Anno quarto & quinto
ANNÆ REGINÆ.

An Act for Enlarging the Pier and Harbour of *Parton* in the County of *Cumberland*.

WHereas the Harbour at Parton in the County of Cumberland, is not capable of Receiving Ships or Veſſels ſufficient for the Coal-Trade, which might be carried on there, but might be ſo enlarged by carrying the Pier further into the Sea, as to make it capable of Receiving Ships ſufficient for the ſame, which would not only tend much to the better Supplying of the Maritime Ports of Cumberland, Weſtmorland and Lancaſhire, and the Kingdom of Ireland, with Coals, but alſo Advance Her Majeſties Cuſtoms, be of Improvement to the Coal-Trade, of conſiderable Advantage to that part of the Country, a Means of Increaſing Seamen, and a Place of Safety to Ships and Veſſels when they cannot reach the Neighbouring Harbours, or when the Neighbouring Harbours have a greater number of Ships than can lye there, without great Hazard and Damage to both Ships and Loading: But foraſmuch as to effect the ſame, would coſt more than the Inhabitants of Parton can raiſe, Be it therefore Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of May, which ſhall be in the Year of our Lord, One thouſand ſeven hundred and ſix, for and during, and until the full end and term of Eleven Years then next enſuing, and fully to be completed and ended, there ſhall be paid unto the Truſtees herein after named, their Collectors or Deputies, (that is to ſay) To Thomas Fletcher of Moresby and Thomas Lamplugh of Lamplugh, both of the ſaid County of Cumberland, Eſqs; and their Heirs for the time being, Sir William Pennington Baronet, Sir Richard Muſgrave Baronet, Sir James Montague Knight, George Fletcher, Richard Muſgrave, Thomas Stanwix, the Honourable James Stanhope, Robert Lamplugh and Thomas Addiſon, Eſquires; Richard Senhouſe ſenior, Peter Senhouſe, William Ferrys, Rowland Jackſon, Robert Blakelock, Clement Nicolſon, Thomas Lutwidge, Ebenezer Gale, Eliſha Gale, John Gale jun. Nathaniel Dixon, Rich. Philbeck, Robert Waters, Will. Dixon of Moreſide, John Dickinſon of Lamplugh, Rich. Sanderſon, John Shephard and Peter Walker, Gent. all of the aforeſaid County, for and towards the Enlarging, Deepning, Cleanſing, Maintaining and Repairing the ſaid Pier and Harbour, by every Coal-Owner, or Proprietor of Coals that ſhall deliver or put or cauſe

cause to be delivered, or put any Coals on Board any Ship or Vessel there, Two Pence for every One hundred and ninety two Gallons of Coals, to be paid within Ten Days after such Coals are shipped, and also by every Master or Owner of any Ship that shall load or take any Coals on Board any Ship or Vessel there, Two Pence for every One hundred and ninety two Gallons of Coals so taken; and from and after the end and expiration of the said Term of Eleven Years, One Farthing for every One hundred and ninety two Gallons of Coals, which shall be shipped or taken on Board any Ship or Vessel there, to be paid by the Master or Owner of the Ship or Vessel so shipping or taking such Coals on Board there; the said respective Sums of Two Pence for Eleven Years, and One Farthing for ever hereafter, to be paid upon reasonable Demand after the shipping the said Coals, and before each respective Ship go out of the said Harbour, or proceed upon any such Voyage.

And to the end the said Duties and Payments aforesaid, may be duly Collected, Levied and Paid to the Uses and Purposes aforesaid, Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or the major part of them, from time to time, and at all times hereafter to nominate, choose and appoint such Person or Persons to be Collector or Collectors of all and every the Duties, Sum or Sums of Money payable by this Act, as they or the major part of them shall think fit.

And be it further Enacted by the Authority aforesaid, That all and every such Sum and Sums of Money so to be Collected and Paid, as aforesaid, shall be paid to such Collector and Collectors, as aforesaid, and shall be, by such Collector and Collectors from time to time, paid over into the Hands of such Person or Persons as shall be appointed by the Trustees aforesaid, or the major part of them, to be the Receiver or Receivers of the same, to and for the Uses, Intents and Purposes aforesaid.

