



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. ccxlv.

An Act for defining and extending the Powers of the Trustees of the District and Harbour of *Maryport* in the County of *Cumberland*, and for enabling them to improve the Streets and Buildings within the District, and to sewer and drain the same; to establish Waterworks, Gasworks, and Police; and for other Purposes.

[23d *July* 1866.]

WHEREAS an Act was passed in the Third and Fourth Years of King *William* the Fourth, intituled *An Act for better preserving the Harbour of Maryport, and for lighting and otherwise improving the Township of Maryport, in the County of Cumberland*, whereby certain Powers were conferred on the Trustees acting in execution of that Act, having reference to the Maintenance and Improvement of the Harbour, and the Regulation of Vessels resorting thereto, and to the lighting, watching, cleansing, and sanitary Improvement of the District under the Control of the said Trustees: And whereas it is expedient that the District under the Control of the Trustees should be extended and more particularly defined: And whereas the Powers by the said Act vested in the

3 & 4 W. 4.
c. cxiii.

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Trustees for sanitary Purposes, and for the general Regulation, Improvement, and good Government of the District and of the Harbour, are insufficient, and it is expedient that they should be furnished with the Powers for those Purposes conferred upon like Bodies by modern Acts of Parliament: And whereas it is expedient that the Trustees should be empowered to establish Waterworks and Gasworks, and to supply Water and Gas to the Inhabitants of the District and Places adjacent: And whereas it is expedient to define the Limits of the Chapelry of *Maryport*, and to confirm all Marriages celebrated and Banns published at the Chapel of *Maryport*: And whereas in order to carry out the before-mentioned Purposes it is necessary that the recited Act should be repealed, and that further and other Powers should be granted in lieu thereof; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

PART I.—PRELIMINARY.

Short Title.

1. In citing this Act it shall be sufficient to use the Expression "The *Maryport* Improvement and Harbour Act, 1866."

8 & 9 Vict.
c. 18. and
23 & 24 Vict.
c. 106. in-
corporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act; and the Sections numbered from 25 to 37, both inclusive, of "The Lands Clauses Consolidation Act, 1845," shall apply to the Determination of any Matter by this Act directed to be determined by Arbitration.

Commence-
ment of Act.

3. This Act shall commence on the Fourth *Tuesday* after the passing of the same.

Interpreta-
tion of
Terms.

4. In this Act, and in the Acts incorporated herewith,—

The Expression "the Trustees" means the Trustees for carrying this Act into execution:

The Word "Meeting" includes an adjourned Meeting:

The Expression "the Manor of *Ellenborough*" means the Manor of *Ellenborough* in the Parishes of *Cross Canonby* and *Dearham* in the County of *Cumberland*; and the Expression "the Lord of the Manor" means the Lord of the Manor of *Ellenborough* for the Time being, and includes the Lady of the Manor, and also the Husband of the Lady of the Manor, if she be married;

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The Word "Shipowner" includes any Person having any lawful Share in any Vessel :

The Term "Person" includes an incorporated Company and any Corporation, aggregate or sole :

The Term "Justice" means a Justice of the Peace for the County of *Cumberland* :

The Term "Two Justices" means Two or more Justices assembled and acting together in Petty Sessions, or any Stipendiary Magistrate acting in and for any Part of the District :

The Term "Court of Quarter Sessions" means the Court of General or Quarter Sessions for the County of *Cumberland* :

The Term "Street" includes the whole or any Part of any public Square, Street, Highway, Road, Lane, Carriageway, Bridge, Thoroughfare, Footway, Pathway, Court, Quay, Wharf, or Pier made before or after the Commencement of this Act :

The Term "Court" means the whole or any Part of any Court, Alley, Entry, Passage, Yard, Way, or Place made before or after the Commencement of this Act, and used with or appurtenant to Two or more Dwelling Houses :

The Term "Owner" means the Person who for the Time being receives the Rackrent of the Lands with reference to which that Term is used, or who would so receive the same if such Lands were let at a Rackrent, and includes every successive Owner from Time to Time of such Lands for any Part of the Time during which the Enactment wherein that Term is used operates in relation to such Lands :

The Term "Occupier" means the Person for the Time being in actual Occupation or Possession of the Lands with reference to which that Term is used :

The Term "Drain" means any Drain, Pipe, Channel, or Gutter made or used for the Drainage of One Building only, or of Buildings or Lands within the same Curtilage :

The Term "Sewer" means a Culvert or Channel for the Passage of Water, Sewage, or Refuse, not being a Drain as hereinbefore defined :

The Term "Water Rent" includes every Sum of Money payable to the Trustees for a Supply of Water :

The Term "Gas Rent" includes every Sum of Money payable to the Trustees for a Supply of Gas :

The Term "Slaughter-house" includes a Knacker's Yard, and any Building or Place used for slaughtering Animals for Sale :

The Term "Cart" includes any Vehicle made or used for the Conveyance of Goods, Articles, Commodities, or Chattels in any Street :

The Term "Carriage" includes any Vehicle of what Nature soever made or used for the Conveyance of Persons in any Street :

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The Term "Driver" means the Driver, Conductor, or Carter of any Cart or Carriage :

The Terms "Superior Courts" and "Court of competent Jurisdiction" shall have Effect as if the Debt or Demand with respect to which that Term is used was an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute :

In any Case where the Interpretation of any Word or Expression as given in this Act shall vary from the Interpretation of the same Word or Expression as given in any Act incorporated herewith, the Interpretation given in this Act shall prevail.

Where stated
Date falls on
Sunday,
Business to
be transacted
on the
Monday
following.

5. In every Case where under the Provisions of this Act any Act is to be done, any Business transacted, or anything to take place upon a stated Date, and such Date shall happen to fall upon a *Sunday*, the Act shall be done, or the Business shall be transacted, or the Thing shall take place, on the following *Monday*.

Repeal of
existing Act.

6. From and after the Commencement of this Act the said Act of the Third and Fourth Years of His Majesty *William* the Fourth, Chapter One hundred and thirteen, shall be repealed.

Repeal of
Act not to
affect exist-
Rights, &c.

7. Such Repeal shall not affect—

The Right, Title, Estate, or Interest of the Trustees, or of the Lord of the Manor of *Ellenborough*, to or in any Lands or Real or Personal Estate or Effects of what Nature or Kind soever, or to or in any Easements, Rights, Privileges, or Authorities which accrued before the Commencement of this Act :

Any Rates, Rents, Debts, Penalties, Forfeitures, or Liabilities due, payable, or incurred, or any Monies owing, by or to the Trustees, or the Lord of the Manor of *Ellenborough*, before the Commencement of this Act :

Any Contracts, Engagements, Orders, or Directions entered into, made, or given by or with the Trustees, or by or with the Lord of the Manor of *Ellenborough*, or for or in their or either of their Behalf, or in which they or either of them were interested, before the Commencement of this Act :

Any Security duly given or anything duly done before the Commencement of this Act :

Any Byelaw, Regulation, Licence, Appointment, Nomination, or Election duly made or granted under the Act hereby repealed, and subsisting at the Time of the Commencement of this Act ; and such Byelaws and Regulations shall continue in force for Six Months after the Commencement of this Act, unless they be sooner repealed, altered, or varied under the Powers of this Act ; and no Action, Suit, or other Proceeding of what Kind soever either by or against the Trustees, or the Lord of the

Manor

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Manor of *Ellenborough*, before the Commencement of this Act, shall abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Trustees and the Lord of the said Manor in the same Manner to all Intents and Purposes as if this Act had not passed.

8. All Books and Documents shall be receivable in Evidence as if this Act had not been passed. Books, &c. to be Evidence.

9. The Clerk, Harbour-master, and all other Officers and Servants properly appointed under the Act hereby repealed, or in the Employment of the Trustees at the Time of the Commencement of this Act, shall hold and enjoy their respective Offices and Employments until they shall resign the same, or be removed therefrom by the Trustees, and shall have the same Powers, Privileges, and Authorities for carrying this Act into execution, and (together with their Sureties) shall be subject to the same Liabilities, Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under the Authority of this Act. Present Officers to continue.

10. The District within which the Trustees shall have Authority for Improvement Purposes shall comprise all Harbours, Docks, Basins, Piers, and other Works of the Trustees, whether existing or authorized by this Act, and all that Part of the Parishes of *Cross Canonby* and *Dearham* in the County of *Cumberland* comprised within the Limits following; (that is to say,) Description of the District for Improvement Purposes.

Such Limits to commence at Low-water Mark of the Sea of High Spring Tides, and to proceed from thence in a straight Line, or nearly so, by and along the Boundary Line dividing the Township of *Ellenborough* and the Parish of *Flimby* up to the Inside Fence on the North-west Side of the Turnpike Road leading from *Maryport* to *Workington* where the said Boundary Line crosses that Road, and to proceed from thence in a North-easterly Direction along the Inside of the Fence of the said Turnpike Road, on the North-west Side thereof, to the Junction of that Road with the Highway leading from *Ellenborough* to *Glasson* and the South Side of the Harbour of *Maryport*, crossing the said Highway, and from thence in a North-eastwardly Direction by and along the Inside of the Fence of the aforesaid Turnpike Road on the North-west Side thereof, to a Street called *Station Street*, crossing that Street, and thence in a North-eastwardly Direction by and along the Inside of the Fence of the aforesaid Turnpike Road, on the North-west Side thereof, to or near to *Ellen Bridge* which crosses the River *Ellen* near to the *Ellen Bridge* Toll Gate, and thence in a North-westwardly Direction by and along the Inside of the

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South-

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South-west Fence of the aforesaid Turnpike Road to *Curzon Street*, crossing that Street to the North-west Corner thereof, and across the said Turnpike Road in a North-eastwardly Direction by and along the Inside of the Fence of the Turnpike Road leading from *Maryport* to *Wigton* and *Carlisle*, on the North-west Side of the said Turnpike Road, to a Point where the Occupation Road called the *Bankend Road* communicates with the last-mentioned Turnpike Road, and thence along the Inside of the Boundary Fence of the said Occupation Road on the West Side thereof to the End of the said Road, passing the South Corner of the Buildings forming the Homestead of *Bankend Farm*, and thence in a North-westwardly Direction to the Low-water Mark of the Sea, and thence to proceed along Low-water Mark of High Spring Tides, terminating at the Point hereinbefore described as the Commencement of the said Limits:

The whole of which District is defined by a Line coloured Red on a Plan signed by the Chairman of the Committee of Ways and Means of the House of Commons, and deposited with the Clerk of the Peace of the County of *Cumberland*; and the Word "District" when used in this Act shall mean the District above described, and the District shall be called "the District of *Maryport*."

PART 2.—THE TRUSTEES.

10 & 11 Vict.
c. 16. in-
corporated.

11. "The Commissioners Clauses Act, 1847," save so far as the Sections thereof are by this Act varied, shall be incorporated with this Act, with the Exception of the following Sections; (that is to say,)

The Section numbered 17 relating to the Rotation of the Commissioners:

The Section numbered 20 relating to the Manner of making the Rotation Lists:

The Section numbered 24 relating to the Scale of Votes:

The Section numbered 28 relating to the Mode of voting at Elections:

The Section numbered 45 relating to the holding of Special Meetings:

The Sections numbered from 75 to 84, both inclusive, with respect to Mortgages:

Provided, that the said Act shall be read as if the Words "Commissioners" and "Commissioner" when they occur therein were "Trustees" or "Trustee," as the Case may be: Provided also, that none of the Sections of that Act with respect to the Election and Rotation of the Commissioners shall apply to the Trustees appointed by the Lord of the Manor.

12. The

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12. The Persons who immediately before the Commencement of this Act shall be acting as Trustees for carrying into execution the Act hereby repealed shall, until other Trustees shall have been appointed and elected in the Manner in this Act provided, be the Trustees for carrying this Act into execution.

Incorporation of Trustees.

13. On the Third *Tuesday* after the Commencement of this Act the Trustees (except the Lord of the Manor who shall always be a Trustee) shall go out of Office, and on the same Day Five Persons shall be appointed by the Lord of the said Manor, and Twelve Persons shall be elected by the Inhabitants of the District in the Manner in this Act provided to act as Trustees for carrying this Act into execution; and such Trustees shall, under the Name of "the Trustees for the District and Harbour of *Maryport*," be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and may sue and be sued in their Corporate Name.

Appointment and Election of Trustees.

14. The Trustees appointed by the Lord of the Manor shall continue in Office until the First *Tuesday* in *August* in the Year One thousand eight hundred and seventy, and shall then go out of Office, and the Lord of the Manor shall on that Day and on the same Day in every succeeding Fourth Year, by Writing under his Hand, appoint Five Persons (the Persons going out of Office being eligible for Re-appointment) to act as Trustees for carrying this Act into execution: Provided, that if at any Time for the Space of Fourteen Days after the Day on which any such Appointment ought to have been made the Lord of the Manor shall neglect to make such Appointment, the Persons who have been last appointed Trustees by the Lord of the Manor shall continue in Office for the further Term of Four Years from the Day on which such Appointment ought to have been made.

Term of Service of Lord's Trustees.

15. Whenever any Trustee appointed by the Lord of the Manor shall die, resign, or refuse or become incapable to act, or shall cease to be a Trustee from any Cause, the Lord of the Manor shall within Six Months after the happening of such Vacancy, by Writing under his Hand, appoint some duly qualified Person to act as a Trustee in his Place, and every Trustee so appointed shall continue in Office only so long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Mode of supplying Vacancies in Lord's Trustees.

