

ANNO VICESIMO TERTIO

GEORGII II. REGIS.

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CAP. XII.

An Act for improving the Navigation of the River Loyne, otherwise called Lune; and for building a Quay or Wharf near the Town of Lancaster in the County Palatine of Lancaster.

WHEREAS the town of Lancaster in the county palatine of Lancaster, from its great and extensive commerce to the West Indies and other foreign parts, is now become a very considerable port, and has for some time past employed and maintained great numbers of ships, mariners, and seamen to the great advancement of the revenue and the improvement of the trade and navigation of this Kingdom: Preamble.

And whereas the navigation of the River Loyne, otherwise called Lune, is become very difficult and dangerous, and the only place near the said town where ships can be moored and discharged is, by reason of the shoals and other obstructions in the soil of the said river, become very unfit and unsafe for that purpose, insomuch that many ships and vessels stationed there have been overset and damaged, to the great loss of the owners and freighters thereof respectively:

And whereas it is conceived to be highly necessary for the benefit and improvement of the said navigation that a quay or wharf with

other conveniences should be built and erected on the south-west side of the said river; and that buoys should be placed at the entrance into the said river and other parts thereof, and landmarks erected for guiding and directing ships and vessels to and from the said town, and that a place of safety should be made for the harbouring and protection of the shipping at or near the mouth of the said river, which would tend not only to the preservation and security of ships trading to and from the said town, but also of His Majesty's ships of war and other vessels that should put in there by stress of weather or otherwise:

And whereas the Reverend James Fenton, doctor of laws, vicar of the parish church of Lancaster, and in the diocese of Chester, is in right of the said church seised of and in divers parcels of land and ground herein-after mentioned and described, which are very commodiously and conveniently situated for the purposes afore-mentioned; and the Right Reverend Samuel Lord Bishop of Chester, the Ordinary Edward Marton, Esquire, the patron or owner of the advowson of the vicarage of the said church, and the said James Fenton, the present incumbent thereof, have respectively consented and agreed that the said pieces or parcels of ground shall be converted, applied, and disposed of for the purposes herein-after mentioned, but under and subject to the rents, reservations, provisions, and restrictions herein-after expressed, provided, and declared:

Wherefore, for the promoting, carrying on, and effecting a design so beneficial for the town of Lancaster, and so conducive to the increase of trade and navigation, and the good of the public, may it please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Certain pieces and parcels of lands,

That all that piece or parcel of land or ground being part of a certain close or parcel of land called the Bridge Field, belonging to the said church of Lancaster, and containing three roods and thirty-two perches according to the measure there used, as the same is now measured and set out; and also all that piece or parcel of land or ground, being part of another close or parcel of land called the Hay Field, belonging also to the said church of Lancaster, and containing thirty-two perches according to the measure there used, as the same is now measured and set out; and also all that close or parcel of land called the Summer Pasture, belonging also to the said church of Lancaster, and containing three acres two roods and thirty-two perches or thereabouts of the measure there used; all which said pieces or parcels of land or ground herein-before particularly

ticularly mentioned and described are situate, lying, and being upon and contiguous to the south-west side of the said river Loyne, with their and every of their rights, members, and appurtenances, shall, from and after the twenty-eighth day of April one thousand seven hundred and fifty, be settled upon and vested in, and the same are hereby settled upon and vested in, Abraham Rawlinson, William Butterfield, and John Bowes, merchants of Lancaster aforesaid, their heirs and assigns, freed and discharged and absolutely acquitted, exempted, and exonerated of, from, and against all estates, interests, claims, and demands whatsoever of, from, or by the said James Fenton and his successors, vicars of the said parish church of Lancaster for the time being, for ever; but nevertheless to the uses, upon the trusts, and to and for the ends, intents, and purposes herein-after mentioned, expressed, provided, and declared; that is to say, to the use, intent, and purpose that the said James Fenton and his successors, vicars of the said parish church for the time being respectively, shall and may by and out of the same premises have, receive, take, and enjoy the annual sum or yearly rent of fourteen pounds fourteen shillings of lawful money of Great Britain, free from all deductions for or in respect of any fares or impositions or other matter, cause, or thing whatsoever, by four equal quarterly payments to be made on the first day of May, the first day of August, the first day of November, and the first day of February in every year for ever; the first payment thereof to begin and be made on the first day of May one thousand seven hundred and fifty; and also to this further use, intent, and purpose, that in case the said annual sum or yearly rent of fourteen pounds fourteen shillings, or any part thereof, shall be behind or unpaid for the space of twenty days next after any of the days herein-before limited or appointed for payment thereof, then and in such case, and from time to time as often as it shall so happen, it shall and may be lawful to and for the said James Fenton and his successors, vicars of the said church for the time being, to enter into and distrain upon the premises so charged with the said yearly rent, and to sell and dispose of the distress and distresses so taken according to law, and also take and receive the rents, issues, and profits of the same premises, until thereby or therewith respectively the said yearly rent of fourteen pounds fourteen shillings and all arrears thereof, and all costs and charges attending such entry, distress, and perception of rents and profits, and all damages to be sustained by the vicar of the said parish church for the time being, shall be fully paid, satisfied, and discharged.

vested in trustees for the purposes of this Act.