And be it further Enacted by the Authority aforesaid, That all such Money as shall be from time to time, and at all times Received, Gathered and Collected by virtue or in pursuance of this Act, shall be used and employed for and toward the Enlarging, Deepning, Repairing and Cleansing the said Harbour, and Keeping the same continually in good Repair, and shall not be imployed or diverted to any other Use or Purpose whatsoever, except the necessary Charge of Collecting the same, which shall not exceed Six Pence in the Pound Sterling, and the Charge of Passing this Act of Parliament.

And be it further Enacted by the Authority aforesaid, That the Trustees for the said several Duties and Sums aforesaid shall take of the said Receiver or Receivers, Collector or Collectors, good and sufficient Security, as well for the Answering and Paying the Money that shall be by him or them respectively Collected or Received, and every part thereof, unto such Person and Persons, and in such manner and form, as the Trustees aforesaid, or the major part of them, under their Hands and Seals, shall order, direct, and appoint, and no otherwise, as also for their giving and making a true Account of all the Money by him or them respectively Received, and of whom, and of all the Money by him or them disbursed, and to whom, and by what Order, and that the said Trustees, or the major part of them, shall meet at least once every Year at Parton, betwixt the First and Last Days of May, or oftner if they think fit, to take the Accounts, Order, Regulate and Examine the Affairs of that Harbour, according to the Powers given them by this Act, and keep an Account of the same in Writing: Pro-

vided the said Collector and Collectors to be nominated and chosen, as aforesaid, shall from time to time be allowed for their Pains in Executing the said Office, out of the said Sum or Sums of Money by him or them Received, so much as the said Trustees, or the major part of them, shall think fit, not exceeding Six Pence in the Pound.

And be it further Enacted by the Authority aforesaid, That in case the Sum or Sums of Money ordered and appointed, as aforesaid, to be paid by each Proprietor or Owner of Coals which shall Ship or cause to be Shipped any Coals on Board any Ship or Vessel at Parton aforesaid, shall not be paid by such Owner or Owners, Proprietor or Proprietors respectively, within Ten Days next after such Coals shall be Shipped on Board each Ship respectively, according to the true intent and meaning of this Act, That then and so often it shall and may be lawful to and for the Collector and Collectors for the time being, and every or any of them, from time to time, and at all times hereafter convenient and seasonable, by Warrant first obtained from Two of the Trustees under their Hands and Seals, to take and distrain all such Coals of or belonging to such Owner or Owners, Proprietor or Proprietors, as shall come to Parton aforesaid, and the Cattle, Horse or Horses Drawing or Carrying the same, and the Sack, Cart or Wagon containing the same, and the same to retain and keep until he or they be satisfied and paid the said Sum or Sums of Money Imposed by this Act; and in case of Neglect or Delay of or in Payment of the said Sum or Sums, or any of them, or any part thereof, within Three Days next after such Distress or Distresses so to be taken, That then it shall and may be lawful to and for the Collector or Collectors, and every or any of them, to sell the said Distress or Distresses so taken, and therewith to satisfie him or themselves, as well for and concerning the said Duty so Neglected or Delayed to be paid, and for which any Distress or Distresses shall be so taken, as aforesaid, and also for his and their reasonable Charges in taking or keeping such Distress or Distresses, rendring to the Master or Owner of such Coals, Cart, Wagon, Sack or Horse, of or from whom such Distress shall be taken, the Overplus, if any shall be.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Collector and Collectors for the time being, and every or any of them, from time to time, and at all times Convenient and Seasonable, to Enter into any Ship or Vessel within the said Port or Harbour of Parton, to take Account of what Coals shall be Shipping or Loading Aboard any Ship or Vessel there, and in case the Sum or Sums of Money Ordered and Appointed, as aforesaid, shall not be paid by the Master or other Person or Persons having the Rule or Command of any Ship or Vessel which shall Load there, as aforesaid, according to the true intent and meaning of this Act, That then and so often as the said Duty or Duties shall be unpaid for Ten Days after the Ship or Vessel is Loaden, it shall and may be lawful to and for the said Collector and Collectors, and every or any of them, by Warrant first obtained from Two of the Trustees, under their Hands and Seals, to take and Distrain every such Ship, and all Tackle, Apparel and Furniture thereunto belonging, or any part thereof, and the same to retain and keep until he or they be satisfied and paid the said Sums of Money Imposed by this Act; and in case of Neglect or Delay of or in Payment of the said Sum or Sums, or any of them, or any part thereof, within Three Days next after any such Distress or Distresses so to be taken, that then it shall and may be lawful to and for the Collector or Collectors, and