16. No Person shall be entitled to vote at any Meeting of the Inhabitants of the District for the Election of Trustees unless he shall be assessed to the District Rate of the said District to the Amount of

Qualification of Electors of Trustees.

Five

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Five Pounds *per Annum* at the least, and shall have resided within the said District for the Space of Twelve Months at least prior to the Day of Election, or be possessed in his own Right of Sixteen Sixty-fourth Shares in some One Vessel belonging to the Port of *Maryport* of between Fifty and One hundred Tons Register at the least, or of Eight Sixty-fourth Shares in some One Vessel belonging to the said Port of *Maryport* of between One hundred and Two hundred Tons Register at the least, or of Four Sixty-fourth Shares in some One Vessel belonging to the said Port of Two hundred Tons Register at the least, and have been possessed of such Shares for Twelve Calendar Months at least prior to the Day of Election, or unless the Dues payable under this Act in respect of any such Vessel shall have been fully paid and satisfied.

Qualification
of Trustees.

17. No Person, except the Lord of the Manor and One of the Trustees to be from Time to Time appointed by him, shall be eligible or capable of acting as a Trustee unless he shall reside within the District, or within Five Miles of the Boundary thereof, and shall, in addition to such Residence, be possessed of One of the following Qualifications; (that is to say,)

- (1.) Shall be in his own Right or in right of his Wife in the actual Possession of or in the Receipt and Enjoyment of the Rent of Land which shall be assessed to the Rates made for the Relief of the Poor to the Amount of Fifty Pounds *per Annum* at the least:
- (2.) Shall be possessed of Personal Estate of the Value of One thousand Pounds at the least:
- (3.) Shall occupy a Dwelling House within the District which shall be assessed to the District Rate to the Amount of Fifteen Pounds *per Annum* at the least:
- (4.) Shall be possessed of Sixteen Sixty-fourth Shares in some One Vessel belonging to the Port of *Maryport* of between One hundred and Two hundred Tons Register at the least:
- (5.) Shall be possessed of Eight Sixty-fourth Shares in some One Vessel belonging to the Port of *Maryport* of between Two hundred and Three hundred Tons Register at the least:
- (6.) Shall be possessed of Four Sixty-fourth Shares in some One Vessel belonging to the Port of *Maryport* of Three hundred Tons Register or upwards.

Declaration
to be made
by elected
Trustees.

18. No Trustee elected by the Inhabitants shall be capable of acting until he has made and subscribed the Declaration in the Schedule (A.) to this Act annexed, and any Person making such Declaration, or any Portion of it, knowing the same to be false, shall be deemed guilty of a Misdemeanor.

19. No

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19. No Licensed Victualler shall be eligible or capable of acting as a Trustee.

Licensed
Victuallers
not to be
Trustees.

20. The Production of the District Rate or of the Poor Rate (as the Case may be) in force for the Time being, or of a certified Copy thereof respectively, showing that he is assessed to the Amount required by this Act, shall be sufficient Evidence of the Qualification of any Person whether Trustee or Elector whose Qualification depends on Property; and the Production of a Certificate by the Collector of Customs for the Port of *Maryport*, setting forth that he has the Qualification as a Shipowner required by this Act, shall be sufficient Evidence of the Qualification of any Person whether Trustee or Elector whose Qualification depends on his being a Shipowner; and the presiding Officer at the Poll at any Election of Trustees under this Act may, if he think fit, or if he be required so to do by any Person entitled to vote at such Election, require the Production of such Certificate from any Person claiming to vote at such Election.

Evidence of
Qualification
of Trustees
and Voters.

21. With respect to voting at Elections of Trustees to be elected by the Inhabitants of the District, the following Provisions shall take effect; (namely,)

Mode of
voting at
Elections of
Trustees.

- (1.) At every Election the voting shall commence at Nine o'Clock in the Forenoon of the Day fixed for the Election, and shall finally close (unless in case of Riot or Obstruction) at Four o'Clock in the Afternoon:
- (2.) Every Voter shall be entitled to vote for the Number of duly qualified Persons required to supply Vacancies among the Trustees:
- (3.) No Voter shall be entitled to vote until he shall have delivered to the presiding Officer at the Poll a Voting Paper signed by himself, and containing a Description of his Qualification, and the Names of the Persons for whom he intends to vote, and the Poll Clerk shall upon its Delivery as aforesaid openly record such Vote; and such Voting Paper may be in the Form in the Schedule (B.) to this Act, or to the like Effect, or in such other Form as the Trustees may from Time to Time prescribe, and shall be carefully preserved by the presiding Officer:
- (4.) At every Election the presiding Officer shall, if he thinks fit, or if he be required so to do by any Person entitled to vote at such Election, put to any Voter at the Time of delivering in his Voting Paper the following Questions, or either of them:

1. Are you the Person described in this Description of Qualification?
2. Do you possess the Qualification herein described?
3. Have you already voted at this Election?

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And

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And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he has answered the same; and if any Person wilfully make a false Answer to either of such Questions, and if any Person shall make any false Declaration touching his Qualification as a Voter, he shall be deemed guilty of a Misdemeanor: Provided always, that until it shall, by the Majority of the Voices of the Electors present at a Meeting specially convened for the Purpose of considering in what Manner the Votes at Elections of Trustees shall be taken, be resolved that such Votes shall be taken in the Manner prescribed in this Section, such Votes shall continue to be taken in the Manner heretofore accustomed, and no other; and the Trustees shall provide the Means for conducting such Elections accordingly, and may prescribe Rules with reference thereto, and the Provisions contained in the First, Second, and Fourth Paragraphs of this Section shall be applicable to such Election.

Clerk to
Justices to
be Returning
Officer.

22. At every Election of Trustees under this Act the Clerk for the Time being to the Justices acting at the Petty Sessions of the Peace holden at the public Office, *Maryport*, in and for the Petty Sessional Division of *Derwent* Division, shall preside and be the Returning Officer.

First and
Annual
Meetings of
Trustees.

23. The First Meeting of the whole Body of Trustees appointed and elected under the Provisions of this Act shall be on the Fourth *Tuesday* after the Day appointed for the Commencement of this Act, and they shall hold an Annual Meeting on the First *Tuesday* in the Month of *August* in each Year.

As to the
holding of
Special
Meetings.

24. The Chairman for the Time being of the Trustees, or any Three or more of the Trustees, may at any Time require a Special Meeting of the Trustees to be held, but no such Meeting shall be held at the Requisition of the Chairman unless Twenty-four Hours Notice thereof shall have been given to each of the Trustees; and no such Meeting shall be held at the Requisition of Three or more of the Trustees unless Forty-eight Hours Notice thereof shall have been given to each of the Trustees.

Rotation of
elected
Trustees,

25. The Trustees elected by the Inhabitants of the District shall meet as soon as conveniently may be after their Election, and either by Agreement or by Lot divide themselves into Four Sections; the Trustees comprised in the First Section shall retire from Office on the First *Tuesday* in the Month of *August* One thousand eight hundred and sixty-seven, those in the Second Section on the First *Tuesday* in the Month of *August* One thousand eight hundred and sixty-eight, those in the Third Section on the First *Tuesday* in the
Month

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Month of *August* One thousand eight hundred and sixty-nine, and those in the Fourth Section on the First *Tuesday* in the Month of *August* One thousand eight hundred and seventy, and on the First *Tuesday* in the Month of *August* in every succeeding Year the Three Trustees who shall have been longest in Office shall retire therefrom, and on every such periodical Retirement Three duly qualified Persons shall, in the Manner in this Act provided, be elected to supply the Vacancies.

26. Notwithstanding anything contained in the said "Commissioners Clauses Act, 1847," the Lord of the Manor shall not be disqualified to act as a Trustee, or cease to be a Trustee, or be liable to any Penalty, by reason of being concerned in or participating in any Manner in any Contract between himself and the Trustees or any Persons on their Behalf, or in the Profit of such Contract, or of any Work to be done under the Authority of this Act; and any such Contract shall be as good and valid as if made between Persons by Law competent to contract: Provided always, that the Lord of the Manor shall not at any Meeting of the Trustees, or any Committee of the Trustees, be capable of voting upon any Question in which he shall be so interested as aforesaid.

Trustees not to be disqualified by reason of Interest in Contracts with the Trustees.

PART 3.—IMPROVEMENT OF THE DISTRICT.

27. "The Towns Improvement Clauses Act, 1847," save so far as the same is by this Act varied, shall be incorporated with this Act, with the Exception of the following Sections; (that is to say,) 10 & 11 Vict. c. 34. incorporated.

The Sections with respect to the Officers to be appointed by the Commissioners:

The Sections with respect to Plans of the District within the Limits of the Special Act, and of the Works to be executed under the Powers of that and the Special Act:

The Sections with respect to making and maintaining the public Sewers:

The Sections numbered 51, 53, 54, and 55 with respect to the paving of Streets:

The Sections with respect to laying out new Streets:

The Sections with respect to Objections to the Works to be constructed by or subject to the Approval of the Commissioners:

The Sections with respect to the Prevention of Smoke:

The Sections with respect to the Construction of Houses for the Prevention of Fire:

The Sections with respect to supplying Buildings with fresh Air:

The Sections numbered 113, 114, and 115 with respect to the Occupation of Cellars as Dwellings:

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The Sections with respect to lighting the Town or District :

The Sections with respect to the Supply of Water :

The Sections with respect to Slaughter-houses :

The Sections with respect to Things to be done by the Commissioners by special Order only :

The Sections with respect to ensuring the Execution of the Works by that or the Special Act required to be done by the Owners or Occupiers of Houses or Lands :

The Sections with respect to the Rates directed by that Act to be made for Sewers, Drains, and private Improvements :

The Section numbered 167 with respect to the levying of Rates :

The Section numbered 172 with respect to the Form of the Rate :

The Section numbered 179 with respect to levying the Sewer Rate on the Owner of unoccupied Property :

The Section numbered 181 with respect to rating the Owners of Property in certain Cases :

The Sections with respect to the Appeal to be made against any Rate :

The Sections numbered 191, 192, 196, 197, and 198 with respect to the Recovery of Rates :

The Sections numbered 157 and 158, with respect to Appeals to the Quarter Sessions, of "The Railways Clauses Consolidation Act, 1845," incorporated with the said "Towns Improvement Clauses Act, 1847 :"

The Sections with respect to Byelaws :

Provided that the said Towns Improvement Clauses Act shall be read as if the Words "Commissioners" and "Commissioner," when they occur therein, were "Trustees" or "Trustee," as the Case may be.

Sewers and Sanitary Provisions generally.

Sewers and
other Works
vested in
Trustees.

28. All existing and future public Sewers and Drains within the District, and all existing and future Sewers and Drains in and under the Streets, with all the Works and Materials thereunto belonging, whether made or provided at the Cost of the Trustees or otherwise, and the entire Management of the same, with the Appurtenances, shall vest in and belong to the Trustees, and the Trustees shall maintain, keep in repair, cleanse, and flush the same.

Power to
construct
Sewers.

29. The Trustees may from Time to Time make under the Streets the Sewers necessary for the effectual Drainage of the District, and convert any open Drains or Watercourses into Sewers, and construct all Works necessary for cleansing or flushing Sewers, and, if needful, they may carry Sewers through and across underground Cellars and Vaults under Streets, and they may, so that they do not thereby create a Nuisance, continue Sewers to the most convenient Outfall for the same, or to the most convenient Site for the Collection
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of Sewage, and the Disposal thereof for agricultural or other Purposes or otherwise; and if for effecting any of the Purposes aforesaid it is expedient to carry or construct any Works through, under, or upon any Lands within or beyond the District, the Trustees may so carry or construct the same accordingly, and remove all Obstructions therefrom or thereunder.

30. The Trustees may from Time to Time, as they see fit, enlarge, alter, divert, and otherwise improve all or any of the Sewers vested in them, and if any such Sewer at any Time appears to them to have become useless they may, if they think fit, demolish and discontinue it, but not so as to create a Nuisance; and if by reason of the Exercise of the Powers of the present Section any Person is deprived of the lawful Use of any Sewer, the Trustees shall provide some other Sewer or Means of Drainage as effectual for his Use as that of which he is so deprived.

Power to
enlarge or
demolish
Sewers

31. If the Owner or Occupier of any Lands is injuriously affected by the Exercise of the Powers relative to Sewers by this Act conferred on the Trustees they shall pay to him Compensation in respect thereof.

Compensa-
tion for
Works con-
nected with
Sewers.

32. If any Sewer hereafter to be made by or at the Expense of the Owners of Buildings or Lands within any Street shall be connected with, or emptied into, or obtain an Outlet by means of any existing or future Sewer, the Cost of which shall have been defrayed either wholly or partially by the Trustees, they may charge such Owners for such Connexion or Outlet any Sum not exceeding Ten *per Centum* upon their respective proportionate Parts of the Expense of making such first-mentioned Sewer, and the Trustees shall have the same Benefit of Charge and the same Means of Recovery of such Sum as they are entitled to in respect of any Works executed by them under the Provisions of this Act.

Owners of
Sewers ob-
taining Out-
lets by other
Sewers to
contribute to
Expenses.

33. If any Person not authorized in Writing by the Trustees makes any Sewer or Drain into any Sewer or Drain of the Trustees, he shall be liable to a Penalty not exceeding Five Pounds, and the Trustees may cause such Sewer or Drain to be remade as they think fit, and may recover from the Offender the Expense of so doing.

Penalty for
making un-
authorized
Drains.