The vicar of the parish to be paid thereout an annual rent of 14*l.* 14*s.*

by four quarterly payments;

and in default of payment for 20 days,

he may enter and distrain upon the premises, and make sale of the distress &c.

And it is hereby enacted and declared, that subject to the said yearly rent of fourteen pounds fourteen shillings, and the remedies and

The said lands to be employed as a quay or wharf, &c.

and powers hereby given and provided for securing and recovering the same, the said pieces or parcels of land and ground herein-before mentioned and described shall go, remain, vest, and enure to the use of the said Abraham Rawlinson, William Butterfield, and John Bowes, their heirs and assigns for ever, in trust and to the intent that the same may be used, applied, and employed as a quay or wharf, and for such other purposes, and under and subject to such rules, orders, and directions as are herein-after mentioned, prescribed, directed, and appointed.

Upon the death of any trustee, another to be chosen in his room, &c.

And it is hereby further enacted by the authority aforesaid, that when and as any of the Trustees in and upon whom the pieces or parcels of land herein-before mentioned and described are vested and settled, or any person or persons to be elected and substituted for the same purpose, in manner herein-after mentioned, shall happen to die, it shall and may be lawful to and for the Commissioners and Trustees appointed for the other purposes of this Act for the time being, or the major part of them, to nominate and elect another person to be a Trustee of the said pieces or parcels of lands and premises in the room and stead of every such Trustee so dying; and upon any such nomination and election the surviving Trustees of the same pieces or parcels of ground and premises shall by proper conveyances and assurances in the law grant, convey, and assure the same premises in such manner and so as the same may be vested in and settled upon and to the use of the surviving Trustees and the new Trustees so from time to time to be nominated and elected, and their heirs, upon the trusts and for the purposes of this present Act.

Conveyance of the premises to be made to the new trustee.

The trustees to separate the lands vested in them from the other parts of the vicarage lands by a stone wall;

And it is hereby further enacted and declared by the authority aforesaid, that the Commissioners and Trustees herein-after nominated and appointed for the purposes herein-after mentioned, and their successors, or the major part of them for the time being, shall and may, and they are hereby authorised and required to, separate and divide, or cause to be separated and divided, the said pieces or parcels of land and ground vested and settled by this Act from the other parts of the said vicarage lands by a good and sufficient stone wall, two yards high above the ground next the said church, to be built with lime and sand, and to extend from a stile to be in like manner built and made by and at the expense of the said Commissioners and Trustees for the time being, at the end of a garden wall (adjoining to the said town of Lancaster) now belonging to Mary Mason widow, through and over the said Bridge Field and Hay Field to the fence that divides the said Hay Field from the said close called the Summer Pasture; and that the said Commissioners and Trustees for the time being,

and to keep up and repair the fences, &c.

being shall keep up and repair (as often as occasion requires) the said fence, wall, and stile, and all the hedges, ditches, mounds, and fences separating and dividing the lands and grounds vested and settled by this Act from the rest of the said vicarage lands, so as to prevent any trespasses or damages to be done to the said James Fenton, or his successors, vicars of the said church for the time being, in any wise; and that, at the like expense of the said Commissioners and Trustees for the time being, a sufficient watering-place or reservoir of water shall be made in such convenient part in the said Bridge Field (not vested and settled by this Act) as the said James Fenton shall appoint, for watering the cattle, sheep, and beasts depasturing in the said vicarage lands, and shall in case of any overflow thereof be diverted and turned into the said river Loyne, at the costs of the said Commissioners and Trustees for the time being, upon any application made to them or any of them for that purpose, so as to prevent any damage to be done to the said lands; and upon their refusal or neglect so to do, it shall and may be lawful to and for the said James Fenton, and his successors, vicars of the said church for the time being, to divert and turn off the said water or watering-place into the said river by such ways and in such manner as he or they shall think proper.

and to make a reservoir of water, &c.

and in case of any overflow, to divert the waters into the river Loyne, &c.