every or any of them, to Sell the said Distress or Distresses so taken, and therewith to satisfie him or themselves, as well for and concerning the said Duty so neglected or delayed to be paid, and for which any Distress or Distresses shall be so taken, as aforesaid, and also for his and their reasonable Charges, in taking or keeping such Distress or Distresses, rendring to the Master or other Person or Persons having the Rule or Command of the Ship or Vessel of, in or from which such Distress shall be so taken, the Overplus, if any shall be.

And be it further Enacted by the Authority aforesaid, That no Customer of Her Majesties Customs, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter or other Officer whatsoever of, or concerning the said Customs of the said Harbour of Parton, shall hereafter give or make any Cocket or other Discharge, or take any Report Outwards, for any Ship, Bark or Vessel so Loaded with Coals, as aforesaid, at or in the said Harbour aforesaid, until the Duties and Payments hereby Granted, Due and Payable by the Master or other Person, taking Charge of such Ship, Bark or Vessel, according to the Tenor and true meaning of this Act, shall be Paid unto the respective Collectors, Deputies or Assigns appointed to Receive the same, as aforesaid; and that such Master or Masters, or other Persons taking Charge of such Ship, Bark or other Vessel, do produce and shew forth an Acquittance, under the Hand of such Deputy or Officer, Testifying the Receipt thereof, which Receipt such Collector or Officer is hereby obliged to give without Fee or Reward, otherwise to Forfeit Ten Pounds to the said Trustees; and that every Customer, Collector, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter or other Officer, of or concerning the said Customs, making Default in any of the Premisses enjoyned them by this Act, shall Forfeit the like Sum of Ten Pounds to the said Trustees, both which Sums to be Recovered, together with their Costs of Suit, in any of Her Majesties Courts of Record, by Action, Debt, Bill, Plaint or Information, wherein no Essoign, Wager of Law, or Protection shall be allowed, and to be applied to the Repairing and Amending of the said Harbour.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the said Trustees, or any Seven of them, to Enter into Contracts, and make Bargains with any Workmen, Artificers, Masons, Smiths or other Persons, bona fide, for the making and doing all and every, or any part of the work or business of, or about Repairing, Deepning, Enlarging or Cleansing and keeping in Repair the said Peir and Harbour.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the said Trustees, or any Seven of them, to Assign the Place for Building and Carrying on the said Pier, for enlarging the said Harbour, upon such Ground betwixt High and Low-Water Mark, as they, or any Seven of them, shall think fit or necessary for the better Effecting and Carrying on the same, and to Order the getting, digging, removing or taking away any Stones, Gravel, Sand, or other Impediment, which might hinder or obstruct the said Harbour, or the making, or improving thereof, and the same to remove from any one part to any other part of the said Ground at Parton, betwixt High and Low-Water Mark, and to have the free Liberty for the doing all necessary things there, for the improving the said Habour and Pier.

And for as much as the Money to be Collected by such Collection and Receipt, as aforesaid, may not at Present raise such a Stock,

or

or Sum of Money as may be sufficient for the speedy Enlarging, Cleansing, Deepning and Repairing the Premisses; It is hereby further Enacted, That the said Trustees, or any Seven of them, may and are hereby Impowered to Mortgage the Profits arising by the said Duties for such Sum or Sums of Money by them to be Borrowed for the Purposes aforesaid, and by Indenture under their Hands and Seals, or any Seven of them, to grant and transfer the said Profits, and Convey the same to any Person or Persons that shall advance any present Sum or Sums of Money so lent with Interest for the same, after the rate of Six pounds per Centum per Annum, for every one Hundred pounds, which Money shall be imployed in and about the Enlarging, Cleansing, Deepning and Repairing the said Pier and Harbour, and not otherwise.