34. No Building shall be erected over any Sewer belonging to the Trustees without their Consent first obtained in Writing, and all Vaults, Arches, and Cellars lawfully made under any Street shall be substantially made, and so as not to interfere or communicate with any Sewer of the Trustees; and if after the Commencement of this Act any Building is erected, or any Vault, Arch, or Cellar is made, contrary to the Provisions herein contained, the Trustees may demolish

Buildings
over Sewers
not to be
made with-
out Consent
of Trustees.

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or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

Sewers may be made by Owners and Occupiers of Land beyond District.

35. Any Person being the Owner or Occupier of any Lands outside the District in respect of which he would not be liable to the Payment of Rates under this Act may, with the Consent of the Trustees first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of their Surveyor, cause to branch into and to communicate with any of the Sewers of the Trustees any Sewer or Drain in respect of the said Property that may be lawfully made therefrom of such Size, and in such Manner and Form of Communication, as the Trustees approve; but nothing in this Act shall affect any Right acquired by such Owner or Occupier independently of this Act to use any Sewer or Drain of the Trustees.

Penalty on throwing Rubbish into Sewers.

36. If any Person throws or permits to fall into any Sewer or Drain any Cinders, Ashes, Bricks, Stone, Earth, or other like Substance he shall be liable to a Penalty not exceeding Forty Shillings.

All Sewers, &c. to be covered with Traps.

37. All Sewers and Drains, whether public or private, shall be provided by the Trustees or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench.

Drains, Privies, &c. to be under Control of Trustees.

38. All Drains, Privies, Ashpits, and Cesspools shall be under the Survey and Control of the Trustees, and shall be altered, repaired, and kept in proper Order at the Expense of the Owners of the Lands and Buildings to which the same belong, or for the Use of which they are constructed or continued.

Connexions of Drains with Sewers.

39. The Trustees may by Notice require the Owner of any Building, or of any Lands within the Curtilage of any Building, in their Opinion insufficiently drained, to construct a Drain in such Position, of such Size, and of such Materials, and at such Levels as may seem to them sufficient for the Purpose of effectually draining the same; and if the Trustees have a suitable Sewer, or the Right to use such a Sewer, within One hundred Feet from such Building, or the Boundary of such Lands, they may require such Owner to connect such Drain with such Sewer, or if they have not any suitable Sewer or Right to use such a Sewer within that Distance then to connect such Drain with some proper Receptacle, not being underneath any House, and not being at a greater Distance than the Limit aforesaid, and the Owner shall keep such Drain in repair, and from Time to Time
cleanse

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cleanse the same to the Satisfaction of the Trustees: Provided that nothing in this Section shall make it obligatory on any such Owner to acquire any Land or Easement for the Purpose of constructing any Drain or Receptacle, or of connecting any Drain with any Sewer.

40. Where in the Opinion of the Trustees there is reasonable Ground to believe that the Drainage of any Building, or of any Lands within the Curtilage of any Building, is defective, and in any Case where the Drains from any Building or Lands pass through any other Building or Lands, the Trustees may, between the Hours of Nine o'Clock in the Morning and Four o'Clock in the Evening, enter upon and inspect any such Building or Lands, and, if need be, make such Excavations or Examination thereon or therein as they think fit, with a view of ascertaining the State of the Drainage thereof, and of any Privy, Ashpit, or Cesspool belonging thereto or used by the Occupiers thereof, doing as little Damage as possible; and if upon such Inspection the same be found satisfactory, the Trustees shall reinstate the Premises, and shall make Compensation for any Injury occasioned by the Exercise of such Powers; but, except in Cases of urgent Necessity, no such Entry and Inspection shall be made, save with the Consent of the Occupier or Person in charge of the Premises, or with the Authority in Writing of a Justice, which Authority any Justice may give.

Power to enter and inspect Premises, to ascertain State of Drainage, &c.

41. The Trustees may order the Occupier of any Inn, Public House, Beer House, Eating House, Cook Shop, or other Place of public Entertainment built before or after the Commencement of this Act to provide and maintain upon his Premises, or some public Place adjoining thereto, Urinals to their Satisfaction; and if any Person fails in any respect to comply with the Provisions of the present Section he shall be liable to a Penalty not exceeding Five Shillings for every Day during which such Failure continues after the Expiration of Fourteen Days from the Service of such Order on him; and the Trustees may order the Owner and Occupier of any Building or Lands to remove any Urinal belonging thereto where it appears to them so situated or constructed as to be a Nuisance, or offensive to public Decency, or otherwise objectionable.

Urinals attached to Public Houses, &c.

42. If any Nuisance or Annoyance to the Inhabitants of the District arises or exists in or upon any Building or the Curtilage thereof situated partly within and partly without the District, the Trustees shall have, in respect of such Building and Curtilage and the Owner and Occupier thereof, such and the like Powers as they would have had if the whole of such Building and Curtilage had been within the District.

Power to deal with Nuisance on Premises partly within and partly without the District.

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Restrictions
on Use for
Dwellings of
underground
Places.

43. For preventing the Use for Human Habitation of underground Places unfit for that Purpose the following Provisions shall take effect; namely,

- (1.) It shall not be lawful for any Person to let, or suffer to be occupied, or to occupy, as a separate Dwelling, any Cellar, Vault, or underground Room not so let or occupied before the Commencement of this Act; and if any Person acts in any respect in contravention of the present Provision he shall be liable to a Penalty not exceeding Ten Pounds:
- (2.) In case at any Time after the Commencement of this Act it appears to the Trustees that any Cellar, Vault, or underground Room occupied as a separate Dwelling, having been so occupied before the Commencement of this Act, is unfit for Human Habitation, regard being had to the Mode of its Construction and its Condition, or to the Supply or Want of sanitary or other Conveniences to be used therewith, they may, by Order served on the Owner and Occupier thereof, order that the Occupation thereof as a separate Dwelling be from the Expiration of One Month from the Service of such Order discontinued:
- (3.) If any Owner appeals against any such Order, the Occupation as a separate Dwelling of the Cellar, Vault, or underground Room to which the Order relates need not be discontinued until the Expiration of Fourteen Days after the Confirmation of the Order of the Trustees, unless such Appeal ceases to be prosecuted:
- (4.) If any Person lets, or knowingly suffers to be occupied, or occupies, as a separate Dwelling, any Cellar, Vault, or underground Room after the Time when the Occupation thereof as a separate Dwelling ought to be discontinued according to the Provisions of this Act, he shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which the Offence continues; but any Owner shall not be liable to such Penalty in respect of any Time after he has given Notice to his Tenant to quit and deliver up Possession of such Cellar, Vault, or underground Room, and has ceased to receive or claim any Rent for the Hire or Occupation thereof; and the Burden of proving such Notice, and that he has ceased to receive or claim any Rent as aforesaid, shall be on the Owner:
- (5.) Upon the Application of the Trustees, and Proof of the Order for the Discontinuance of the Occupation as a separate Dwelling of any such Cellar, Vault, or underground Room, and Proof that no Appeal in relation thereto is pending, any Justice may order the Occupant of such Cellar, Vault, or underground Room to be removed, and any Constable may enter

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enter therein, and do or assist in doing all Matters and Things necessary for that Purpose; and in the event of Access thereto for that Purpose being refused, any Justice may grant a Warrant for forcibly entering therein, and if any Person resists or wilfully obstructs any Constable in the Execution of his Duty under the present Section he shall be liable to a Penalty not exceeding Twenty Pounds.

44. It shall not be lawful for any Person to suffer any Lodgers to use as a Sleeping Room any Room in any House belonging to or occupied by him unless there are in such Room Four hundred Cubic Feet of Space at least for every Person at any Time using it as a Sleeping Room; and if any Person offends against this Enactment he shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Twenty Shillings for every Day in which such Offence continues.

Quantity of
Air for
Lodgers.

Streets and Highways.

45. The Trustees may from Time to Time cause all or any of the Streets under their Management to be paved, flagged, macadamised, or otherwise completed, maintained, and repaired, and the Ground or Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as they think fit, and may pave, make, and repair with such Materials and in such Manner as they think fit any Footways for the Use of Passengers in any such Street, making Compensation to any Person sustaining any Damage by reason of the Ground or Soil of any Street being raised, lowered, or altered.

Power to
pave Streets.

46. If at any Time any Street (not being a Highway repairable by the Inhabitants at large) formed, set out, or laid out either before or after the Commencement of this Act shall not be sewered, drained, levelled, flagged, and paved, or macadamised, to the Satisfaction of the Trustees, they may at any Time and from Time to Time order that it be freed from Obstruction, sewered, drained, levelled, flagged, paved, and macadamised, and otherwise completed, with such Materials, at such Levels, with such Inclinations, and with Sewers and Drains of such Dimensions, and that the Soil thereof be raised, lowered, or altered in such Manner and within such Time, as the Order shall direct, and thereupon the respective Owners of the Buildings and Lands in such Street shall, at their own respective Expense, remove all Obstructions in or from or under, and sewer, drain, and level, flag, pave, macadamise, and otherwise complete, such Street within the Time and in the Manner prescribed in the Order.

Power to
cause certain
Streets and
Courts to be
sewered and
paved by
Owners.

[*Local.*]

37 S

47. Every

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Publication of Orders for sewerage and paving Streets.

47. Every such Order shall be published once in each of Two successive Weeks in some Newspaper circulating in *Maryport*, and shall be publicly posted in the Street to which it relates once at least in each of Three successive Weeks; and such Publication thereof shall be sufficient Notice to all Owners, Lessees, Tenants, Occupiers, and others interested in any Buildings or Lands in such Street.

If Owner neglect to sewer and pave, Trustees may do the Work at his Expense.

48. If any of the Works required to be done by any such Order be not commenced within One Month after the last Publication of such Order as aforesaid, or if at any Time such Works be not duly proceeded with, or if any such Works be not completed within the Time and in the Manner expressed in such Order, the Trustees may remove all Obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamise, or otherwise complete, such Street, or such Part thereof as shall not have been done in accordance with such Order, in such Manner as they shall think fit, and may charge the Owners of Buildings and Lands situate within such Street respectively with the Charges and Expenses thereof or incidental thereto in proportion to and according to the Extent of the Frontage of their respective Buildings and Lands within such Street, such proportionate Parts to be ascertained and settled by or under the Direction of the Trustees; and all such Charges and Expenses shall be paid to the Trustees by such Owners respectively on Demand, with Interest thereon, to be computed from the Time of such Demand, at such Rate as the Trustees may from Time to Time determine: when such Charges and Expenses have been settled and apportioned as aforesaid, such Apportionment shall be binding and conclusive upon all Parties, unless the same shall be by written Notice disputed within One Month from the Time of Notice being given by the Trustees of such Apportionment, but no such Owner shall be liable to be charged for the Repair of any public Highway which may cross such Street; and the Expense occasioned by making any Sewer of a larger Size, or with Materials other than would be necessary merely for the Purpose of the Drainage of such Street, or of the Buildings or Lands therein (such Expenses in case of Dispute to be ascertained and settled by Arbitration), shall be paid by the Trustees.

Unoccupied or unproductive Land may be let to defray Expenses of sewerage, &c.

49. If any Land within any such Street shall be unoccupied or unproductive, and the Owner thereof shall for the Space of Six Months neglect or refuse to contribute or pay his Proportion of the Charges and Expenses of freeing from Obstruction, sewerage, draining, levelling, flagging, paving, macadamising, or otherwise completing such Street, and the Interest thereon, or if such Owner shall be bankrupt, or, after due Inquiry, shall be unknown to the Trustees, or cannot be found, then in any of the said Cases the Trustees may, at or after the Expiration of One Month's Notice to that Effect affixed to or placed on

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on the said Land, take possession of such unoccupied or unproductive Land, and enclose or fence off, occupy or let, the same or any Part thereof for any Term not exceeding Seven Years; and the Rents of such Land shall be paid to the Trustees, who shall therewith in the first place pay the Expense of such enclosing, fencing, and letting, and in the next place pay the Sum due from such Owner for his Share of the Charges and Expenses of freeing from Obstruction, sewerage, draining, levelling, flagging, paving, macadamising, or otherwise completing such Street, with Interest thereon as aforesaid, and after Payment thereof shall retain the Surplus, if any, of such Monies for the Owner of such Land, or his Assignees or other legal Representatives, and such Surplus, while in the Hands of the Trustees, shall be liable to any further Payments which may become due from the same Owner in respect of the same or any other unoccupied or unproductive Land belonging to him and situated within such Street, or any other Street which may be freed from Obstruction, sewered, drained, levelled, flagged, paved, macadamised, or otherwise completed by Order of the Trustees, and (subject to such Liabilities) to the Payment from Time to Time of any Chief Rent due in respect of such Land.

50. The Trustees may, by Deed under their Common Seal, lease such unoccupied or unproductive Land, or any Part thereof, for such Term not exceeding Seven Years as shall be agreed upon between the Trustees and the Lessee, and may appoint some Person to deliver Possession of such Land to such Lessee, and every such Lease shall effectually vest the legal Estate in possession of the Land comprised therein in the Lessee therein named for the Term thereby expressed to be granted, and shall give such Lessee a good Title thereto against the Owner thereof, and the Owners of all Chief Rents in respect thereof, and all other Persons whatsoever.

Power to
lease unoc-
cupied
Lands.