And it is hereby further enacted, that the occupiers of such parts of the said vicarage lands as are not vested and settled by this Act shall, as they have occasion or think proper, have the liberty of taking sand all along the said close called the Summer Pasture, betwixt the banks thereof and the low-water mark in the said river Loyne, in order to cultivate, manure, and improve such vicarage lands, with free liberty of ingress, egress, and regress for that purpose, and shall also have the like liberty to drive their cattle, sheep, horses, and other beasts depasturing in the said vicarage lands, over and through the said close called the Summer Pasture, to water in the said river, and back again, as occasion shall require; the ways for these purposes to be appointed by the said Commissioners and Trustees for the time being, or the major part of them, and by the vicar of the said church for the time being; and upon refusal or neglect of the said Commissioners and Trustees, or the major part of them, to comply therewith, the said vicar for the time being shall and may appoint such ways for the purposes above as he shall think proper, and he and his tenants to make use thereof accordingly, and that the said doctor, James Fenton, or the vicar of the said church for the time being, shall (until such division wall as above described is built and finished) have the herbage of such parts of the said Bridge Field and Hay Field

Occupiers of the vicarage lands empowered to take sand along the Summer Pasture,

and to drive their cattle to and from water;

the ways for these purposes to be appointed by the trustees, or on their neglect, by the vicar.

The vicar to have the herbage until the division wall be built.

as

as are above-mentioned and intended to be allotted to the said quay, and that the said Commissioners and Trustees for the time being, or any of them, or any other person or persons, shall not open or break out, or cause to be opened or broken out, any doors, or make any ways through the said division wall or fence so to be made as above, without the licence and consent of the vicar of the said church for the time being.

No way, &c. to be made through the said wall without the consent of the vicar.

Commissioners appointed to execute this Act to May 1755,

And it is hereby further enacted, that the mayor of Lancaster for the time being, Francis Reynolds, Edward Marton, Allan Harrison, Esquires, James Fenton, doctor of laws, James Fenton, Esquire, Oliver Marton, clerk, George Gibson, gentleman, Miles Barber, alderman of Lancaster, William Butterfield, Myles Birket, William Gillison, Abraham Rawlinson, Robert Foxcroft, Robert Lawson the younger, Henry Williamson, Henry White, John Bowes, and Thomas Satterthwaite, merchants, shall be and they are hereby appointed Commissioners and Trustees for the executing and effecting the powers, authorities, and purposes of this present Act, until the first Wednesday in the month of May which shall be in the year of our Lord one thousand seven hundred and fifty-five, inclusive; and it shall and may be lawful to and for them, or the major part of them, to meet together at the Exchange in the town of Lancaster aforesaid on the thirtieth day of April one thousand seven hundred and fifty, and to adjourn themselves, and afterwards meet there, or at any other place within the said town of Lancaster as the said Commissioners and their successors, or the major part of them, shall think proper and convenient for the putting this Act or any of the powers therein contained in execution.

who are to meet at the Exchange on 30 April 1750, and adjourn.

Upon the death of any Commissioner another to be elected.

And it is hereby further enacted, that in case any of the Commissioners and Trustees herein-before mentioned, or to be elected in manner herein-after mentioned, shall happen to die before the said thirtieth day of April one thousand seven hundred and fifty, then and in such case, and from time to time as often as it shall so happen, it shall and may be lawful to and for the surviving Commissioners and Trustees, or the major part of them, to elect another person to be a Commissioner and Trustee in the room and stead of every such person so dying for and during the residue of the said term which shall be then to come and unexpired; and such person so elected and chosen shall have the like power and authority by virtue of this Act as the Commissioner and Trustee in whose place he succeeds was invested with.

Merchants, &c. to meet in May 1755,

And it is hereby further enacted, that it shall and may be lawful to and for such merchants and other persons as shall for the time being

being respectively be possessed of a sixteenth or other greater part or share of any ship or vessel of the burden of fifty tons or upwards then actually belonging to the said town or port of Lancaster, in his and their own right, to meet and assemble on the first Wednesday in the month of May which shall be in the year of our Lord one thousand seven hundred and fifty-five, at the Exchange in Lancaster aforesaid, and so from time to time on every first Wednesday in every month of May in every third year for ever; and the said persons so assembled, or the major part of them, are hereby authorised and required to nominate, choose, and appoint sixteen of the most substantial inhabitants of the said town of Lancaster to be joined with the Mayor of Lancaster for the time being as Commissioners and Trustees for the purposes of this present Act, and the said Mayor of Lancaster for the time being and the several persons herein-before nominated and appointed and to be from time to time elected and chosen by virtue and in pursuance of this Act as aforesaid shall be and they are hereby constituted and appointed Commissioners and Trustees for executing the powers and authorities of this present Act; and that it shall and may be lawful to and for the said Commissioners and Trustees for the time being, or the major part of them, and they are hereby authorised and required to erect and build a quay or wharf, with all other works and conveniences that shall be found necessary, in and upon the premises vested and settled by this Act, or any part thereof, and also to set, let, or otherwise dispose of any part of the same for the benefit and advantage of the said navigation, and to make such place or places of security by erecting piers or moles at the mouth of the said river, or thereabouts, for the reception of any vessel or vessels that may put in there, together with all other works for the preservation of the shipping as shall be deemed expedient in that behalf; and that it shall and may be lawful to and for the said Commissioners and Trustees for the time being, or the major part of them, to order and direct all matters and things, and to cause the same to be done and executed from time to time, as by them shall be thought requisite or necessary for improving the navigation of the said River Loyne, and for other the purposes herein-before mentioned.

and so in every third year,

and to nominate 16 inhabitants to be joint Commissioners with the Mayor;

who are empowered to build a quay, &c.

and to let the same;

and to erect piers at the mouth of the river, &c.

