, Shed, Yard, or Place belonging thereto (such House or Place not being the actual Dwelling House of any Person), and then and there to examine whether any Cattle, Swine, or other Beast, or any Part of the Carcase of any such, or any Fish, is or are deposited or has or have been brought there; and in case such Inspector as aforesaid shall find any Cattle, Swine, or other Beast, or any Part of the Carcase of any such, or any Fish, which shall appear to be unsound or unwholesome, it shall be lawful for such Inspector to seize and carry away the same for the Purpose of being further examined by competent Persons; and in case upon such Examination such Cattle, Swine, Beast, or Carcase, or Fish, shall be declared to be unsound or unwholesome, the same shall be immediately destroyed; and in case the Owner or Occupier of any such House or Place kept for the slaughtering or killing, or storing or preserving of Cattle, Swine, or other Beast, or Fish, or of any Building, Shed, Yard, or Place belonging thereto, or any other Person, shall obstruct such Inspector as aforesaid in entering into and inspecting the same, and examining, seizing, carrying away, or destroying any Carcase or Fish which shall appear to be and which shall be declared to be unsound and unwholesome, he shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

For Removal
of Slaughter-
houses.

CXI. And be it further enacted, That if any Slaughter-house, Swine-stye, Necessary House, Dunghill, or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever, in or near any of the Streets, Roads, Lanes, Highways, Passages, or other Places within the said District, shall be considered by any of the Inhabitants of the said District as an Annoyance, it shall be lawful for the said Trustees, on Complaint thereof being made to them by any of such Inhabitants, to inquire into the Matter complained of; and if they shall deem the same to be an Annoyance they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk, to order such Annoyance to be abated or removed within One Calendar Month next after such Notice given to the Person who ought to remove or abate the same, or for or on whose Behalf the same is carried on, or left at his last or usual Place of Abode; and in case such Annoyance shall not be abated or removed within the Time mentioned in such Notice by the Person who ought to abate or remove the same, every such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unabated or unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal, as herein-after mentioned,

mentioned, shall be prosecuted with Effect against the Order of the said Trustees; and in case Notice of such Appeal shall be given the said Penalty shall not be inflicted until after such Appeal has been decided.

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

For punishing Misbehaviour in Drivers of Carriages.

CXIII. And be it further enacted, That if any Person shall, without the Consent of the said Trustees in Writing signed by their Clerk, take away, remove, destroy, deface, or injure any Pier, Quay, Wharf, Erection, Building, Fountain, Cistern, Well, Fence, Pillar, Lamp, Lamp Iron, Board, Post, Rail, Pump, Pipe, Plug, Apparatus, Pavement, Flag, Material, Matter, or Thing by this Act vested in the said Trustees, or shall waste or beyond his Contract consume any of the Gas supplied by the said Trustees, he shall forfeit and pay to the said Trustees for every such Offence any Sum not exceeding Five Pounds, and also such further Sum of Money as a Compensation for the Damage and Costs which shall have been occasioned by such Offence as shall be awarded by any Justice of the Peace for the said County of *Cumberland*, to be recovered in such Manner as by this Act is provided for the Recovery of Penalties.

Penalty for Injury to Buildings, &c.

CXIV. And be it further enacted, That all Persons who at the Time of the passing of this Act shall have taken down, or who shall have

[*Local.*]

28 U

begun

Hoards or Fences to be made round

Buildings
under repair
or erecting.

begun to take down, repair, or alter or erect, any House or other Building whatsoever within the said District, shall cause proper and sufficient Hoards or Fences, in case the said Trustees shall require it, to be erected or set up to guard all such Houses or other Buildings, and the Ground whereon such Houses or other Buildings stood, in such Manner as the said Trustees shall require, either before or after such Houses or Buildings shall be begun to be taken down, repaired, or altered or erected, and shall continue such Hoards or Fences in good Condition during the Time such Building, Alteration, or Repairs shall be going on; and if any Person shall refuse or neglect to erect such Hoard or Fence as aforesaid, or to continue the same in good Condition as aforesaid, or to take down the same when thereunto required by the said Trustees, such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings *per Day*; and in case of such Refusal or Neglect it shall be lawful for the said Trustees to cause such House or Ground to be well and sufficiently fenced in, or the Hoard or Fence set up to be well and sufficiently repaired and continued as aforesaid, or taken down (as the Case may require); and the Person neglecting or refusing shall, over and above the aforesaid Penalty, pay all the Charges and Expences of such fencing or repairing, upon Demand made by the said Trustees or by their Clerk.

Straying
Cattle to be
impounded.