51. The Trustees may appropriate, use, and dispose of any old Materials existing in any Street at the Time of the Execution by the Trustees of any Works in such Street under the foregoing Provisions, allowing such Sum as the Surveyor may fix to be the Value thereof to the Owners of Buildings and Lands in such Street in proportion to their Interest therein; unless such Owners, within Forty-eight Hours after Notice from the Trustees so to do, remove such Materials or their respective Proportions thereof; and any Stone, Gravel, Clay, or other Material produced in the course or in consequence of the Execution by the Trustees of any such Works may be used by them in the Execution of any Works under this Act, and in case of their so using the same, the Value thereof, to be fixed by the Surveyor, shall be paid or allowed by the Trustees to the Owners of Buildings or Lands whose Property has produced the same.

Materials in
Streets
sewered and
paved to be
allowed for.

52. When

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Streets
sewered,
paved, &c. to
be public
Highways.

52. When any Street has been freed from Obstruction, sewered, drained, levelled, flagged, paved, macadamised, or otherwise completed to the Satisfaction of the Trustees, they shall, by a Declaration recorded among their Proceedings, declare the same to be a public Highway, unless the Owner or Owners of Buildings and Lands in such Street extending for not less than Four Fifths of the Frontage of such Street object thereto by Notice in Writing served on the Trustees within One Month after Notice of the Intention of the Trustees to make such Declaration being put up in some conspicuous Part of the Street, and from and after any such Declaration the Street to which the same relates shall be a public Highway, and repairable accordingly.

Streets may
be sewered
only, and
paved only,
and Expenses
recovered
as herein-
before pro-
vided.

53. The Trustees may order any Street to be sewered, drained, and levelled only, without requiring it to be at the same Time flagged and paved or macadamised; and in such Case all the Provisions of this Act with respect to sewerage, draining, levelling, flagging, paving, macadamising, or otherwise completing Streets, and to the Recovery of the Expenses thereby incurred, shall be applicable to sewerage, draining, and levelling only any such Street; but no Street which shall be so sewered, drained, and levelled only shall be declared to be a Highway until it has been also flagged, paved, or macadamised, and otherwise completed to the Satisfaction of the Trustees; and if the Trustees shall at any Time after any Street shall be so sewered, drained, and levelled think proper to have the same flagged, paved, macadamised, or otherwise completed as aforesaid, all the Provisions of this Act with respect to sewerage, draining, levelling, flagging, paving, macadamising, or otherwise completing Streets, and to the Recovery of the Expenses thereby incurred, shall be applicable to flagging, paving, or macadamising, or otherwise completing such Street only.

Trustees
may allow
Time for the
Payment of
Expenses of
paving, &c.

54. When the Charges and Expenses of freeing from Obstruction, sewerage, draining, levelling, flagging, paving, macadamising, or otherwise completing any Street are to be repaid or reimbursed by the Owners of Buildings or Lands within such Street, the Trustees may allow Time for the Repayment of such Charges and Expenses, and receive the same by such Instalments as the Trustees under the Circumstances of the Case shall consider equitable and just, with Interest for the Principal Monies from Time to Time remaining unpaid after such Rate as the Trustees shall determine; but all Sums so remaining due, notwithstanding the Trustees shall have agreed to allow Time for the Repayment thereof, shall be recoverable from the respective Owners and Occupiers thereof, both present and future, in like Manner as such respective Amounts might have been recovered and would have been recoverable if no such Time had been allowed for the Repayment thereof.

55. Any

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55. Any Incumbent or Minister of any Church or Chapel consecrated or licensed, or any Minister or Trustee of any Chapel or Meeting House appropriated to public Religious Worship, and certified and recorded as such according to Law, shall not be liable to any Expenses under the Nine Sections of this Act immediately preceding this Section, or any of them, as Owner or Occupier of such Church, Chapel, or Meeting House, or of any Churchyard or Burial Ground attached thereto, situate in any Street or Court, nor shall any such Expenses be a Charge on such Church, Chapel, Meeting House, Churchyard, or Burial Ground, or subject the same to Distress, Execution, or other legal Process; and the Trustees may, if they think fit, defray any Expenses from which any such Incumbent, Minister, or Trustee is hereby exempted.

Incumbents and Ministers of Churches and Chapels exempted from Expenses of sewerage, &c.

56. The Trustees may from Time to Time, by Order, in conjunction with any Order authorized by this Act relative to the Formation of any Street, direct that the Level of any Street be altered so as to be adapted in such Manner and to such Extent as the Trustees think fit to the Level of any adjoining or other Street, making Compensation to Owners and Occupiers of Buildings and Lands for any Damage or Expenses sustained or incurred by them by reason or in consequence or in execution of such Order.

Power to Trustees to require Alteration in Level of Streets.

57. The Trustees may from Time to Time, by Order, declare the Points or Limits at or within which any Street is, for the Purposes of this Act to be taken as beginning and ending.

Power to define Streets.

58. The Trustees may agree with the Owner of and Persons interested in any Buildings or Lands for the absolute Purchase of such Buildings or Lands, or any Part thereof, and of all subsisting Leases, Rentcharges, Annuities, Mortgages, Incumbrances, Estates, or Interests in or affecting the same, and after such Purchase may cause the Building or the Part thereof purchased to be taken down and removed, and the Site thereof, and the Lands purchased, or any Part thereof, to be laid into any Street for widening, enlarging, or rendering more commodious the same, or to be disposed of for making new Streets, or otherwise for the Improvement of the District, as the Trustees think proper.

Power to purchase Buildings or Lands for effecting Street Improvements.

59. Where any Building in any Street is burnt or taken down to or below Half the front Elevation thereof, or is intended to be rebuilt or new fronted, or where it is intended to erect any new Building on Lands at the Commencement of this Act vacant or unbuilt upon in or near any Street, and the Trustees are desirous of widening or enlarging such Street or any adjoining or neighbouring Street, or of making Alterations in the Line of Buildings therein, they may for

Where Buildings taken down, Power to take Land to improve Streets.

The Maryport Improvement and Harbour Act, 1866.

such Purposes, by Agreement, purchase any Part of the Site of such Building, or of the Lands occupied therewith, or of such vacant Lands.

Plans of Buildings erected on front Lands to be approved by Trustees.

60. All Buildings or Parts of Buildings erected on the Site of any Building, or on any Land which in consequence of any Improvement made by the Trustees becomes front Land, or on any Lands purchased or taken by the Trustees before or after the Commencement of this Act, shall be erected according to such Plan for the outside or front Elevation thereof as the Trustees approve, and in case the Trustees for the Space of Twenty-one Days after any Plan is submitted to them neglect to notify their Determination in Writing with reference thereto they shall be deemed to have approved of such Plan.

Dangerous Places to be repaired or enclosed.

61. If any Building, Wall, Structure, or other Thing, or any Excavation, Land, Reservoir, Pond, or Dam of Water, or Place, shall, for Want of sufficient Repair, Protection, or Enclosure, be dangerous to the Occupiers thereof, or of the neighbouring Buildings or Land, or to the Passengers along any Street or Footpath, the Trustees may give Notice to the Owner to repair, protect, or enclose the same so as to prevent any Danger therefrom; and if such Owner shall fail to comply with such Notice he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day such Failure continues after the Expiration of Twenty-four Hours from Service of the said Notice upon him.

Register of Alteration in Names of Streets.

62. The Trustees shall keep a Register of all Alterations in the Names of Streets, and such Register shall be kept in such Form as to show the Date of every such Alteration, and the Name of the Street as well before as after such Alteration.

Buildings.

Rules as to Erection of Dwelling Houses.

63. It shall not be lawful for any Person to erect any Dwelling Houses the Fronts of which shall be separated by a Space of less than Eight Yards from the Fronts of the Buildings which may be opposite them, or on the other Side of the Street, except where such Dwelling Houses are erected on the Sites of Buildings built before the Commencement of this Act, and except where vacant Plots of Ground for the Time being exist in any Street already partially built upon on both Sides, in which latter Case it shall be lawful to build up to the Line of the Buildings already existing in such Street.

Certain Structures to be deemed new Buildings.

64. For the Purposes of this Act the re-erecting of any Building pulled down to or below the Level of the Ground Floor thereof, or of any Building of which only the Framework is left down to the Ground

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Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitation, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only; shall be considered the Erection of a new Building.

65. With a view to the Prevention of Fire, and the Escape of Smoke, noisome Gases, Ashes, and other Products of Combustion, the Trustees may regulate the Height of the Chimneys of all Buildings used at or after the Commencement of this Act for the Purposes of Trade or Manufacture, or for Baths and Wash-houses and may order that any such Chimney be altered or built so as to be of the Height specified in the Order; and if any Person does not comply with the Order, or in the Case of a new Chimney neglects to give Fourteen Days Notice in Writing to the Trustees of his Intention to build the same, he shall be liable to a Penalty not exceeding Twenty Pounds.

Trustees may regulate Height of Chimneys.

66. If any Person covers any Building either wholly or in part with Straw, Thatch, or other combustible Material he shall be liable to a Penalty not exceeding Ten Pounds, and the Trustees may order such Straw, Thatch, or other combustible Material to be removed by the Owner of such Building, and in default the Trustees may remove the same, and recover the Expenses of so doing from such Owner.

Prohibition of Thatch.

67. No Pipe or Funnel for conveying Smoke or Steam shall be newly fixed against any Building next to any Street, or on the Inside of any Building, nearer than Nine Inches to any Timber or other combustible Material, nor shall any Funnel built or made of Brick or Stone, or both, be newly placed on the Outside of any Building next to any Street so as to extend beyond the general Line of the Buildings in the Street; and if any Pipe or Funnel is fixed or placed contrary to the Provisions of this Section, the Occupier, or, if there be no Occupier, the Owner, of the Building shall within Fourteen Days next after receiving Notice from the Trustees cause the same to be removed or altered in the Manner required by such Notice, and in default thereof shall be liable to a Penalty of Ten Shillings for every Day during which such Default continues after the Time specified in such Notice.

Restriction as to Pipes or Funnels conveying Smoke.

68. Nothing in this Act or any Byelaw thereunder shall avoid any Agreement in Writing entered into before the Commencement of this Act for erecting or altering any Building; but the same may be performed with such Alterations as may be rendered necessary by this Act or any such Byelaw, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the

Respecting existing Contracts for building.

Cost

The Maryport Improvement and Harbour Act, 1866.

Cost of the Work according to the Agreement, and the Cost thereof as executed according to this Act or any such Byelaw, shall be ascertained by the Parties to the respective Agreements, and paid for or deducted as the Case may require; and in case of Dispute such Difference shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor or some other competent Officer of the Trustees, who for his Trouble shall be paid by each Party such Sum, not exceeding Twenty Shillings, as the Trustees may direct.

Alteration
of Contracts
for Buildings.

69. Where under a Lease or Agreement any Person has before the Commencement of this Act covenanted or agreed to erect a Building, such Building shall be built according to the Provisions of this Act as if this Act had been passed and in operation at the Time of the making of such Lease or Agreement, and as if the same had been subject to this Act, and that without either Party being entitled to Compensation.

Measure-
ment of front
Elevation of
Buildings.

70. For the Purposes of this Act the Height of the front Elevation of a Building shall be measured from the Level of the Street or Court immediately adjoining the Building to the Eaves or Square of the Building.

Byelaws as to Streets and Buildings.

Power to
make Bye-
laws with
respect to
Streets,
Buildings,
&c.

71. The Trustees may from Time to Time make Byelaws for all or any of the following Purposes; (that is to say,)

With respect to the Level, Width, and Construction of new Streets and Courts, and the Provision to be made for the Sewerage thereof;

With respect to the Structure of Walls of Buildings for securing Stability and the Prevention of Fires;

With respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings;

With respect to the Drainage of Buildings, and to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and their Situation:

But such Byelaws shall not relate to any Building not being a new Building within the Meaning of this Act: And for all or any of the Purposes following; (that is to say,)

For regulating the Thickness and Construction of Walls of or near Ovens and Furnaces built or wholly or partially rebuilt after the Commencement of this Act;

For closing Buildings or Parts of Buildings unfit for Human Habitation, and for prohibiting the Use thereof for Human Habitation;

For

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For prohibiting the Occupation as a Dwelling or Sleeping Room of any Room any Portion whereof extends immediately over any Privy, Ashpit, Midden, or Cesspool, or for enforcing the Removal or Alteration of such Privy, Ashpit, Midden, or Cesspool:

And may provide for the Observance of any Byelaws made under the present Section by enacting therein such Provisions as they think necessary for the following Purposes; (that is to say,)

The giving of Notices:

The Deposit of Plans and Sections by Persons intending to lay out Streets, or to construct or alter Buildings:

The Inspection of Works, Lands, and Buildings by the Trustees:

The Power of the Trustees to remove, alter, or pull down any Work begun or done in contravention of such Byelaws.

Execution of Works generally, and Recovery of Charges and Expenses.

72. The Trustees, by their Officers and Servants, may at all reasonable Times in the Daytime, and after Twenty-four Hours Notice to the Occupier of the Premises, or, if there be no Occupier, to the Owner, enter upon any Buildings or Lands in the District for the Purpose of inspecting any Works or Buildings in progress of Construction or Alteration, or of making such Examinations as may be necessary to ascertain whether the Provisions of this Act, or of any Byelaw made in pursuance thereof, have been complied with, or of carrying into execution any of the Powers contained in this Act, or in any Byelaw made in pursuance thereof, without being deemed Trespassers, or liable to any Action, Indictment, or other Proceeding on account thereof.

Trustees empowered to enter Premises and execute Works.