And in order to raise money for the purposes of this present Act, be it further enacted by the authority aforesaid, that from and after the thirtieth day of April one thousand seven hundred and fifty there shall be raised and paid for and during the term of twenty-one years then next ensuing and fully to be complete and ended, unto the said Commissioners and Trustees, or their collector or collectors, receiver or receivers, to be from time to time nominated and appointed, for every ship, vessel, barque, or lighter coming into or going

Duties granted on vessels coming into or going out of the port for the term of 21 years.

going out of the said port of Lancaster, videlicet, coming into or going out of the said River Loyne between Lancaster Bridge and the Perch at Cockersand Abbey (other than and except ships of war and other ships and vessels in the service of His Majesty, his heirs and successors, and ships driven in by stress of weather, and not lading or unlading within the said port, and ships laden with coal, or other fuel only), the several rates, customs, tonnage, or duties mentioned, specified, and enumerated in the table or schedule hereunto annexed.

Vessels exempted from the duties.

Commissioners to order the time and place for payment of the duties.

No vessel to pay inwards and outwards for the same voyage.

And it is hereby further enacted, that the said tonnage, customs, rates, and duties charged and directed to be levied by this Act shall be paid at such time and place as the said Commissioners and Trustees for the time being, or the major part of them, shall from time to time order, direct, or appoint, so always as that no ship or vessel shall be liable to pay the said rates and duties both inwards and outwards for the same voyage.

All vessels liable to the duties to be measured according to

Act 6 Geo. I.

And it is hereby further declared and enacted, that all ships and vessels trading to or from the said port of Lancaster, as the same is herein-before described, and to or from any of the ports and places mentioned in the table or schedule hereunto annexed, and which are subject to the payment of the tonnage, rates, and duties imposed by this Act, shall be measured according to the rules of admeasurement laid down and settled by an Act passed in the sixth year of the reign of His late Majesty King George the First, intituled "An Act "for preventing frauds and abuses in the public revenues of Excise "Customs, Stamp Duties, Post Office, and House Duty," and the several duties of tonnage shall be thereby computed and collected accordingly, and not otherwise.

One moiety of the duties only to cease after 21 years.

Provided always, and it is hereby further enacted, that from and after the expiration of the said term of twenty-one years one moiety of the rates and duties hereby granted upon the tonnage of ships and vessels shall cease and determine, and the other moiety of the said rates and duties shall continue and be collected and paid in manner aforesaid for keeping the said quay and other works hereby intended to be made in good and sufficient repair.

No vessel to be cleared at the Custom House without a certificate of the payment of the duties,

And it is hereby further enacted, that it shall not be lawful for any customer, collector, comptroller, surveyor, searcher, waiter, or other officer of the Customs whatever, belonging to the said port of Lancaster, to permit any ship or vessel to clear at the said Custom House, or to go out of the said port, until the master or other person or persons having the rule or command of such ship or vessel shall produce a certificate from the said collector or collectors,

collectors, receiver or receivers, that the rates and duties hereby granted are paid, or secured to be paid, according to the true meaning and intent of this Act, which said certificate the said collector or collectors, receiver or receivers, are hereby required to give without fee or reward; and that if any customer, collector, comptroller, surveyor, or other officer of or concerned in the said Customs shall make default or offend in the premises contrary to the tenor and true meaning of this Act, every person so offending shall for every such offence forfeit and pay the sum of twenty pounds, to be recovered by action of debt, bill, plaint, or information in any of His Majesty's Courts at Westminster, with double costs of suit, in which no protection, wager of law, or more than one imparlance shall be allowed, and in which action or suit any inhabitant of the said town of Lancaster, not being the mayor or an alderman of the said town, and not otherwise disqualified or disabled by law, shall be admitted to give evidence and be deemed a competent witness, notwithstanding his being an inhabitant or of the commonalty of the said town.

under penalty of 20*l.*

And it is hereby also enacted and declared, that one moiety of the said penalty shall go and be paid unto and to the use of the person or persons who shall inform and sue for the same, and the other moiety thereof to be paid into the hands of the said Commissioners and Trustees, or to such person or persons as the said Commissioners and Trustees, or the major part of them, shall direct or appoint, and shall be applied in, for, or towards the erecting and carrying on the said quay and other the works to be made and erected by virtue and in pursuance of this Act.