CXV. And be it further enacted, That if any Horse, Mule, Ass, Bull, Sheep, Cow, or Swine, or other Beast or Animal, shall at any Time be found at large, without some Person therewith claiming the same, in any of the Streets, Roads, Lanes, Highways, public Passages or Places, now made or hereafter to be made within the said District, it shall be lawful for any Officer to be appointed by the said Trustees, or for any of the Inhabitants or Persons residing in the said District, to seize and impound such Horse, Mule, Ass, Bull, Sheep, Cow, Swine, or other Beast or Animal in the common Pound of the said District, or in such other Place as the said Trustees shall appoint for that Purpose (and which they are hereby authorized and empowered to provide and maintain within the said District for common Use by the Inhabitants thereof), and to detain the same therein until the Owner thereof shall for each Beast or Animal so impounded pay any Sum not exceeding Five Shillings, to the Treasurer for the Time being to the said Trustees, towards the Purposes of this Act connected with the Improvement of the said Township, and also any Sum not exceeding One Shilling to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping; and in case the said Sums, Charges, and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the said Trustees, to sell any such Beast or Animal; but previous to such Sale Seven Days Notice shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Beast or other Animal so impounded of such intended Sale, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated in the said County of *Cumberland*; and the Money arising from such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and such other Charges and Expences as may attend the keeping and Sale of any such Beast or Animal so impounded, shall be paid to the
said

said Treasurer, to be by him paid to the Person whose Property the Beast or other Animal so sold shall appear to have been, and which Money the said Treasurer is hereby directed and required to pay, on Demand.

CXVI. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Mule, Ass, Bull, Sheep, Cow, or Swine, or other Beast or Animal, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Mule, Ass, Bull, Sheep, Cow, or Swine, or other Beast or Animal seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, he shall, on Conviction thereof before any of His Majesty's Justices of the Peace for the County of *Cumberland*, either upon the Confession of the Party offending, or upon the Oath or Affirmation of some credible Witness, and which Oath and Affirmation the said Justice is hereby empowered to administer, be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction for the said County of *Cumberland*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound-
breach.

CXVII. And be it further enacted, That if any Person shall, in any of the present or future Piers, Quays, Wharfs, Streets, Roads, Lanes, public Passages or Places within the said District, expose for Sale or for Hire any Horse, Mule, or Ass, or expose for Sale any Swine, Pig, Sheep, Ox, Bull, Cow, or other Cattle or Beast, except in such Places as shall be appointed by the said Trustees for that Purpose; or without the Consent of the Trustees exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or other public Show, or in any other Manner exhibit any public Show, (and which Show or Caravan the said Trustees are hereby empowered and required, on Complaint being made to them by any of the Rate-payers within the said District, to forthwith remove out of such Limits, except during the Time of any Fair,) or exhibit or show any Stallion or Bull, except in such Places as shall be appointed for those Purposes respectively; or shoe, bleed, or farry any Horse or other Cattle or Beast, except in Cases of Accident; or clean, dress, or exercise any Horse or other Cattle or Beast; or drive any Carriage for the Purpose of breaking, exercising, or trying any Horse or other Cattle or Beast; or turn loose or suffer to be at large any Horse or other Cattle or Beast, or any Bull Dog, Mastiff, or other ferocious Dog, not being muzzled, or permit any Dog whatsoever to go at large after any public Notice given by the said Trustees during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Canine Madness (and which Dogs so at large after such Notice the said Trustees by their Servants are hereby authorized to destroy); or shall ride upon any Waggon, Dray, Cart, Sledge, or other Carriage, or on any of the Horses, Asses, or other Cattle or Beasts drawing the same, without holding

Penalty on
certain Nui-
sances.