73. Whenever by this Act, or by any Byelaw made in pursuance thereof, or by any Notice or Order lawfully given or made by the Trustees, any Work, Act, or Thing is required to be done by any Owner, Occupier, or other Person, and Default is made therein, or if any such Work, Act, or Thing be improperly or insufficiently done, the Trustees may cause such Work, Act, or Thing to be executed, re-executed, or done, as the Case may require; and also whenever any Work, Act, or Thing is by this Act, or by any Byelaw made in pursuance thereof, or by any Notice or Order lawfully given or made by the Trustees, prohibited being done, and it nevertheless is done, the Trustees may remove, abate, or alter the Work, Act, or Thing so done; and the Expenses incurred by the Trustees in any such Case, or incidental thereto, shall be repaid to them by the Person who shall make default in the Execution or doing of, or shall improperly or insufficiently or unlawfully execute or do, such Work, Act, or Thing, as the Case may be, notwithstanding any Penalty may be imposed upon such Person under the Provisions of this Act, or by any such Byelaw.

Trustees may execute Works in default of Person liable.

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Proceedings
for the Re-
covery of
Charges and
Expenses
from
Owners, &c.

74. All Charges and Expenses which are by this Act, or any Bye-law made in pursuance thereof, made payable by or recoverable from the Owners of any Land or Building, or from the Occupier of any Land or Building, or from any other Person, shall, if not paid on Demand, be recoverable by the Trustees, with Interest thereon, after the Expiration of One Month after such Demand, at a Rate to be determined by the Trustees, not exceeding Five Pounds *per Centum per Annum*, either as a Debt from such Owner, or from such Occupier, or from such other Person, as the Case may be, in any Court of competent Jurisdiction, or by Distress and Sale of the Goods and Chattels of such Owner, or of such Occupier, or of such other Person, as the Case may be, wheresoever the same may be found, and any Justice may issue his Warrant accordingly.

Occupiers to
pay their
Rents to
Trustees
towards
Expenses
due from
Owners.

75. By way of additional Remedy the Trustees may require the Occupier of any Building or Land, the Owner of which shall be liable by virtue of this Act to pay any Sum of Money to the Trustees, to pay to the Trustees all Rents which may be or become due from such Occupier to such Owner until the whole of the Debt so due to the Trustees, together with Interest thereon as aforesaid, shall be discharged, and in default of Payment of such Rent by such Occupier, on Demand, the same may be levied by Distress and Sale of the Goods and Chattels of such Occupier in the same Manner as any Rate may be recovered from an Occupier under this Act; and every such Occupier refusing to disclose to the Trustees, or their Officer or Agent, on Demand, the Particulars of the Rent owing and payable by such Occupier, together with the Times of Payment, shall be liable to a Penalty of Twenty Shillings; and if after Conviction for such Refusal any such Occupier do not within One Week after the Day of his Conviction deliver a Statement in Writing to the Trustees, their Officer or Agent, containing the Particulars aforesaid, such Occupier shall be liable to a further Penalty of Twenty Shillings, and for each succeeding Week's like Neglect a further Penalty of Twenty Shillings; but nothing herein contained shall prevent or hinder the Trustees from recovering the whole Amount of such Sum or Sums of Money, with such Interest as aforesaid, or so much thereof as may be due from the Owner of such Building or Land as aforesaid: Provided that the Owner shall allow such Occupier to deduct all Money which he shall pay or which shall be so levied by Distress out of the Rent due or from Time to Time becoming due in respect of such Building or Land as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no Occupier of any Buildings or Lands shall be liable to pay more Money in respect of any Expenses charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Expenses are payable at the Time of the Demand made upon him, or

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which at any Time after such Demand and Notice not to pay the same to his Landlord have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Trustees, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall be upon such Occupier: Provided further, that nothing herein contained shall be taken to affect any special Contract made between any such Owner or Occupier respecting the Payment of the Expenses of any such Works as aforesaid.

76. If the Trustees in case of the Default of any Owner shall execute any Works, Matters, or Things by this Act, or by any By-law made in pursuance thereof, or by any Notice or Order given or made thereunder, required to be done by such Owner, the Expenses thereby incurred, with Interest thereon, shall be a Charge on the Land or Building in respect of or in relation to which such Works, Matters, or Things may have been executed or done in priority to any Incumbrance or Charge on or affecting the same.

Expenses of executing certain Works to be a Charge upon the Premises.

77. When the Trustees are in the actual Receipt of the Rents and Profits of any Land or Building, they may, out of such Rents and Profits, from Time to Time pay any Rates, Taxes, or other Outgoings chargeable upon or in respect of such Land or Building, and from Time to Time may enclose or repair any such Land or Building which such Owner shall neglect to keep in tenantable Condition; and such Payments, and the Expenses of such Enclosure or Repair, shall be added to and deemed Part of the Expenses of executing and doing such Works, Matters, and Things as the Trustees are by this Act authorized to execute after Default of the Owner.

Trustees may pay Rates and repair Property in certain Cases.

78. In case the Occupier of any Land or Building shall prevent the Owner thereof from carrying into effect in respect of such Premises any of the Provisions of this Act, and after Notice of this Provision shall have been given by the Owner of such Land or Building to the Occupier thereof, any Justice upon Proof thereof may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Land or Building as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Service of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding

In case of Tenants opposing the Execution of this Act.

Five

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Five Pounds, and every such Owner during the Continuance of such Refusal shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Smoke.

Penalties for
Noncon-
sumption of
Smoke.

79. For the Prevention of Smoke the following Provisions shall take effect; namely,

- (1.) If any Fireplace or Furnace employed after the Commencement of this Act in the working of Engines by Steam, or in any Building used for the Purpose of Trade or Manufacture, or Baths or Wash-houses (although a Steam Engine is not used or employed therein), is not so constructed as to consume or burn the Smoke arising from such Fireplace or Furnace, the Owner or Occupier of the Building or Lands in or on which such Fireplace or Furnace is situate shall be liable to a Penalty not exceeding Five Pounds:
- (2.) If any such Owner or Occupier, or any Engineer, Fireman, Stoker, Foreman, or other Person employed by him, after the Commencement of this Act, uses any such Fireplace or Furnace not so constructed as aforesaid, or negligently uses any Fireplace or Furnace so constructed as aforesaid in such Manner that the Smoke arising therefrom is not effectually consumed or burnt, he shall be liable to a Penalty not exceeding Ten Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during any Part of which such Fireplace or Furnace is so continued to be used after One Month's Notice in Writing given by the Trustees to the Owner or Occupier to remedy or discontinue the same:
- (3.) Where more Fireplaces or Furnaces than One communicate with a single Chimney, the Names of the several Owners and Occupiers of the Buildings or Lands on which they are situate, and the several Engineers, Firemen, Stokers, Foremen, or other Persons having the Control or Management thereof, may be included in One Summons, and the Justice before whom the Case is brought may in his Discretion apportion the Penalty as he sees fit, or impose a Penalty on One or more of those Persons in exclusion of the others:
- (4.) If any such Owner or Occupier, or the Servant of either of them, refuses to allow such Building or Lands to be inspected by a Person authorized by the Trustees, then any Person so authorized may by Warrant under the Hand of a Justice (which Warrant any Justice is hereby authorized to grant) enter into and upon such Building or Lands, and examine any such Fireplace or Furnace:

(5.) The

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(5.) The Expression "consume or burn its own Smoke" shall nevertheless not be held in all Cases to mean consume or burn all its own Smoke, and the Justice before whom the Case is brought may abstain from imposing any Penalty if he is of opinion, as to any such Engine or Furnace, that it has been so constructed or altered as to consume or burn as far as possible all the Smoke arising therefrom, and that the same has been carefully attended to, and that the Smoke arising therefrom has been consumed or burned as far as practicable.

80. Every Person who shall commence to burn Bricks or Tiles in any Place nearer than Thirty Yards to a Dwelling House situate in or near any Street, or shall burn in any Place within Two hundred Yards of any Dwelling House situate in or near any Street any Cork, Rags, or Bones, or other offensive Matter or Thing for making Manure, Ivory or other Black, or Sal-ammoniac, or other chemical Compound, or for any other Purpose of Trade, Manufacture, or Commerce, shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence is continued after the Expiration of Fourteen Days from Service on him by the Trustees of Notice to discontinue the same.

Penalty for
burning
Bricks, Rags,
Bones, &c.

PART 4.—WATERWORKS AND WATER SUPPLY.

81. "The Waterworks Clauses Acts, 1847 and 1863," with the Exception of the Sections of "The Waterworks Clauses Act, 1847," which relate to the Amount of Profit to be received by the Undertakers, and the Section of the same Act numbered Seventy-four (with respect to the Recovery of Rates), shall be incorporated with and form Part of this Act: Provided that the Words "Rate" and "Water Rate" when they occur in those Acts, or either of them, shall be read so as to include "Rent" and "Water Rent" respectively.

10 & 11 Vict.
c. 17. and
26 & 27 Vict.
c. 93. in-
corporated.

82. The Limits of this Act for the Supply of Water shall be the District, and also the several other Townships, Parishes, and Places, within or within a Quarter of a Mile of which any Portion of the Works for the Supply of Water herein-after described shall for the Time being be situate: Provided always, that the Obligation imposed on the Undertakers by the Thirty-fifth Section of "The Waterworks Clauses Act, 1847," shall only be applicable to the Trustees as regards the District.

Limits of
Act for
Water
Supply.

83. Whereas Plans and Sections describing the Lines, Levels, and Situations of the Reservoirs, Filtering Beds, Pipes, Aqueducts, Conduits, Wells, Apparatus, and Works (herein-after called "the Water-works")

Power to
make Water-
works.

[Local.]

37 X

works")

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works") proposed to be made by the Trustees for the Purpose of supplying Water to the Localities which they are by this Act authorized to supply, and the Lands through, in, or on which such Waterworks are to be carried and constructed, together with a Book of Reference to such Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of Cumberland: Therefore, subject to the Provisions in this and the Acts incorporated herewith contained, the Trustees may make and maintain such Waterworks in the Lines, upon the Levels, and upon the Lands delineated on the said Plans and Sections, and described in said Book of Reference, and may enter upon, take, and use such of the Lands and Waters delineated on the said Plans, and within the Limits of Deviation described thereon, and described in the said Book of Reference, as shall be necessary for the Purposes of such Waterworks and such Supply, and may acquire (but not otherwise than by Agreement) any Easement, Power, Privilege, or Authority over such Lands, and may take and divert from the River *Derwent* and from the Mill-race shown upon such Plans such Water as they may require for such Waterworks and such Supply, not exceeding SIX Millions of Gallons in any One Week; and in constructing such Waterworks the Trustees may make lateral Deviations from the Line of such Waterworks, not exceeding the Limits of Deviation shown on the said Plans, and may deviate from the Levels of the Reservoirs to any Extent not exceeding Three Feet, and of the other Works, as delineated on the said Sections, to any Extent not exceeding Five Feet.

Description
of Water-
works.

84. The Waterworks which the Trustees may make and maintain are the following :

(a.) A Well, Chamber, or Cistern, and pumping Apparatus connected therewith, upon Lands, Buildings, Streams, and other Property in the Township of *Papcastle* in the Parish of *Bridekirk* belonging to *Jonathan Harris*, and in the Occupations of himself, *Joseph Benn*, *William Todhunter*, *William France*, and *Thomas McKusker*, or some of them, (Part of which said Lands, Buildings, and other Property was formerly used as a Thread Mill, and is now known as "*Harris's Old Thread Mill*") at a Point Four hundred Feet or thereabouts, measuring in a North-westward Direction, from the *Goat Toll Gate* on the Turnpike Road leading from *Maryport* to *Cockermouth* in the same Township and Parish :

(b.) An Approach Road to such proposed Works commencing at the Southern Extremity of the said Lands, Buildings, and other Property, and running parallel to and co-extensive with *Spittal Ing Lane*, so as to give a Communication with the Turnpike Road leading from *Maryport* to *Cockermouth*; and

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- and terminating at or near the Junction of that Lane with that Road, which Road will be situate in the Township of *Papcastle* in the Parish of *Bridekirk*.
- (c.) An Aqueduct, Conduit, or Main Pipe commencing at the said Well, Chamber, or Cistern, and thence extending through the Townships of *Papcastle* and *Dovenby*, and Parish of *Bridekirk*, and terminating at the Reservoir next hereinafter described :
- (d.) A Reservoir, with Filter Beds and Basins in connexion therewith, in a Field in the Township of *Dovenby* and Parish of *Bridekirk*, belonging to *William Thornburn*, and in the Occupation of the said *William Thornburn* and *Robinson Plummer*, or One of them, and commonly known as the *High Ann's Hill Field*, and at a Point One thousand and fifty Feet or thereabouts, measuring in a Northern Direction, from the Point of Junction between the Turnpike Roads leading from *Cockermouth* to *Maryport*, and from *Cockermouth* to *Carlisle*, and an Approach Road to such Reservoir and other Works commencing at the South-east Corner of such Reservoir, and thence extending in a Southerly Direction to the Turnpike Road leading from *Cockermouth* to *Carlisle*, and which Reservoir and other Works and Road will be situate within the said Township of *Dovenby* and Parish of *Bridekirk* :
- (e.) An Aqueduct, Conduit, or Main Pipe commencing at the Reservoir lastly herein-before described, and thence extending through the Townships of *Papcastle*, *Dovenby*, and *Little Broughton* and Parish of *Bridekirk*, and the Townships of *Dearham* and *Ellenborough* and Parish of *Dearham*, and terminating at the Reservoir next hereinafter described :
- (f.) A Reservoir and other Works in the Township of *Ellenborough* and Parish of *Dearham* in a Field belonging to *Joseph Pocklington Senhouse* Esquire, and *Elizabeth Pocklington Senhouse* his Wife, and in the Occupation of *John Graham*, and on the South Side of the Turnpike Road leading from *Maryport* to *Cockermouth*, and at a Point Three hundred and seventy Feet or thereabouts, measuring in a Westward Direction, from the Lodge Gate at the principal Carriage Entrance to *Hayborough House* belonging to and occupied by *William Miller Sewell*, which said Lodge is in the said Township of *Ellenborough*, and which said House is in the said Township of *Dearham* :
- (g.) An Aqueduct, Conduit, or Main Pipe commencing at the Reservoir lastly herein-before described, and thence extending into and through the Township of *Ellenborough* and Parish of *Dearham*, and the Townships of *Netherhall* and *Maryport*,

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Maryport, or One of them, and Parish of *Cross Canonby*, and terminating at or near the Point of Junction of *Church Street* with *Wood Street* in the Town of *Maryport* :

- (h.) All such Embankments, Filtering Beds, Dams, Sluices, Cuts, Channels, Drains, Pipes, Wells, Tanks, Engines, and other Conveniences within the Townships and Parishes aforesaid as may be necessary for the Purposes of the Act :

All which Works are situated in the said County of *Cumberland*.