Application of the penalty.

And it is hereby further enacted, that it shall and may be lawful to and for the said Commissioners and Trustees, or the major part of them, to make such byelaws, rules, orders, and regulations as shall be found necessary for the better effecting the purposes in this Act mentioned, and to contract and agree with workmen, artificers, or other persons whatsoever, bonâ fide, for making and doing all and every or any part of the work and business to be done in or about erecting and building the said quay and for improving the said navigation, and also with any person or persons for timber, stones, and other materials which shall be requisite and necessary for the purposes aforesaid.

Commissioners empowered to make byelaws, &c.

and to contract for the works and materials;

And to the end that a sufficient sum of money may be speedily raised for the purposes aforesaid, and for better securing the same, it is hereby further enacted, that it shall and may be lawful for the said Commissioners and Trustees for the time being, or the major

and to borrow 2,000*l.* on the securities of the duties,

major part of them, and they are hereby empowered by indenture or writing under their hands and seals to convey and assure the duties granted by this Act or any part thereof as a security for any sum or sums of money to be borrowed for the ends and purposes aforesaid, not exceeding in the whole the sum of two thousand pounds, unto any person or persons that shall or will lend or advance the same, for securing the repayment thereof, at the rate of five pounds per centum per annum, or at any lower interest; and that all moneys which shall be raised, received, or borrowed by virtue or under the authority of this Act, shall be applied and disposed of, in the first place, for and towards the paying and discharging the expenses attending the obtaining and passing this present Act, in such proportion as the said Commissioners and Trustees, or the major part of them, shall order, direct, or appoint, and afterwards for the making and erecting the said new intended quay, wharf, pier, or mole, and other works intended to be made and erected and provided for by this Act, and to and for no other use or purpose whatsoever.

at 5*l.* per cent. interest.

Application of the said moneys.

Books of the receipts and disbursements to be kept.

And it is hereby further enacted, that there shall be from time to time kept by the said Commissioners and Trustees, or their agent or agents, one or more book or books in which all the money, to be received or borrowed by virtue of this Act, or advanced upon the credit thereof, and also all sums disbursed or laid out by the said Commissioners and Trustees, or by their or any of their order, for the purposes aforesaid, and the respective times of such receipts and disbursements, shall be from time to time duly and fairly set down and entered; and all persons concerned or interested shall at all times have the inspection and perusal of the said books and accounts gratis; and there shall be also kept by the collector or collectors, receiver or receivers, to be appointed in pursuance of this Act, proper books containing entries of all their receipts and payments had and made by virtue and under the authority of this present Act; and that at every general quarter sessions of the peace to be held at Lancaster for the county palatine of Lancaster next after the feast of Saint John the Baptist the said book and books so to be kept as aforesaid shall, if required, be produced and shown to the justices then and there assembled.

and to be inspected gratis,

Collectors to keep books of their receipts and payments, to be produced at the general quarter sessions.

Commissioners to appoint collectors,

And it is hereby further enacted, that it shall and may be lawful for the said Commissioners and Trustees, or the major part of them, from time to time and at all times during the continuance of this Act, to nominate, choose, and appoint some proper person or persons to be collector or collectors, receiver or receivers, for the said duties hereby granted, and to allow the said collector or collectors, receiver

or

or receivers, for his or their trouble in receiving and paying the same, out of the sum or sums of money to be by him or them received, so much as the said Commissioners and Trustees, or the major part of them, shall think fit, not exceeding one shilling in the pound; and that the said Commissioners and Trustees, or the major part of them, shall take of such collector or collectors, receiver or receivers, so to be chosen, nominated, and appointed as aforesaid, good and sufficient security as well for answering and paying all and every sum and sums of money by him and them respectively received in such manner as the said Commissioners and Trustees, or the major part of them, shall under their hands and seals appoint, and not otherwise, as also for his and their giving and making respectively thereof true accounts in writing as often as required by the said Commissioners and Trustees or the major part of them, of all moneys received, and when, and of all moneys by him or them disbursed respectively, and the times of such disbursements, to whom, and by what order, and also that it shall and may be lawful for the said Commissioners and Trustees, or the major part of them, to meet and assemble from time to time as they shall think proper at least twice in every year, videlicet, one meeting to be some time in the month of May and the other meeting some time in the month of November, notice of such meetings to be fixed in writing on the Change in the town of Lancaster at least five days before the day of such meetings, and to call before them all and every the collector and collectors, receiver and receivers, or any other person or persons by them employed, and then and there to audit, examine, and state the respective accounts of every such collector and collectors, receiver and receivers, and such other person and persons as shall be by them employed, and shall sign the same, and to take, state, and draw up in writing, and sign a true and full account of all and every sum and sums of money by virtue of this Act collected, received, and disbursed not before accounted for, and also to displace or remove any such collector and collectors, receiver and receivers, and appoint others in their room, and also to remove any other person or persons by them employed, when and as often as the said Commissioners and Trustees, or the major part of them, shall think proper.

and to allow them not exceeding 1*s.* in the pound,

and to take security for them.