holding the Reins of such Horses, Asses, or other Cattle or Beasts, or shall be at such a Distance from the same as not to possess the complete Direction and Management of the Horses, Asses, or other Cattle or Beasts drawing the same, or, whether holding the Reins or not, shall ride upon the Shafts of any Waggon, Dray, Cart, Sledge, or other such like Carriage; or, when driving any Waggon, Dray, Cart, Sledge, or other such like Carriage, shall refuse or neglect to turn the same aside, and make way for any Coach, Chaise, or loaded Carriage of any Description; or, when driving any Waggon, Dray, Cart, Sledge, or other Carriage, shall not, on meeting or being passed by Horses or other Cattle or Beasts, or Carriages, promptly turn out of the Way so as to keep as nearly as may be on his Left Side of the Road, and so as to leave proper and sufficient Quarter for such Horses, Cattle, Beasts, and Carriages; or, when drawing any sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the Road; or, being the hindermost of Two or more Coaches, Waggons, Carts, or other Carriages travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or Carriage, or any of them, so as to impede or obstruct the Passage of any Coach, Waggon, Cart, or Carriage, or any Horse, coming from the opposite Direction, and being on the proper or Left Side of the Road; or shall in any Manner wilfully prevent any other Person from passing him or any Carriage under his Care, or by Negligence or Misbehaviour shall prevent or interrupt the free Passage of any Carriage or of any of His Majesty's Subjects; or when riding any Horse or Beast, or when driving any Carriage of any kind, shall ride or drive the same furiously, or so as to endanger the Person of any one, or shall drive the same against, and injure or damage, any Curb Stone or Foot Pavement or Causeway, or the Hedges, Posts, Rails, or Fences thereof, or any public or private Property; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Trustees; or suffer any Waggon, Dray, Cart, Sledge, Wheelbarrow, or other Carriage to remain, with or without Horses, longer than may be necessary for the loading or unloading thereof, or suffer the same during such Time of loading or unloading to be placed or remain so as to interrupt the public Passage more than may be absolutely necessary; or shall suffer any Stage Coach, Fly, Post Chaise, or other Carriage let to Hire to remain longer than may be necessary for the taking up or setting down of any Passenger, or for loading or unloading the Baggage; or shall draw any Timber, Stone, Metal, or other heavy Material (except the same be wholly in or upon some Carriage with Wheels); or shall wash or clean, or make or repair, any Carriage (except such Carriages as may want immediate Repair from any sudden Accident upon the Spot, and which cannot conveniently be removed for that Purpose); or shall discharge any Fire-arms, except in Cases of Necessity for Self-defence; or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Firework; or play at Football, or throw any Snowball, or trundle any Hoop, or fly any Kite, or run any Race, or play any Game, to the Annoyance of any Inhabitant or Passenger; or slide or skate during Frost on any Pavement or Footway; or wilfully break any Glass Panes or Windows, or abet or assist in breaking the same; or burn, dress, scald, cleanse, or hoop any Cask or Tub, or burn any Piece of Cork, or dust or beat or shake any
3
Carpet;

Carpet ; or, being the Owner or Occupier of a Blacksmith's, Whitesmith's, or Nailmaker's Shop situate in or near any of the said Streets, Roads, Lanes, or Passages, or public Places within the said District, and having a Window opening in or fronting the same, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Streets, Roads, Lanes, Passages, or Places ; or if any Person shall, in any of such Streets, Roads, Lanes, Passages, or Places, hew, bore, saw, or cut any Timber, Wood, or Stone ; or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance, (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building or repairing, or Dirt or Rubbish thereby occasioned, and which shall be placed or inclosed so as to prevent any Mischief happening to Passengers,) or any Dust, Dirt, Manure, Filth, Carrion, Blood, or any sort of Rubbish, or throw any such Matter or Thing into any public or private Well, Pump, Canal, Watercourse, or Reservoir for Water within the said District ; or shall sell by Auction or public Sale any Goods, Wares, Merchandize, or other Property or Effects whatsoever, without the Leave of the said Trustees for that Purpose first obtained ; or hang up, place, or expose to Sale the Carcase of any Calf, Sheep, Swine, Cattle, or Beast, or any Part thereof, or any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, in or upon any Footway ; or hang up or place any Article, Matter, or Thing, either for Sale at the Outside of any House or Shop, or of any Door, Window, or Balcony, or fix or tie up any Line, Chain, Rope, or Cord for any such last-mentioned Purpose, so as to project over or upon any Footway, or beyond the Line of the House or Shop at which the same shall be so exposed, or so as to obstruct or incommode the Passage of any Person or Carriage ; or shall kill or slaughter, or singe, scald, or dress, any Horse, Ass, Swine, Ox, Calf, Sheep, or other Cattle or Beast, either wholly or in part, in any such Street, Road, Lane, public Passage or Place, (except in the Case of any over-driven Beast which may have met with any Accident, and which it may be impossible to get to a Slaughter-house, and which the public Safety or other Circumstances may require to be killed upon the Spot,) or in any Shop or other Place adjoining or exposed to any such Street, Road, Lane, public Passage or Place, or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter-house, Shamble, Butcher's Shop, Hogstie, or Dunghill, into any such Street, Road, Lane, public Passage or Place ; or kill or slaughter or dress within the said District any unsound Swine, Ox, Cow, Calf, Sheep, Lamb, or other Beast or Cattle, and which shall be unwholesome Meat, or sell or offer or expose for Sale any unwholesome Meat or Fish ; or use any false or deficient Weights or Measures ; or, being a Licensed Publican or Victualler within the said District, shall not erect or construct, in some convenient and proper Situation near or about his Premises other than to the Front of any principal Street or Place, a Recess or Convenience (together with proper Drains therefrom) for making Water, so as to prevent any unnecessary or indecent Exposure of the Person ; or shall sift, slack, or mix any Lime ; or shall fix up any Flower Pot or other Pot at any Window without sufficiently guarding the same so as to prevent its being blown or thrown down ; or shall leave open after Sunset the Door, Window, or other Covering giving Light or Air to any Cellar or