Protection of
Interests of
Owners of
Harris's Old
Thread Mill
and Der-
went Mills.

85. Notwithstanding anything in this Act, the Owners and Occupiers for the Time being of such Part of the Lands, Buildings, and other Property aforesaid as are in this Act described as formerly used as a Thread Mill, and as now known as *Harris's Old Thread Mill*, and the Owners and Occupiers for the Time being of the Building called the *Derwent Thread Mills* (now in the Occupation of *Joseph Harris* and others), and of the Lands and other Property for the Time being held or used therewith, and the Owners and Occupiers for the Time being of the Lands adjoining the Mill Race or Stream passing or flowing by the said Mills now the Property of *Fretchville Lawson Ballantine Dykes Esquire*, shall and may respectively have, enjoy, and exercise the same Right of User, and other Rights, Benefits, and Advantages whatever, of and from the said Mill Race or Stream, and of and from the Waters thereof, in as ample and beneficial a Manner as if this Act had not been passed; and, notwithstanding anything in this Act, the Trustees shall not, without in each Instance the previous Consent in Writing of the Owner for the Time being of the said Building known as *Harris's Old Thread Mill*, enter on, take, use, or purchase that Building, or any Part thereof, or the Yard adjoining thereto, numbered 14 in the said Parliamentary Plans and Book of Reference for the Township of *Papcastle* and Parish of *Bridekirk*, or any Easement, Power, Privilege, or Authority in or over the same respectively, or any Part thereof, or enter on, take, use, or purchase the said Mill-race, or the Waters thereof, or the Ground or Soil thereof, above the Property numbered 15 in the said Plans and Book of Reference for the said Township of *Papcastle* and Parish of *Bridekirk*, or any Easement, Power, Privilege, or Authority in or over the same, or any Part thereof respectively, or take or divert from the said Mill-race above the said last-mentioned Property any Water.

Saving
Interests,
&c. of Lord
Leconfield in
Weir of Mill-
race.

86. Nothing in this Act contained shall extend to take away, diminish, prejudice, or affect any Property, Right, Privilege, or Interest in, over, or upon the Weir on the River *Derwent*, situated at or near the Head of the said Mill-race, which may at the Time of the passing of this Act be vested in or belong to the Right Honourable *George Baron Leconfield* as Lord of the Honour of *Cockermouth*.

87. The

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87. The Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Waterworks shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

Period for compulsory Purchase of Lands for Waterworks.

88. The Waterworks by this Act authorized shall be completed within Five Years after the Commencement of this Act, and on the Expiration of that Period the Powers by this Act granted to the Trustees for executing the said Waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided that nothing in this Act contained shall be held to restrain the Trustees at any Time from extending, altering, enlarging, removing, or replacing any of their Mains or Pipes from Time to Time as Occasion may require.

Period for the Completion of Waterworks.

89. The Water of the Trustees need not be laid on or supplied to any Building in any Case where the Supply cannot be afforded from the Pipes laid down by the Trustees by its own residual Pressure of Gravitation, nor need the Water to be supplied from any Pipe of the Trustees be constantly laid on under Pressure, or at any Time under a Pressure greater than that to be afforded by Gravitation from the Service Reservoir whereby such Pipe is supplied.

As to Pressure at which Water to be supplied.

90. The Water Rent payable to the Trustees for a Supply of Water for domestic Purposes (which Term "domestic Purposes" shall include a Supply of Water to One Watercloset) shall be at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings on the Rackrent or annual Value of the House or Part of a House supplied, but they shall not be obliged to furnish such a Supply to any Owner, Occupier, or other Person for a less Water Rent than Six Shillings and Sixpence *per Annum*.

Water Rent for domestic Purposes.

91. For every Watercloset beyond the first, and for every private Bath, in any Dwelling House or Part of a Dwelling House, or Appurtenant thereto, there shall be paid to the Trustees, in addition to the Water Rent above mentioned, the Sum of Five Shillings *per Annum* for every such Watercloset, and the Sum of Ten Shillings *per Annum* for every such Bath.

Rates for Water-closets and Baths.

92. The Trustees shall not be compellable to supply Water to any Watercloset or private Bath, or the Pipes or Apparatus connected therewith, unless the same shall be so constructed and used as to prevent the Waste, Misuse, or undue Consumption of the Water of the Trustees, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Trustees, or to any private Bath which shall be so constructed as to contain when filled

Provision against Waste of Water.

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for Use more than Fifty Gallons of Water, but the Supply of any such Bath, and the Rent or Sum of Money to be paid for the same, shall be a Matter of special Agreement between the Trustees and the Owner of such Bath.

Supply of Water for other than domestic Purposes.

93. The Trustees may supply any Person with Water for trading or manufacturing Purposes, or for any Purposes other than domestic Purposes, for such Water Rent as may be from Time to Time agreed upon between the Trustees and the Persons supplied.

Penalty for using Water for other than domestic Purposes without Agreement.

94. Every Person who shall use for other than domestic Purposes any Water supplied by the Trustees, not having previously agreed with the Trustees for a Supply of Water for other than domestic Purposes, or shall use the same for any Purposes other than the Purposes so agreed upon, or shall by any Act or Omission cause the Waste of the Water so supplied by the Trustees, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalties for fixing Tubes to the Pipes of the Trustees.

95. Every Owner or Occupier of any House supplied with Water by the Trustees who shall, without the Consent in Writing of the Trustees, affix or permit or suffer to be affixed to any of the Mains or Pipes of the Trustees, or to any Service Pipe of such Owner or Occupier, any Gutta-percha or other Tube or Pipe for the Purpose of abstracting the Water of the Trustees from such Main or Pipe, shall be liable to a Penalty not exceeding Forty Shillings.

Power to turn off Water in certain Cases.

96. If any Person supplied with Water by the Trustees shall wilfully do, or cause or knowingly permit to be done, anything in contravention of the Provisions of this Act with respect to the Waterworks or the Supply of Water, or wilfully neglect to do anything which under those Provisions ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Trustees, the Trustees may cut off the Pipe, or turn off the Water supplied by them to such Person, and cease to supply Water to such Person until the Act or Omission be remedied, and may also recover from such Person the Amount of any Damage which they may sustain in consequence of any such Act or Omission, together with the Expenses of cutting off the Pipe or turning off the Water.

Rent for Water may be ascertained by Meter.

97. The Trustees and any Person desirous of having a Supply of Water may agree that the Rent for such Supply shall be determined by the Quantity of Water consumed, as ascertained by a Meter to be provided or approved of by the Trustees.

Recovery of Water Rents.

98. In case any Person who shall have been supplied with Water by the Trustees, or who shall be liable to Payment in respect of a Supply

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Supply of Water under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Water shall have been supplied, to issue his Summons to such Person requiring him to appear at a Time and Place named therein to show Cause why the Amount due should not be paid; and if on the Appearance of such Person, or, in default of Appearance, after Proof of the Service of the Summons either personally or at the last known Place of Abode or Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for the Recovery of the Amount which may be proved before such Justice to be due from such Person, together with such Costs as to such Justice shall seem just and reasonable, or the Amount due, together with all Costs and Expenses, may be recovered in any Court of competent Jurisdiction, and it shall not be necessary in any Case to produce or show any Agreement in Writing made or expressed to be made between the Trustees and such Person.

99. If any Consumer leave the Premises where Water has been supplied to him without paying to the Trustees the Water Rent due from him, the Trustees shall not require from the next Tenant of the Premises Payment of the Arrears so left unpaid unless the incoming Tenant shall have agreed with the defaulting Consumer to pay the Arrears.

Incoming Tenant not to be liable for Arrears of Water Rent except by express Agreement.

PART 5.—GASWORKS AND GAS SUPPLY.

100. "The Gasworks Clauses Act, 1847," with the Exception of the Sections of that Act which relate to the Amount of Profit to be received by the Undertakers, and the Section of that Act numbered Sixteen (with respect to the Recovery of Rents due for Gas), shall be incorporated with and form Part of this Act.

10 & 11 Vict. c. 15. incorporated.

101. The Trustees may erect, make, maintain, improve, and extend, and from Time to Time alter, discontinue, and renew, such Gasworks, Apparatus, Erections, and Buildings, with Approaches thereto, as they shall think proper, and may manufacture and store Gas, and lay down, maintain, continue, or alter and discontinue such Mains, Pipes, and other Works and Apparatus as may be necessary and convenient for supplying Gas within the District, and they may manufacture, store, sell, and dispose of the Coke and all Products, Refuse, or Residuum arising, remaining, or obtained from the Materials used in the Manufacture of Gas, and may provide and do all such Things

Power to Trustees to erect and maintain Gasworks.

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Things as they may deem necessary for such Purposes, so that they do not thereby create a Nuisance: Provided always, that the Trustees shall not manufacture or store Gas upon any Lands, save those which they may acquire from the *Maryport Gaslight Company, Limited*, as herein-after provided, and now appropriated to the Manufacture of Gas.

Limits of Act for Supply of Gas.

102. The Limits of this Act for the Supply of Gas shall be the District and also the Parishes of *Cross Canonby, Dearham, Flimby*, and the Townships of *Netherhall, Birkby, Ellenborough, and Ewanrigg*, all in the County of *Cumberland*.

Power to use patented Inventions, &c.

103. The Trustees may take and hold any Licence or Authority under any Letters Patent to use any Invention relative to the Manufacture or Distribution of Gas, or the Utilization of the residual Products arising in the Manufacture of Gas, but they shall not acquire by any such Licence or Authority any Right or Privilege in any respect of an exclusive Character.

Gratuitous Supply of Gas for public Purposes.

104. The Trustees may from Time to Time, on such Terms and Conditions as they think fit, supply Gas gratuitously for any Purposes of public Advantage within the District, and for lighting any Hospitals, Infirmaries, Public Baths and Wash-houses maintained at the Expense of the Trustees, or out of the Rates for the Relief of the Poor wholly raised within the District.

Power to agree for lighting of Streets, &c. beyond District.

105. The Trustees may from Time to Time contract with any Local Board, Inspectors, Commissioners, Trustees, or other Persons having the Control of the Streets and Roads in the several Parishes, Townships, and Places before mentioned for lighting the same or any of them with Gas, and for providing for that Purpose Lamps, Lamp Posts, Burners, Pipes, and other Apparatus, and for the Repairs thereof, in such Manner and on such Terms as may be agreed on, and for the Purposes aforesaid may in such Streets and Roads erect Lamp Posts and other Works and Conveniences.

Limit of Gas Rent.

106. The Gas Rent payable to the Trustees for Gas supplied by them shall not exceed the Rate of Six Shillings for One thousand Cubic Feet.

Consumers may be required to consume Gas by Meter.

107. Every Consumer of Gas supplied by the Trustees shall, on being required by the Trustees so to do, consume Gas by Meter, and all such Meters shall be subject to the Provisions of the Act for regulating Measures used in Sales of Gas.

Power to let Meters for Hire.

108. The Trustees may let for Hire any Meter or Instrument for measuring the Quantity of Gas supplied and consumed, and any Pipes
and

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and Apparatus for the Conveyance, Reception, or Storage of Gas, for such Remuneration in Money as may be agreed upon between them and the Hirer, which shall be recoverable as Gas Rent, and the Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress for Rent of the Premises where the same are used, or be attached or taken in execution under any legal Proceeding against or affecting the Consumer of the Gas or the Occupier of the Premises, or other the Person in whose Possession the Meters, Instruments, Pipes, and Apparatus may be.

109. If any Consumer leave the Premises where Gas has been supplied to him without paying to the Trustees the Gas Rent or Meter Rent due from him, the Trustees shall not require from the next Tenant of the Premises Payment of the Arrears so left unpaid unless the incoming Tenant shall have agreed with the defaulting Consumer to pay the Arrears, but every such incoming Tenant or any other Person who uses, consumes, or burns Gas supplied by the Trustees, before he has given Notice in Writing to the Trustees of his Intention so to do, shall pay the Trustees, in addition to the Rent for Gas consumed by him, any Rent or Money owing to them in respect of any previous Supply, but (as to such last-mentioned Rent) only as from the last Examination of the Meter registering such previous Supply, the Amount of such Payment, Rent, or Money, in case of Dispute, to be ascertained by a Justice.

Incoming
Tenant not
to pay
Arrears of
Gas Rent
unless by
express
Agreement,
or unless he
consumes
Gas.