Commissioners to meet twice in the year,

and to give notice of their meetings;

and to audit all accounts,

and may remove collectors, &c.

And it is hereby further enacted, that it shall and may be lawful for any collector and collectors, receiver and receivers, so appointed as aforesaid, to go on board any ship or vessel in order to take the measure thereof, and to demand, collect, and receive the said duties granted and allowed by this present Act, and for nonpayment of the said duties or for refusing to permit such officer to take the dimensions of such ship or vessel, to seize or distrain the said ship or vessel until due payment thereof, together with reasonable charges for seizing

Collectors to measure ships and demand the duties,

and levy the same by distress and sale.

and distraining such ship or vessel; and if such ship or vessel shall not be redeemed within ten days after the seizing or distraining thereof, the person so seizing or distraining the same may sell so much of the tackle, furniture, and apparel of and belonging to the said ship or vessel as shall be sufficient to answer the duties made payable by this Act, and also the charges of such seizing and distraining such ship or vessel, rendering the overplus of the money (if any be) arising by the sale thereof to the owner or master of such vessel when demanded.

Power given for carriages to pass and repass through the Custom House yard.

And it is hereby further enacted, that it shall and may be lawful for all and every person and persons who shall have any business to transact upon or about the said quay or wharf in the mercantile way or otherwise, and for the benefit of loading and unloading all ships or vessels on the south-west side of the said River Loyne, and he, she, and they respectively shall and may have full and free liberty, power, and authority to pass and repass through the Custom House yard at Lancaster aforesaid, with carts, carriages, and otherwise, as need or occasion shall require, to and from the said quay.

Commissioners may open a road from the Summer Pasture over Lancaster Marsh, for unloading vessels at the Scale Ford.

And it is hereby further enacted, that it shall and may be lawful to and for the said Commissioners and Trustees, for the benefit of unloading any ship or vessel that may come on ground on the Scale Ford, or on the shoals and shallows thereabouts, to open a road from and out of the said Summer Pasture into, upon, and over the common or marsh usually called by the name of Lancaster Marsh, and that it shall and may be lawful for any person or persons in the mercantile way to pass and repass over the said road with carts, carriages, and otherwise, as occasion shall require, to and from the said quay or wharf at Lancaster.

Commissioners may contract for the purchase of the Weigh-house,

and apply the site for making a new quay.

And it is hereby further enacted, that it shall and may be lawful to and for the said Commissioners and Trustees for the time being, or the major part of them, to contract and agree with any person or persons whatsoever possessed of and interested in the building called the Weigh-house, now erected and built and standing and being in part of the Custom House yard, for the purchase of the said building or Weigh-house with the appurtenances, and to use and apply the site and soil of the same in and for the making and erecting the new quay or wharf intended to be made as aforesaid, and to convert and dispose of the materials of the said Weigh-house or building, to and for such purposes as to the said Commissioners and Trustees, or the major part of them, shall seem requisite and expedient.

And in order to enable and empower the said Commissioners and Trustees, or the major part of them, the better to erect a pier or mole at the mouth of the said river, or thereabouts, and to make a place

place or places of safety and security for all ships and vessels that shall put in there, it is hereby further enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners and Trustees, or the major part of them, to contract and agree with any person or persons whatsoever possessed of or interested in any lands, tenements, or hereditaments which shall be adjudged necessary and convenient for the purposes aforesaid, for the sale and disposal of any such lands, tenements, and hereditaments for the uses above mentioned; and that all contracts, agreements, sales, and conveyances which shall be bonâ fide made for the purposes aforesaid shall be good and effectual in law to all intents and purposes whatsoever; and the said Commissioners and Trustees or the major part of them, are hereby empowered to pay the purchase money for such lands, tenements, and hereditaments out of such money as shall be raised, received, or borrowed by virtue of this Act.

Commissioners may purchase lands for the said uses.