Office or other under-ground Room or Apartment, or of any Area, without having placed a sufficient Light to warn or prevent Persons from falling into such Cellar, Office, or other under-ground Room or Apartment; or shall not well and effectually guard and secure his Reservoir, Pond, or Dam of Water, so as effectually to prevent Accidents to Persons or Cattle by reason of any such Reservoir, Pond, or Dam being left open or uncovered; or shall set up or throw at any Cock or Fowl in the Manner called Cock-throwing, or bait any Bull, Bear, or other Animal, within the said District; or draw, drive, or push any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, or other Carriage whatsoever, or any Ladder or Building Pole, or any long Piece of Iron or Stone, upon any Footway or Causeway, or carry any Basket or other Thing thereupon, so as to incommode or obstruct the Passage of any Person, except only for the Purpose of crossing such Footway or Causeway; or drag thereon any Timber, Stone, or Metal; or roll thereon any Cask or Tub (other than for the necessary loading or unloading thereof) into or out of any Carriage; or place thereon any Goods, Wares, or Merchandize, or any Cask, Tub, or Barrel, Box, Pail, Stall, Bench, or Stool; or place any Blind, Shade, Covering, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause an Obstruction or Impediment in any such Footway or Causeway; or if any Person shall annoy, insult, or jostle any Passenger or Person travelling, passing, or going on the said Footway or Causeway, or shall insult any Female, or shall use any obscene or indecent Language, or by loitering, standing, or remaining on any such Footway or Causeway (without some reasonable Cause), or in any other Matter, obstruct or incommode, hinder, prevent, or impede, the free Passage of any such Footway or Causeway; or lay or sift any Ashes, Gravel, or Sand thereon (except in Time of Frost only to prevent Accidents); or wilfully lead or drive thereon any Horse, Ass, Ox, Swine, or other Cattle or Beast of any kind whatever; or wilfully permit or suffer any Horse, Ass, Ox, Swine, or other Cattle or Beast which any Person may be riding, driving, or leading through any of the said Streets, Roads, Lanes, public Passages or Places, to go on such Footway or Causeway; or tie or fasten any Horse, Ass, Ox, or other Cattle or Beast to any Door, Wall, Post, or other Thing whatsoever, so that such Ox, Ass, or other Cattle or Beast can go or stand across or upon any Footway or Causeway; or shall indecently expose the Person; or write or describe any obscene or indecent Language or Figure on any House, Wall, Door, or Place, or write upon or otherwise deface or mark any Dwelling House, Wall, or Building by means of Chalk, Paint, or otherwise howsoever; or fix up any Hand-bill, or other Paper or Notice (other than such Notices as may be directed by Parliament or other lawful Authority), against any Church or Chapel or other Place licensed for public Worship, or against any School or public Building, or any Dwelling House, or against the Walls, Doors, or Inclosures thereof respectively, or of any Churchyard or Burial Ground, or shall deposit any Filth or commit any other Nuisance upon, in, about, or against the same; or if any Person shall, within the Distance of Four hundred Yards from any Dwelling House within the said District, burn any Rag or Bones or other offensive Substance, for any Purposes of Trade, Manufacture, or Commerce; or place or keep any Night Soil, or the Filth taken from any Privy, Drain, or Cesspool, or the Refuse or Filth of any Slaughterhouse,

house, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the aforesaid Distance from any such Dwelling House as aforesaid, otherwise than during the Time of the same being removed; or shall set fire to, or wilfully cause, permit, or suffer the Chimney of any House, Workshop, or other Building within the said District to be on fire; every Person so offending, or the Owner or Proprietor of any such House, Workshop, or Building, Horse, Ass, or Swine, Sheep, Beast, or other Cattle, Carriage, Goods, Articles, Matters, or Things as aforesaid (in any Cases where the Person actually offending cannot be found or discovered), or the Person causing any such Offence to be committed, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

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

Trustees may enter into Contracts.

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

Composition for Breach of Contract.