110. If any Consumer of Gas fraudulently or by culpable Negligence injures or suffers to be injured any Meter or Fittings belonging to the Trustees under his Control, or alters the Index of any Meter, or otherwise fraudulently prevents any Meter from duly registering the Quantity of Gas used, or in any Manner fraudulently consumes or uses the Gas of the Trustees, he shall be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Trustees to recover the Amount of any Damage by them sustained.

Penalty for
injuring
Meters.

111. Every Person who lays or causes to be laid any Pipe to communicate with any Gas Pipe belonging to the Trustees without their Consent, or fraudulently uses or fraudulently injures any such Meter as aforesaid, or who, in case the Gas supplied by the Trustees is not ascertained by Meter, uses any Burner other than such as has been provided or approved of by the Trustees, or of larger Dimensions than he has contracted to pay for, or keeps the Lights burning for a longer Time than he has contracted to pay for, or who otherwise improperly uses or burns such Gas, or supplies any other Person with any Part of the Gas supplied to him by the Trustees, shall forfeit to the Trustees the Sum of Five Pounds, and also the Sum of Forty Shillings for every Day such Pipe so remains, or such Burner is so

Penalty for
fraudulently
using Gas,
&c.

[*Local.*]

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used,

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used, or such Excess is so committed or continued, or such Supply furnished.

Quality of Gas.

112. All the Gas supplied by the Trustees shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Experimental Meter.

113. The Trustees shall cause to be erected in some convenient Part of their Works, and in such a Situation as to test the whole of the Gas supplied by them, an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Experiments on illuminating Power.

114. Two Justices, on receiving a Requisition signed by Five or more Consumers of the Gas supplied by the Trustees complaining that such Gas is not in their Judgment and Belief of the full illuminating Power prescribed by this Act, may, if they think fit, by Order in Writing, appoint some competent Person, not being a Member or Officer or Servant of the Trustees, to proceed to the Works of the Trustees, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Trustees, may at any reasonable Hour in the Daytime, on producing the said Order, enter on their Premises, and in the Presence of the Manager of the Gasworks, or other Officer of the Trustees, make Experiments of the illuminating Power of the Gas by means of the Experimental Meter and other Apparatus above mentioned, and the Trustees and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment.

Penalty on Trustees if illuminating Power insufficient.

115. If it is proved to the Satisfaction of such Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Trustees did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Trustees or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, then the Trustees shall forfeit such Sum, not exceeding Twenty Pounds, as the Justices determine.

Costs of Experiment.

116. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and, together with any Penalty which may be imposed on the Trustees, shall be paid by the Trustees; but in the event of the

The Maryport Improvement and Harbour Act, 1866.

the Gas being found, when tested, to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid to the Trustees by the Person making such Requisition as aforesaid, and shall be paid and levied accordingly.

117. If any Person supplied with Gas by the Trustees shall neglect to pay the Rent due for the same, or if any such Person shall offend against any of the Provisions of this Act in relation to the Supply or Use of Gas, the Trustees, notwithstanding any existing Contract with such Person, and over and above all other Remedies, may stop the Gas from entering the Building or Land for the Use of which such Gas has been supplied by cutting off the Service Pipe until the Act complained of be remedied, or by such other Means as they shall think fit, and shall have the same Powers and Remedies for recovering and enforcing Payment of the Rent due from such Person, together with the Costs of cutting off the Gas and of recovering the Rent, as are by this Act provided for the recovering and enforcing Payment of Water Rents; and for the Purposes of this Section the Provisions of this Act with reference to the Recovery of Water Rents shall be read as if the Word "Gas" were therein inserted instead of the Word "Water;" and such Person, notwithstanding such Gas shall have been cut off, shall pay for all Gas consumed by him up to the Time the Gas has been so cut off.

Recovery of Gas Rents and cutting off Supply in certain Cases.

118. The Trustees, if and when they think fit, may purchase from the *Maryport Gaslight Company, Limited*, and the *Maryport Gaslight Company, Limited*, may sell to the Trustees, all the Undertaking of the said Company, and all the Estate and Interest of the said Company in their Gasworks, Mains, Pipes, and other Works and Stock in Trade, and Property and Effects of what Kind soever, which may belong to or be vested in them, for such Price and upon such Terms as shall be mutually agreed upon between the Trustees and the said Company.

Power to purchase Undertaking of Maryport Gaslight Company, Limited.

119. From and after the Completion of such Purchase and Sale the Undertaking of the said Company, and so much of the Estate and Interest of the Company in their Gasworks, Mains, Pipes, and other Works and Stock in Trade, and Property and Effects of what Kind soever, as shall be sold or conveyed to the Trustees, shall, subject and without Prejudice to the Rights of Third Parties, vest in the Trustees.

After Purchase Undertaking of Gas Company to vest in Trustees.

PART 6.—SLAUGHTER-HOUSES.

120. The Trustees may erect and provide upon any Land for the Time being vested in them Slaughter-houses, with all necessary Fittings

Trustees may provide Slaughter-houses.

The Maryport Improvement and Harbour Act, 1866.

Fittings and Conveniences, and may sell or let any such Land for that Purpose, and may demand and receive for the Use of their Slaughter-houses any Sums not exceeding the Tolls or Rates specified in the Schedule (C.) to this Act.

Power to
license
Slaughter-
houses.

121. With respect to the licensing of Slaughter-houses, the following Provisions shall take effect ; (namely,)

- (1.) The Trustees may from Time to Time grant Licences for the Use of Buildings as Slaughter-houses, and they may demand a Sum not exceeding Five Shillings for any such Licence for Twelve Months, and in the like Proportion for any shorter Period ; and every such Licence may be in the Form in the Schedule (D.) to this Act, or to the like Effect :
- (2.) They may by Order revoke or suspend the Licence for any Slaughter-house when in their Opinion the same is a Nuisance :
- (3.) In case of any such Revocation or Suspension, the Trustees shall give Notice thereof to the Owner or Occupier of such Slaughter-house :
- (4.) He shall not be obliged to discontinue the Use of the Slaughter-house pending an Appeal :
- (5.) If any Person slaughters or dresses for Sale any Animal in any Slaughter-house, the Licence for which is suspended or revoked, he shall be liable to a Penalty not exceeding Five Pounds :
- (6.) If any licensed Slaughter-house is not used as such for the Space of Three Months, the Licence thereof shall be deemed to have lapsed :
- (7.) The Trustees may from Time to Time make Byelaws for the Inspection of licensed Slaughter-houses, and the Prevention of Cruelty therein, and for the cleansing thereof, and for supplying the same with Water, and for preventing Nuisances and Obstructions in the Neighbourhood thereof.

Slaughtering
prohibited
except in
Slaughter-
houses pro-
vided or
licensed by
Trustees.

122. No Person shall slaughter for Sale any Animal or dress for Sale the Carcase of any Animal in any Place other than a Slaughter-house provided or licensed by the Trustees, and if any Person acts in any respect in contravention of the present Enactment he shall be liable to a Penalty not exceeding Five Pounds.

Recovery of
Tolls.

123. If any Person liable to the Payment of any Toll or Rate payable to the Trustees does not pay the same when demanded, the Trustees or their Lessee, or any Person authorized by the Trustees or their Lessee to collect the same, may seize and detain the Animal in respect of which the same is payable, or any other Animal belonging to the Person liable to pay the same or under his Charge ; and if the Toll or Rate, and the reasonable Charges of the Seizure and Detention
and

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and of the keeping and maintaining of the Animal seized, is not paid within Four Days from the Time of Seizure, the Trustees or their Lessee may sell the Animal seized, and out of the Money arising thereby may pay and retain the Toll or Rate, and the Charges aforesaid, and those of the Sale, returning the Overplus (if any) to the Owner of the Animal seized, or such Toll or Rate may be recovered in any Court of competent Jurisdiction.

124. If any Dispute arise concerning any Toll or Rate, or the Charges of keeping or selling any Distress, such Dispute shall be determined by a Justice, who, on Application made to him, shall determine the same, and make such Order therein, and award such Costs to either Party, as he thinks proper, and in default of Payment on Demand of the Money so awarded, and of the Costs, the same shall be levied by Distress.

Settlement of
Disputes as
to Tolls.

PART 7.—BATHS, WASH-HOUSES, BATHING PLACES, &c.

125. The Trustees may from Time to Time provide and maintain Buildings suitable for Baths or Wash-houses, with or without open Drying Grounds, and make any Bathing Places, and convert any Buildings into such Baths and Wash-houses, and alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Fittings, Furniture, and Conveniences, and they may (if they think fit) from Time to Time purchase by Agreement or take a Lease of any Baths and Wash-houses before or after the Commencement of this Act established otherwise than by the Trustees, and appropriate the same to the Purposes of the present Section, with such Additions or Alterations as they deem expedient; and the Trustees of any Baths and Wash-houses established or provided by private Subscription or otherwise may, with the Consent of the Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease such last-mentioned Baths and Wash-houses to the Trustees, or make over to them the Management thereof, on such Terms as may be agreed on.

Power to
provide
Baths, &c.

126. The Trustees may from Time to Time, with respect to Public Baths, Wash-houses, and Bathing Places provided by them or under their Management, make Byelaws for all or any of the following Purposes; namely,

Power to
make Bye-
laws for
Regulation
of Baths, &c.

For securing that the Baths and Wash-houses and Bathing Places be under the due Control of the Officers and Servants of the Trustees, and for determining their Duties:

[Local.]

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For

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For securing adequate Privacy to Persons using the Baths, Wash-houses, and Bathing Places, and providing Security against Accidents to Persons using the Bathing Places :

For securing that Men and Boys above Eight Years old bathe separately from Women and Girls and Children Eight Years old or under :

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances :

For determining the Charges for the Use of the Baths, Wash-houses, and Bathing Places.

Recovery of Charges at Wash-houses.

127. The Officers and Servants of the Trustees may detain Clothes brought to be washed or other Goods of any Person refusing to pay any Charge to which such Person is liable for the Use of the Wash-houses of the Trustees till full Payment thereof is made, and in case such Payment is not made within Seven Days after the same becomes due may sell such Clothes or Goods, or any of them, returning the surplus Proceeds of such Sale (after deducting the unpaid Charge and the Expenses of Detention and Sale) and any unsold Articles, on Demand, to the Owner or the Person by whom the same were brought to be washed.

Power to discontinue Baths, &c. and sell Buildings, &c.

128. Whenever any Baths or Wash-houses or Bathing Places established by the Trustees, having been carried on for Seven Years or upwards, are determined by them to be unnecessary or too expensive to be kept up, they may discontinue the same or any Part thereof, and sell or dispose of the same or any Part thereof.

PART 8.—POLICE.

10 & 11 Vict. c. 89. incorporated.

129. "The Town Police Clauses Act, 1847," with the Exception of the Section of that Act numbered Seventy, shall be incorporated with and form Part of this Act.

Town Police Clauses Act to extend to certain Offences.

130. The Provisions of the Section numbered Twenty-eight of "The Town Police Clauses Act, 1847," shall extend to every Person who shall commit any of the following Offences in any Part of the District :

Every Person who bathes in any Place or at any Time forbidden by the Trustees :

Every Person who writes or draws any profane, obscene, or indecent Word or Figure on any Building, Wall, Door, or Post, or otherwise injures, marks, or defaces the same, or commits a Nuisance upon, about, or against the same :

Every

The Maryport Improvement and Harbour Act, 1866.

Every Person who occupying a Blacksmith's, Whitesmith's, or Nail Maker's Shop, having a Door or Window or other Opening fronting or opening into or towards any Street, does not by good and close Doors or Shutters every Evening, not later than Half an Hour after Sunset, prevent the Light from such Shop shining into any Street:

Every Person who discharges any Smoke or Steam from any Building (otherwise than from the Top thereof) into any Street, or who constructs or uses any Steam Pipe, Flue, or Funnel (not being the Funnel of a Locomotive Engine) so that the condensed Water or Moisture must usually fall into any Street:

Every Person who plays at Pitch and Toss, Football, Battledore and Shuttlecock, Tipcat, or any other Game, or trundles any Hoop, or runs any Race, or throws any Snowball:

Every Person who throws down any Goods, Produce, Wares, or Merchandise out of any upper Storey of any Warehouse, or of any other Building used for any Trade, Manufacture, or Business, and every Person being the Occupier of any Warehouse or other such Building out of which Goods, Produce, Wares, or Merchandise are or is so thrown, but so that One Penalty only be recoverable for the same Offence.

131. The Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty (Chapter Eighty-four), "for preventing the Adulteration of Articles of Food or Drink," shall apply to the District as if it had a separate Court of Quarter Sessions.

Application
of 23 & 24
Vict. c. 84.
(against
Adulteration
of Food, &c.)

132. For the better Execution of the Provisions of the following Acts, (namely,)

Execution of
licensing
Powers as to
Gunpowder,
Petroleum,
&c.

The Gunpowder Act, 1860, and any Act for the Time being in force amending the same;

The Act of the Session of the Twenty-fifth and Twenty-sixth Years of Her Majesty (Chapter Sixty-six), "for the safe keeping of Petroleum,"

the following Provisions shall take effect; (that is to say,)

(1.) The Trustees may carry the first-mentioned Act or Acts into execution within the District;

(2.) Any Licence granted under the before-mentioned Acts, or any of them, may be suspended or revoked when and as the Trustees think fit;

(3.) Every such Licence shall be under the Hand of the Clerk to the Trustees, and may be in such Form in the Schedule (E.) to this Act as shall be applicable to the Circumstances;

(4.) For every such Licence the Trustees may charge a Fee not exceeding Five Shillings.