Provided always, That the Trustees shall not Mortgage the Profits arising from, or by the Duties aforesaid, nor borrow upon the same, above the Sum of Fifteen hundred pounds Sterling; and if the Duties of Two pence for every One hundred and ninety two Gallons, to be paid by the Proprietors of Coals, and Two pence for every One hundred and ninety two Gallons, to be paid by the Masters or Owners of Ships hereby granted for Eleven years, shall raise the Sum of Sixteen hundred pounds over and above the necessary Charges for Collecting the same, and Interest for so much as shall be advanced at the rate of Six pounds per Centum per Annum, and also over and above the Expences of passing this Act of Parliament, in less than Eleven Years, for which they are granted, That then from and after the time that so much Money is or shall be raised, the several Duties of Two pence for every One hundred and ninety two Gallons of Coals to be paid by the Proprietors, and Two pence for every One hundred and ninety two Gallons of Coals, to be paid by the Masters of Ships, as aforesaid, shall cease and determine, any thing herein before contained to the contrary notwithstanding, and only the Duty of one Farthing for every one Hundred and ninety two Gallons of Coals, as aforesaid, to continue for ever after.

Provided always, and be it Enacted by the Authority aforesaid, That the Accounts stated by the Trustees, or the major part of them, relating to the said Pier, shall at the next General Quarter-Sessions to be holden for the County of Cumberland, after the stating the said Account, if thereunto required, be laid before the Justices of the Peace of the said County by the Trustees, or any Seven of them, or by some other Person appointed by them; and the said Justices are hereby impowered to examine the same, and if they shall find any Person guilty of Mispending or Misapplying any part of the Money which shall be Raised by virtue of this Act, they shall and are hereby Impowered to Impose any Fine, not exceeding Treble the Money so Misapplied upon the Person that is guilty of it; And if the said Accounts shall not be laid before the Justices of the Peace, if thereunto required, as is hereby directed, That then it shall and may be Lawful for the said Justices of the Peace in Open Sessions, to impose any Fine, not exceeding Forty Pounds, for every such Default of the said Trustees, one moiety whereof shall be to the use of the Queen, her Heirs and Successors, and the other moiety to the Repairing and Amending the said Pier and Harbour.

And be it further Enacted, That as any of the said Trustees shall depart this Life, other than the said Thomas Fletcher and Thomas Lamplugh, the Survivors, or the major part of them, are Required, and are hereby Authorized, within Sixty Days next after such Death, to

to Elect and Choose another, or others, into the Place or Places of him or them so Dying, who is and are to have the same Power and Authority, and are hereby Required to Act in the Premisses, as the Person or Persons so Dying should or ought to have done.

And for the keeping the said Harbour Clean, Be it further Enacted by the Authority aforesaid, That from and after the First Day of September next, no Person or Persons whatsoever shall presume to throw or empty any Ballast or Dust, Ashes, Earth, Rubbish, Stones, or do any other Annoyance to the said Harbour, the Matter of which Annoyances shall be Examined and Determined by the said Trustees, or any Seven of them, who are hereby Impowered to Impose such Fine or Fines upon any Person or Persons so Offending, the said Fine or Fines not to exceed Forty Shillings, to be Applied towards the Building and Keeping in Repair the said Pier and Harbour, to be Recovered, as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be Commenced or Prosecuted against any Person or Persons for any thing that he or they shall do or cause to be done in pursuance of this Act, and Executing any of the Powers and Authorities, or any of the Orders or Directions therein mentioned, all and every Person and Persons so Sued in any Court whatsoever, shall and may Plead the General Issue, and give this Act and the Special Matter in Evidence, and if in any such Suit, the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or Discontinue the Suit, or if a Verdict shall pass against him, or Judgment given against him upon a Demurrer, then in any of the said Cases, the Defendant or Defendants shall Recover full Costs, for which he and they shall have the like Remedy as where Costs by Law are Awarded; and this Act shall be taken and allowed in all Courts within this Kingdom as a Publick Act, and all Judges and Justices are hereby Required to take Notice thereof as such, without Special Pleading of the same.

FINIS.