CXX. And be it further enacted, That nothing in this Act, or in any Contract or other Instrument hereby authorized to be entered into or made by the said Trustees, shall extend to charge the Person of any of the Trustees executing such Contract or other Instrument, or the Heirs, Executors, or Administrators, or the Lands, Tenements, Goods, or Chattels of such Trustees, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in any such Contract or other Instrument contained on the Part of such Trustees; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered

Trustees exempt from personal Responsibility in Contracts, &c.

recovered in any Suit at Law or in Equity against the said Trustees or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Contract or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Trustees shall pay or be put to or which shall be occasioned by reason of any such Contract, Agreement, or other Instrument, or any Action or Suit to be brought or prosecuted thereupon, shall respectively be paid and discharged by and out of such of the Monies to be raised by virtue of this Act as the said Trustees shall think proper and direct.

Power to levy Rates for the Improvement of the Township.

CXXI. And for raising Money for defraying the Expences attending the obtaining and passing this Act, and for carrying the Purposes thereof into execution so far as relates to the Improvement of the said Township, be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, from Time to Time as they shall think necessary, at some Meeting to be held for that Purpose, to make a just and equal Pound Rate or Assessment under the Name of "The *Maryport* Improvement Rate," to be signed by the said Trustees or any Five or more of them, upon all the Tenants and Occupiers, or in case the same shall be unoccupied, then upon the Owners or Landlords of the several Messuages, Houses, and other Erections and Buildings, of whatever Description, already erected or which shall hereafter be erected or be situate within the said District, as the same shall from Time to Time be set out and assessed by the said Trustees under the Powers of this Act, and upon the several Gardens, Grounds, Yards, and other Conveniences thereunto adjoining and belonging, or therewith occupied, and upon all Gardens, Lands, Tenements, and Hereditaments within the same District, according to the annual Value of the same respectively, to be ascertained and settled as herein-after mentioned; provided such Rate or Assessment do not exceed in any One Year the Sum of Three Shillings in the Pound upon such annual Value, without the Consent of the Majority of the Inhabitants of the said District in Vestry assembled upon Notice by the said Trustees given expressing that the Intent and Purpose of such Vestry being convened is to consider the Propriety of making an increased Rate.

Value how to be ascertained.

CXXII. And be it further enacted, That the annual Value of all such Messuages, Houses, and other Erections and Buildings, Gardens, Grounds, Yards, Lands, Tenements, and Hereditaments, so to be respectively rated as herein-before is mentioned, shall and may be settled and ascertained by the said Trustees, if they shall think proper so to ascertain and settle the same, according to the next preceding annual Assessment for the Relief of the Poor within the said Township of *Maryport*: Provided always, that if at any Time hereafter, from any Alteration in the Laws relating to the Poor, or from any other Cause whatever, the Rate for the Relief of the Poor within the said Township shall, in the Opinion of the said Trustees, be an unfair or unequal Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for the said Trustees from Time to Time to cause a Valuation to be made of all the rateable Property within the said Township by some competent Person to be appointed by the said Trustees for that Purpose, and which

Appointment

Appointment they are hereby authorized to make accordingly ; and all future Rates or Assessments to be made by the said Trustees for the Purposes of this Act shall be made upon such Valuation, and shall in no Case exceed the Rack Rent of the Property valued, nor shall any such Valuation be used or referred to for any other Purpose, or be taken as a Criterion of Value for any other Object, than the Purposes and Objects of this Act.

CXXIII. And be it further enacted, That every Person so to be nominated and appointed to make such Valuation as aforesaid shall, upon his Nomination and Appointment, or as soon afterwards as convenient, subscribe and take, before some Five or more of the said Trustees present at some Meeting to be held by virtue of this Act, an Oath or Affirmation (and which Oath or Affirmation such Trustees are hereby empowered to administer) to make such Valuation fairly, faithfully, and impartially, according to the best of his Skill and Judgment ; and an Entry or Minute shall be made in the Book of Proceedings of the said Trustees of the taking such Oath or Affirmation, and of the Date of taking the same.

Valuers to take an Oath.

CXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the said Township of *Maryport*, and the Assessments by which the same are regulated and made, and to take Copies of or Extracts therefrom respectively, which the Overseer or other Person having the Custody thereof respectively is hereby required to permit without Fee or Reward, and on Refusal thereof he shall forfeit and pay any Sum not exceeding Forty Shillings for every Offence.

Trustees may inspect Poor Rates.