And it is also further enacted, that for the better supplying materials and other necessaries for building of the said pier or mole and other intended works at the mouth of the said river, or thereabouts, it shall and may be lawful for the said Commissioners and Trustees, or the major part of them, to dig for or otherwise get stones and other materials in any waste grounds for carrying the said works into execution, and that all stones got in any quarry or place from whence stones have usually been sold shall be paid for by the said Commissioners and Trustees according to the accustomed price paid for the same, and also to treat and agree with any person or persons possessed of or interested in any lands wherein stones and other materials for the purposes aforesaid may be found and discovered, for the digging or otherwise getting and carrying away the same; and in case any such person or persons shall decline or refuse to treat or agree with the said Commissioners and Trustees for getting or digging and carrying away the same, that then and in every such case the said Commissioners and Trustees, or the major part of them, are hereby authorised and empowered from time to time to issue out their warrant or warrants under their hands and seals to the sheriff of the said county palatine of Lancaster for the empannelling, summoning, and returning, and the said sheriff is hereby required accordingly to empannel, summon, and return a jury of twenty-four able and sufficient men of the body of the said county, qualified according to the laws and statutes of this realm to be returned for trials of issues joined in His Majesty's Courts at Westminster, to appear before the said Commissioners and Trustees, or the major part of them, at such time and place as by such warrant or warrants shall be

Commissioners empowered to dig for stones in waste grounds,

or to purchase them from the quarry,

or private grounds;

and if any person shall refuse to treat,

to issue their warrants to the sheriff to empannel a jury, &c.

be appointed, and also to return issues upon every person so empannelled and returned, the sum of forty shillings, which shall be duly estreated and levied; and for default of a sufficient number appearing, such sheriff or his deputy shall return other indifferent men of the standers-by, or that can be most speedily procured, to make up the said jury twelve, and all parties concerned shall and may have their lawful challenges; and the said Commissioners and Trustees are hereby empowered to order the jury to view the lands in question, which jury upon their oaths, to be administered by the said Commissioners and Trustees (which oaths, and also proper oaths to such person and persons giving evidence before them, the said Commissioners and Trustees, or the major part of them, are hereby empowered to administer,) shall inquire into the value of such lands and assess recompenses in value to the owners of such lands as shall be used for or damaged by digging or otherwise getting and carrying away stones or other materials for the purposes aforesaid, and the said Commissioners and Trustees, or the major part of them, shall and are hereby empowered to give judgment for the sum or sums assessed by such jury or juries, which said verdict and judgment thereupon pronounced by the said Commissioners and Trustees, or the major part of them, and the value and recompense so to be assessed and decreed (proper and legal notice being first given of their meeting at least five days before to all parties concerned) shall be binding to all and every party and parties interested in the said land, and all others claiming or that may hereafter claim any title or interest therein by any right or title whatsoever, and such orders or decrees so made as aforesaid shall be set down in writing, under the hands and seals of the Commissioners and Trustees, or the major part of them, and be kept amongst the writings and records of the general sessions of assizes for the said county palatine, and the same or true copies thereof shall be good evidence in any court of law or equity whatsoever.

Jury to view the lands in question, and to be sworn;

their verdict to be final;

and to be in writing under the hands and seals of the Commissioners,

and to be admitted as evidence.

Upon payment of the money, the Commissioners may enter upon the lands, &c.

And it is hereby further enacted, that upon payment of any sum so assessed to the party or parties so interested, or tender thereof made at his or their dwelling-house, or in case he or they shall have no dwelling-house then to the tenant or occupier of such land, and on his or their refusal to accept and receive the same, then on payment of such sum or sums of money into the hands of such person or persons as the said Commissioners and Trustees, or the major part of them, shall appoint for the use of such party or parties so interested as aforesaid, it shall then, and not before, be lawful for the said Commissioners and Trustees, or the major part of them, or their agents or workmen to be appointed for that purpose,

to

to make use of the said lands and to dig for or otherwise get and carry away stones and other materials for erecting and building the said pier or mole at the mouth of the said river or thereabouts, and other intended works and conveniences; and this Act shall be sufficient to indemnify and save harmless as well the said Commissioners and Trustees as all other persons employed or to be employed by them against the said owners and occupiers, and all others claiming or that hereafter shall claim any title or interest in the said lands by any right or title whatsoever.

Commissioners to appoint a person, with a salary,

And it is hereby further enacted, that it shall and may be lawful to and for the said Commissioners and Trustees, or the major part of them, and they are hereby authorised, empowered, and required from time to time to nominate and appoint by writing under their hands and seals a person or persons (to be displaced at pleasure) such as they shall think proper, with an annual salary out of the said duties not exceeding the sum of ten pounds; and such person or persons so to be appointed shall and may and is hereby authorised and empowered from time to time to order and require all and every or any person or persons having the command or rule of any ship or ships, vessel or vessels, entering into or lying within the said river and port of Lancaster, to lie, moor, or ballast the same in such proper place or places of the said port or river as the said person or persons shall order, assign, or direct for that purpose, and in case any person or persons having then the command or rule of any such ship or ships, vessel or vessels, shall neglect or refuse so to do, he and they and each of them for every such neglect or refusal shall forfeit and pay the sum of forty shillings, to be levied, recovered, and applied as is herein-after appointed; and if any person or persons whatsoever shall after the thirtieth day of April one thousand seven hundred and fifty throw or empty any ballast, dust, ashes, stones, or any other sorts of rubbish into the said river, or do any other matter or thing to prejudice or annoy the same, then such party or parties offending shall forfeit and pay the sum of twenty shillings for every such offence.

who shall order the mooring, &c. of ships in the port.