CXXV. And be it further enacted, That the several Rates or Assessments made under the Authority of this Act shall be assessed, levied, and raised by such yearly, half-yearly, or quarterly, or other Payments, as the said Trustees shall direct ; and the Money so to be rated or assessed shall be paid to, levied, and collected by the Collector or other Person appointed by the said Trustees to levy, collect, or receive the same, and shall when received be paid by the Collector or other Person receiving the same unto the Treasurer for the Time being to the said Trustees, and shall be and the same are hereby vested in the said Trustees.

Rates to be paid to Collectors.

CXXVI. And be it further enacted, That if any Person duly rated or assessed under the Authority of this Act shall neglect or refuse to pay his Proportion of any of the said Rates or Assessments for the Space of Fourteen Days after personal Demand thereof, or Demand in Writing left at the usual or last Place of Abode of such Person, the same shall be recovered and levied by Distress and Sale of the Goods and Chattels of such Person by Warrant under the Hand and Seal of any Justice of the Peace acting for the said County of *Cumberland* ; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner of the Goods and Chattels distrained and sold, after deducting all Charges attending such Distress and Sale : Provided always, that nothing herein contained shall prevent the said Trustees from recovering any such Rates or Assessments, where the same amounts to or

Rates to be recoverable by Distress or Action.

exceeds the Sum of Five Pounds, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, nor more than One Imparance shall be allowed.

Recovery of Rates from Persons removing.

CXXVII. And be it further enacted, That in case any Person shall quit or be about to quit his Premises before he shall have paid the Rates or Assessments in respect thereof, and shall refuse to pay the same when demanded as aforesaid, it shall be lawful for the said Collector or other Person as aforesaid, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Cumberland*, which Warrant such Justice is hereby authorized and required to grant upon Proof of any such Removal, or of reasonable Suspicion of an intended Removal, to distrain his Goods and Chattels wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner of such Goods and Chattels respectively.

Form of Warrant.

CXXVIII. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rate or Assessment to be made under or by virtue of this Act may include One or more Person or Persons, and be in the Words or to the Effect following; (that is to say),

‘ Cumberland, to } To the Collector of the Rates made by the Trus-
 ‘ wit, Township } tees acting in the Execution of an Act passed for
 ‘ of Maryport. } the Improvement of the Township of *Maryport*,
 ‘ and also to the Constables and other Peace Officers of the
 ‘ said Township :

‘ **WHEREAS** the undersigned Persons, now or late Inhabitants, Land-
 ‘ lords, Tenants, or Occupiers of Premises within the Township of
 ‘ *Maryport* aforesaid, have been duly rated and assessed, under the Autho-
 ‘ rity of an Act passed in the Fourth Year of the Reign of His Majesty
 ‘ King *William* the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ in, and there is now due from them respectively, the several Sums of
 ‘ Money against their Names herein-after respectively set down, which they
 ‘ have respectively refused or neglected to pay, as appeareth upon due Proof
 ‘ upon Oath [*or Affirmation*] to me, one of His Majesty's Justices of
 ‘ the Peace for the said County; and the said several Persons having been
 ‘ duly summoned to appear before me to answer the Premises, and not
 ‘ having shown any sufficient Cause why such Sums of Money should not
 ‘ be paid: These are therefore, in His Majesty's Name, to require you or
 ‘ any of you forthwith to levy the said several Sums herein-before mentioned
 ‘ by Distress and Sale of the respective Goods and Chattels of the Persons
 ‘ aforesaid, rendering to them respectively the Overplus (if any), the reason-
 ‘ able Charges of such Summons, Warrants, Distresses, Sale, and Keeping
 ‘ being first deducted; and if no sufficient Distress can be had and taken,
 ‘ then that you certify the same to me, to the end that such further
 ‘ Proceedings may be had as the Law doth authorize or direct; and I do
 ‘ hereby strictly charge and command all and singular the Constables and
 ‘ other His Majesty's Peace Officers for the said Township to be aiding
 ‘ and assisting in all Things relating to the Premises. Given under my

‘ Hand and Seal this Day of

‘ One thousand eight hundred and

‘ Sum due.

‘ *A. B.* - - - |
 ‘ *C. D.* - - - |

CXXIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, in Cases where they shall see fit, by reason of Poverty, Sickness, Want of Work, or Nonemployment, or Inability of any Person rated in any Rate or Assessment under this Act, either wholly or in part to excuse such Person from the Payment of any Rate or Assessment under this Act; and it shall also be lawful for the said Trustees to make reasonable Abatements from the Rates or Assessments made by or under the Authority of this Act in respect of any Workshop, Warehouse, Manufactory, Foundry, or Mill, the Workpeople whereof shall be wholly or partially unemployed.

Relief in Cases of Poverty.

CXXX. And be it further enacted, That no House, Shop, Warehouse, Factory, or Property whatsoever within the Limits of this Act shall be charged or chargeable with any such Rate or Assessment during the Time the same shall remain empty or unoccupied.

Unoccupied Houses not to be rated.

CXXXI. And be it further enacted, That any Person being a Landlord or Tenant who shall let his House in separate Apartments or ready furnished, or partly so, to any Lodger, shall for the several Purposes of this Act be rated and assessed as the Occupier thereof.

Landlords to be rated in certain Cases.

CXXXII. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Shop, Warehouse, Factory, or Property which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in proportion to the Time for which he occupied the same in like Manner as if such Person had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such House, Shop, Warehouse, Factory, or other Property as aforesaid, out of or from which any other Person rated as aforesaid shall be removed, or which at the Time of making such Rate or Assessment was empty, he shall for and in respect of his Occupation thereof be liable only to such Rate or Assessment in proportion to the Time for which he shall occupy the same, in the same Manner as if he had been originally rated or assessed for such House, Shop, Warehouse, Factory, or other Property; which said respective Proportions shall, in case of Dispute, be settled and ascertained by the said Trustees.

Rates to be apportioned on Persons removing from their Houses.

CXXXIII. And be it further enacted, That it shall be lawful for the said Trustees, either on the Application of any Person aggrieved, or without such Application, from Time to Time to amend any Rate or Assessment to be made by virtue of this Act, by inserting therein the Name of any Person who ought to have been or to be then rated, or by striking out the Name of any Person who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will in the Judgment of the said Trustees make such Rate or Assessment

Amendment of Rates by Trustees.

‘ upon the Credit of and for the Purposes of the said Act, do hereby
 ‘ grant, bargain, sell, and assign unto the said *A. B.*, his Executors, Ad-
 ‘ ministrators, and Assigns, such Proportion of the Tonnage Rates or
 ‘ Duties and other Duties connected with the said Harbour [*or* of the Rates
 ‘ and Assessments connected with the Improvement of the said Township],
 ‘ granted by the said Act, as the said Sum of doth or shall bear
 ‘ to the whole Sum borrowed and to be borrowed, and which shall from
 ‘ Time to Time be owing, upon the Credit of the said Tonnage Rates or
 ‘ Duties and other Duties [*or* of the said Rates or Assessments]; to be had
 ‘ and holden from the Day of the Date of these Presents until the said Sum
 ‘ of with Interest for the same after the Rate of
 ‘ *per Centum per Annum*, shall be fully repaid and satisfied. In witness
 ‘ whereof we have hereunto set our Hands and Seals the
 ‘ Day of in the Year of our Lord .’

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

No Prefer-
ence in Pay-
ment of
Mortgages.

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

Register
Book to be
kept of Mort-
gages.

CXXXVIII. And be it further enacted, That it shall be lawful for any Person entitled for the Time being to any of the Securities for the Money to be borrowed as aforesaid, and his Executors, Administrators, and Assigns, by Writing under their respective Hands and Seals, to transfer the same respectively to any other Person whomsoever, in the Form or to the Effect following; (that is to say,)

Mortgages
may be trans-
ferred.

‘ **I** *A. B.* of [*or* *C. D.* of Executor
 ‘ *or* Administrator of *A. B.* late of *or otherwise,* Form of
 ‘ *as the Case may happen to be,*] in consideration of the Sum of Transfer.
 ‘ to me paid by *E. F.* of do hereby
 ‘ assign and transfer unto the said *E. F.*, his Executors, Administrators,
 ‘ and Assigns, a certain Security, Number bearing
 ‘ Date the Day of in the Year of
 ‘ our Lord under the Hands and
 ‘ Seals of of the Trustees for executing an Act passed
 ‘ in the Fourth Year of the Reign of His Majesty King *William* the Fourth,
 ‘ intituled [*here set forth the Title of this Act*], and the Principal Sum of
 ‘ thereby secured, and all Interest now due or
 ‘ hereafter to grow due thereon, and all my Right and Interest in and to
 ‘ [Local.] 28 Z the

CXLI. And be it further enacted, That the Monies to arise or be received by or from the Rates or Assessments by this Act authorized to be imposed connected with the Improvement of the said Township, and all Monies which may be borrowed on the Security thereof, and all other Monies which may arise or be received by virtue of this Act connected with the Improvement of the said Township, shall be and the same are hereby vested in the said Trustees, and shall be applied by the said Trustees in the Manner following; (that is to say,) in the first place, in paying and discharging so much of the Costs, Charges, and Expences which shall have been incurred in applying for or which shall be in any Manner incident to the obtaining and passing of this Act so far as the same relates to the Improvement of the said Township, with Interest for any Money which may have been advanced for that Purpose, as the said Trustees shall direct; in the next place, in paying and discharging the annual Interest of any Principal Money which may be borrowed on the Authority of this Act for the Purposes of or connected with the Improvement of the said Township; in the next place, in paying and discharging all other Costs, Charges, and Expences attending the carrying into execution the several Purposes of this Act connected with or relating to the Improvement of the said Township; and lastly, in reducing and discharging the several Principal Sums of Money which may be borrowed on the Credit or under the Authority of this Act for the Purposes of or connected with the Improvement of the said Township.