Penalty on masters of ships not obeying such orders.

Penalty on persons throwing rubbish, &c. into the river.

Method of levying and recovering of fines,

And it is hereby further enacted by the authority aforesaid, that all fines, forfeitures, and penalties by this Act imposed and incurred, and whereof the method of levying and recovering is not hereby otherwise provided for and particularly directed, shall be levied and recovered by distress and sale of the offender's goods and chattels by warrant or warrants under the hands and seals of any two or more of the justices of the peace for the said county palatine, which warrant or warrants the said justices are hereby empowered and

required to make and issue upon the information of any one or more credible witness or witnesses upon oath, or the affirmation of a person being a Quaker, which oath or affirmation the said justices are hereby empowered and required to administer and take without fee or reward; and such fines, forfeitures, and penalties when recovered, after rendering the overplus, if any, to the party or parties whose goods and chattels shall be so distrained and sold, the charge of such distress and sale being first deducted, shall go and be applied and laid out, if not otherwise disposed of or applied by force and virtue of this Act, for and towards erecting the said quay and other necessary works aforesaid; and in case such offender or offenders made subject to the fines, forfeitures, and penalties by this Act, hath or have not goods and chattels sufficient for such distress, then it shall and may be lawful to and for such justices of the peace, and they are hereby directed upon return being made, upon oath or affirmation, by the person or persons empowered to make such distress and sale as aforesaid, that such offender or offenders hath or have not goods and chattels sufficient to satisfy such fine or fines, together with the charges, to send the said offender or offenders to the house of correction, there to continue for the space of three months.

and the application of the fines.

For want of distress the offender to be committed

Limitation of Actions.

And it is hereby further enacted, that if any action, suit, or information shall be brought and 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, then and in every such case the action or suit shall be commenced within six months after the cause of action accrued, and not afterwards, and shall be laid and brought in the said county palatine of Lancaster and not elsewhere, and all and every person and persons so sued and prosecuted shall and may plead the general issue and give this Act and the special matter in evidence, and if it shall appear so to be done, or if any action or suit shall be brought after the time limited for bringing the same, or shall be brought in any other county or place, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited or forbear prosecution or discontinue the suit, or if a verdict shall pass against the plaintiff or plaintiffs, or judgment be given against the plaintiff or plaintiffs upon demurrer the defendant or defendants shall and may recover full costs and have such remedy for the same as when costs by law are awarded.

General issue.

Full costs.

And it is hereby further enacted by the authority aforesaid, that this Act shall be taken and construed most beneficially for erecting and building the said quay and all other works intended by this Act, and

and shall be taken and adjudged to be a public Act, and all judges, justices, and other persons whatsoever are hereby required to take notice thereof without specially pleading the same. Public Act.

SCHEDULE.

The SCHEDULE referred to.

For every ship or vessel coming into or going out of the said port of Lancaster, and trading to or from any port or place in Europe within the Straits or Mediterranean Sea, or to or from any port or place in Africa, America, or Greenland, the sum of one shilling for every ton of the burden or tonnage of every such ship or vessel respectively.

For every ship or vessel coming into or going out of the said port, and trading to or from any foreign port or place in Europe (except Ireland, the Isle of Man, and the Straits or Mediterranean Sea) the sum of eightpence for every ton of the burden or tonnage of every such ship or vessel respectively.

For every ship, vessel, barque, or lighter, coming into or going out of the said port, and trading to or from any port or place in Great Britain situate south of Holly Head, or north of the Mull of Galloway, the sum of sixpence for every ton of the burden or tonnage of every such ship, vessel, barque, or lighter respectively.

For every ship, vessel, barque, or lighter, coming into or going out of the said port, and trading to or from any port or place in Ireland or the Isle of Man, the sum of fourpence for every ton of the burden or tonnage of every such ship, vessel, barque, or lighter, respectively.

For every ship, vessel, barque, or lighter, coming into or going out of the said port, and trading to or from any port or place in Great Britain north of Holly Head, or south of the Mull of Galloway, the sum of twopence for every ton of the burden or tonnage of every such ship, vessel, barque, or lighter respectively.

And for every ship, vessel, barque, or lighter, coming in ballast into the said River Loyne, and not lading or unlading within the said port, for every ton one fourth part of the said several rates and duties charged and imposed on any ship, vessel, barque, or lighter, of the same burden or tonnage respectively by this Act.

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