Application of Rates or Assessments for the Improvement of the Township.

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

Treasurer not to pay Money without an Order.

CXLIII. And be it further enacted, That whenever any Money shall be directed or ordered to be paid by any Justice of the Peace in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, taken or committed by the said Trustees or by any Person acting under their Authority, and such Money shall not be paid by the said Trustees to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose in pursuance of the Direction or Order made by such Justice (and in which Demand the Order made by such Justice shall be stated), the Amount of such Compensation and Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Treasurer for the Time being to the said Trustees under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Cumberland*, which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money as aforesaid;

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

and

and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, such Overplus shall be returned, on Demand, to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive under the Authority of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have incurred by virtue of any such Warrant as aforesaid.

Penalty for obstructing the Execution of this Act.

CXLIV. And be it further enacted, That if any Person shall obstruct or assault any of the said Trustees, or any Harbour Master, Treasurer, Clerk, Assessor, Collector, or Surveyor, Workman or Agent, or any other Officer or Person whomsoever appointed or employed under the Authority of this Act, or by any Bye Law or Order made in pursuance thereof, in the Execution or Performance of his Duty, or in the Execution of any of the Works or Duties to be done or performed under the Authority of the same, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Trustees may direct Prosecutions for public Nuisances, &c.

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

Recovery and Application of Penalties.

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

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

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

Justices may proceed by Summons in the Recovery of Penalties.

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

For securing Offenders whose Names and Residences are unknown.

[*Local.*]

hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

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

Form of Conviction.

‘ Cumberland } BE it remembered, That on the Day of
 ‘ to wit. } 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 of Cumberland, [*here describe the Offence, and the*
 ‘ *Time and Place when and where committed,*] contrary to an Act passed
 ‘ in the Fourth Year of the Reign of His Majesty King William the
 ‘ Fourth, intituled [*insert the Title of this Act*]. Given under my Hand
 ‘ and Seal the Day and Year first above written. C.D.’

General Power to Justices to administer Oaths.

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

For compelling Witnesses to attend.

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

Persons aggrieved may appeal to Quarter Sessions.

CLII. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Order or Judgment of the said Trustees, and also the said Trustees and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace, relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Trustees (as the Case may be), and forthwith after such Notice entering
 into

into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or if they think proper may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

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

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

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

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

CLV. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Trustees, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Action, Suit, or Proceeding, it shall be lawful for any Three or more of the said Trustees to make, sign, seal, execute, and deliver such general
or

Trustees em-
powered to
grant Re-
leases to
Witnesses.

or other Releases as may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Trustees so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding, and also to do any other Act in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release and Act shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made by the said Trustees.

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for want of Form.

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

Limitation of Actions.

CLVIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be commenced or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or of any of the Orders made, given, or directed in, by, or under this Act, unless Thirty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or other Proceeding shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding 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 Acts were done or were omitted to be done (as the Case may be) in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done (as the Case may be), or if it shall

appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

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

Plaintiff not to recover after Tender of Amends.

CLX. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as One Matter, several Persons as well as One Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Vessel" shall be used, the same shall be understood to mean any Ship, Lighter, Keel, Barge, Boat, and Craft, and any other kind of Vessel whatsoever, and also any Raft; and where the Word "Master" (in relation to any Vessel) shall be used, the same shall be understood to mean any Person, whether the Owner or Master or other Person, lawfully or wrongfully having or taking the Command, Charge, or Management of the Vessel at the Time; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Rules for the Interpretation of this Act.

CLXI. Saving always to the Lord of the Manor of *Ellenborough* for the Time being all such Suits, Services, Courts, Privileges, Authorities, and Interests, and all such Right, Title, and Interest of, in, and to any accustomed Anchorage or other Dues, Profits, Emoluments, and Advantages, and all Remedies and Powers for recovering and enforcing Payment of the same, as he had, held, enjoyed, or possessed before the passing of this Act, or would or ought to have had, held, enjoyed, or possessed in case this Act had not been passed.

General Saving.

Public Act.

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

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