As

*The Maryport Improvement and Harbour Act, 1866.**As to Places of Public Resort, &c.*

Publicans
prohibited
from supply-
Liquors to
Persons
under Four-
teen Years of
Age.

133. Every Licensed Victualler or other Person who shall knowingly supply any Wine or Spirits or other distilled Liquor to any Boy or Girl apparently under the Age of Fourteen Years, to be drunk upon the Premises, shall be liable to a Penalty not exceeding Twenty Shillings, and upon Conviction for a Second Offence shall be liable to a Penalty not exceeding Forty Shillings, and upon Conviction for a Third Offence shall be liable to a Penalty not exceeding Five Pounds.

Penalties on
Brothel-
keepers.

134. If any Person keep or act or assist in the Management of any Brothel or other disorderly House, Room, or other Place, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, or, in the Discretion of the Justice before whom he is convicted, be imprisoned, with or without Hard Labour, for not exceeding One Month: Provided always, that any Conviction under this Enactment shall not exempt any Owner, Occupier, Keeper, or Manager of such Place, or any Person resorting thereto, from any other penal Consequences to which he is liable with reference thereto.

PART 9.—DEALERS IN SECOND-HAND GOODS AND MARINE STORES.

Trustees
may adopt
this Part of
Act.

135. The Trustees at any Meeting may resolve to adopt this Part of this Act, and upon the passing of any such Resolution this Part of this Act shall be deemed to be in force within the District.

Dealers in
Second-hand
Goods, &c.
to be
licensed.

136. After the Expiration of One Month after the Adoption of this Part of this Act by the Trustees no Person shall carry on the Business of a Dealer in Second-hand Goods or Marine Stores unless such Person shall have obtained a Licence from the Trustees in the Form or to the Effect in the Schedule (F.) to this Act authorizing him to carry on such Business, which Licence the Trustees shall have the Power of granting.

Names of
Dealers in
Second-hand
Goods, &c.
to be written
in front of
the House
where the
Business is
carried on.

137. Every Person who shall be so licensed shall cause to be painted in Roman Capital Letters Six Inches at the least in Height, and of a proportionate and proper Breadth, on the Outside of the Front of the House or Building in which such Business shall in such Licence, or in any Endorsement thereon, be stated to be carried on, and so that the same shall be at all Times plainly and distinctly visible and legible, his Christian Name and Surname at full Length, together with the Words "Licensed Dealer in Second-hand Goods," or "Licensed Dealer in Marine Stores," as the Case may be, and such Person shall continue such Name and Words so painted during all the
Time

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Time that he shall continue to carry on the said Business upon the same Premises.

138. Every Person so licensed shall correctly enter in a Book to be kept by him for that Purpose the Description and Price of all Articles purchased or otherwise acquired by him, and the Name, Address, and Occupation of the Person offering the same for Sale; and in case of Neglect or Refusal to keep such Book, or to make such Entries, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Persons licensed to keep Books for entering Articles purchased.

139. Before any such Licence shall be granted a Requisition for the same, in such Form as the Trustees shall provide, shall be made and signed by the Person carrying on, or about to carry on, the Business in respect of which such Licence shall be applied for; and in every such Requisition there shall be truly specified the Christian Name and Surname and Place of Abode of the Person applying for such Licence, and the Place where the Business of such Person is or is proposed to be carried on.

Persons applying for Licences to sign a Requisition for the same.

140. Every Licence so to be granted shall be signed by the Clerk to the Trustees, and shall be in force for One Year from the Date thereof.

Licence to be in force for One Year.

141. There shall be specified in every such Licence the true Christian Name and Surname and Place of Abode of the Person who shall carry on, or be about to carry on, the Business in respect of which such Licence shall be granted, and also the Name of the Street and the Number of the House or Building in which such Business is or is intended to be carried on, and the particular Rooms or other Parts of such House or Building used or intended to be used for the Purpose of such Business.

What shall be specified in the Licences.

142. For every Licence, and for every Renewal thereof, there shall be paid to the Trustees such Sum, not exceeding Five Shillings, as they shall direct, and such Licences shall be entered in a Book to be provided by the Trustees.

Fee on Licence.

143. So often as any Person named in any such Licence shall change his Place of Abode, or the Place of carrying on his Business, or shall carry on the same in any other Part of the House or Building than that mentioned in the Licence as used for the Purposes thereof, he shall, within Twenty-four Hours next after such Change, give Notice in Writing, signed by him, to the Trustees, specifying in such Notice his new Place of Abode, or his new House or Place of Business, or the

Notice to be given of Change of Abode or of Place of Business.

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additional or other Part of the House or Building used for the Purpose of the said Business, as the Case may be; and such Person shall at the same Time produce his Licence to the proper Officer of the Trustees, who shall endorse thereon a Memorandum specifying the Particulars of such Change.

Penalty on Persons carrying on Business without Licence, or changing Residence or Place of Business without Notice.

144. If any Person shall, after the Expiration of One Month from the Adoption of this Part of this Act by the Trustees, carry on the Business of a Dealer in Marine Stores or Second-hand Goods without having obtained a Licence for such Purpose, or if any Person having obtained such a Licence shall do anything in contravention of the Provisions of this Act with respect to Persons carrying on such Business, or neglect or omit to comply with any of such Provisions, he shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Contravention, Neglect, or Omission shall continue.

Licences may be suspended or revoked.

145. Any such Licence may be suspended or revoked by any Justice before whom the Person named in such Licence shall be convicted of any Offence which in the Opinion of such Justice shall render it expedient that such Licence should be suspended or revoked.

Act not to affect Pawn-brokers, &c.

146. Nothing in this Act contained with respect to such Dealers shall be deemed to affect Persons carrying on the Business of Pawn-broker, and duly licensed for that Purpose, or Persons who shall only occasionally deal in Second-hand Goods, and whose chief or principal Occupation or Business shall not be the dealing therein.

PART 10.—ACQUISITION OF LANDS, &c.

Power for Trustees to purchase Lands for Purposes of Act.

147. It shall be lawful for the Trustees for all or any of the Purposes of this Act, but subject to the Restrictions of this Act, to purchase by Agreement either for a Sum in gross or in consideration of a perpetual yearly Fee-farm Rent, or partly for a Sum in gross and partly in consideration of or subject to a yearly Fee-farm Rent, or to take on Lease or Hire, any Lands or Buildings, or any Estate, Term, or Interest therein, or any Easement, Power, or Privilege therein, thereupon, or thereover; which they shall consider necessary, and to cause any new Erection or Building to be made upon any Land already or which shall be hereafter purchased, and to take down or alter all or any of the Buildings already or to be purchased or leased, or any Part of the same respectively; and also to appropriate all or any Part thereof, or of the Land which shall have been or shall be purchased or cleared by the taking down of any such Building for all

or

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or any of the Purposes aforesaid, as they shall think fit, and they may from Time to Time regulate and manage such Buildings and Lands, and make Byelaws in relation thereto.

148. For the Purposes of this Act the several Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," incorporated with this Act, shall, so far as the same are respectively applicable in that Behalf, extend and apply to Easements and Rights in, over, or affecting any Lands granted and leased under this Act, and Rents and Rentcharges realized by the Leases and Grants of such Easements and Rights respectively: Provided that no Easement or Right relating to any Stream or Spring of Water shall be purchased or taken under the Powers contained in this or the last preceding Section.

Application of Lands Clauses Act to Easements, &c.

149. Conveyances of Buildings or Lands to be purchased by the Trustees under the Provisions of this Act may be according to the Forms in the Schedules (G.) and (H.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case or the Tenure of the Land will admit, or by Deed in any other Form which may be agreed upon between the Trustees and the Seller.

Form of Conveyances to the Trustees.

150. The Trustees may, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, to be signified in Writing under the Hands of any Two of them, sell, lease, exchange, or otherwise dispose of any Buildings or Land, or any Parts thereof, now vested in them, or which may be acquired by them under the Provisions of this Act, and which may not be wanted for the Purposes thereof, and for any of such Purposes may make and execute any Deed under their Common Seal; and upon Payment of any Monies which shall arise by or from the Sale, Lease, Exchange, or other Disposition of such Buildings or Land, the Clerk to the Trustees for the Time being may sign and give a Receipt for the same, which Receipt shall sufficiently discharge any Person for the Money therein and thereby acknowledged to be received.

Trustees may sell, &c. Lands not wanted.

PART 11.—THE HARBOUR.

151. "The Harbours, Docks, and Piers Clauses Act, 1847," save so far as the Sections thereof are by this Act varied, shall be incorporated with this Act, with the Exception of the following Sections; (that is to say,)

Incorporation of Parts of 10 & 11 Vict. c. 27.

The Sections with respect to the Construction of the Harbour, Dock, or Pier;

The

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The Sections with respect to the Construction of Works for the Accommodation of the Officers of Customs;

The Sections with respect to Lifeboats;

The Sections with respect to keeping a Tide and Weather Gauge;

The Sections numbered Twenty-five and Twenty-six relating to Rates:

And the Words "Piers or Quays" in the Sixty-eighth Section of that Act include Timber Ponds, Yards, Warehouses, and Places for storing Goods.

Powers conferred on Trustees not to interfere with Property or Rents of Lord of the Manor of Ellenborough, or Maryport and Carlisle Railway Company, or Whitehaven Junction Railway Company.

152. Whereas in consequence of the Increase of Commerce it has been found necessary from Time to Time to extend the Accommodation of the Harbour of *Maryport*, and a Tidal Basin, a Dock (called or known by the Name of the *Elizabeth Dock*), and Piers have been added thereto: And whereas the Sites of the said Basin, Dock, and Piers have been from Time to Time granted to the Trustees by the Lords of the Manor of *Ellenborough*, reserving to the Lords of the said Manor the Soil and the Right and Property in and to the Soil of the same, and of the Wharves, Quays, Ways, and Lands adjacent thereto, together with certain Rights, Privileges, and Easements: And whereas the Lords of the said Manor have from Time to Time granted to the *Maryport and Carlisle Railway Company*, and to the *Whitehaven Junction Railway Company*, certain of such Rights, Privileges, and Easements: And whereas the said *Maryport and Carlisle Railway Company* and the said *Whitehaven Junction Railway Company* have under their Acts of Parliament obtained Conveyances of certain Estates, Rights, Privileges, and Easements in and over a Portion of the Lands forming the Harbour: Be it enacted, That nothing in this Act contained shall be deemed or taken to prejudice, or in any Manner affect, or to recognize or confirm the Rights and Property or Claims of the Lord of the Manor in and to the Soil of the said Basin, Dock, and Pier, and of the Wharves, Quays, Ways, and Lands adjacent thereto or connected therewith, or any Property, Rents, Rentcharges, Monies, Rights, Privileges, or Easements to which he or the said Railway Companies would be entitled but for this Act, but the same shall be held and enjoyed by the Lord of the Manor and by the said Companies respectively, or other the Owners thereof, in the same Manner and to the same Extent as if this Act had not passed.

Power to maintain Works and make incidental Works.

153. Subject to the Provisions of this Act, the Trustees may from Time to Time maintain and repair the Harbour Works, and may reconstruct, improve, use, and regulate the same, and may make in connexion therewith all such Embankments, Works, Communications, Wharves, Quays, Yards, Stages, Gates, Jetties, Landing Places, Walls, Ponds, Basins, Slips, Inclined Planes, Locks, Places, and Conveniences for

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for repairing and cleansing Vessels, Tramways, Warehouses, Buildings, Sheds, Cranes, Dolphins, Bridges, Dams, Sluices, Culverts, Drains, Sewers, Works, Paths, Fences, Apparatus, and Conveniences as they think convenient for the Purposes of the Harbour, provided the same be done on Lands belonging to the Trustees, or with the Consent of the Owner, Lessee, and Occupier of any other Land to be used for the Purpose, and may maintain, alter, repair, and discontinue the same.

154. The Harbour-master may remove from the Harbour any light Vessel in like Manner as, under Section Fifty-seven of "The Harbours, Docks, and Piers Clauses Act, 1847," he may remove any unserviceable Vessel, and the Charges attendant thereon may be recovered by the Trustees in like Manner as the Charges recoverable under that Section.

Power to remove light Vessels from Harbour.

155. If any Vessel be sunk in any Part of the Works, and her Owner or Master do not without Loss of Time weigh her up, the Trustees may weigh her up, and seize her and her Cargo, and detain her until the Costs of such weighing-up, Seizure, and Detention be paid; and if the same be not redeemed within Ten Days after Seizure, the Trustees may cause the Vessel and her Cargo to be appraised by Two or more Appraisers, and afterwards may sell the Vessel and all or any Part of her Cargo, and pay themselves the Costs of such weighing-up, Seizure, Detention, and Sale, rendering the Overplus, if any, to the Owner or Master, on Demand.

Power to weigh up sunken Vessels.

156. If the Master of any Vessel entering or leaving, or intending to enter or leave, the Harbour, shall wilfully give false Information of the Draught of Water of such Vessel to the Harbour-master, the Master of such Vessel shall for every such Offence be liable to a Penalty not exceeding Twenty-five Pounds, without Prejudice to any Remedy of the Trustees for Compensation for any Loss or Damage occasioned thereby.

Penalty on giving false Draught of Water.

157. Every Person who shall assault, resist, obstruct, or impede the Harbour-master or any other Officer of the Trustees in the Execution of his Duty, or disobey his lawful Orders, or who shall aid or incite any Person so to assault or resist, obstruct, or impede such Harbour-master or other Officer, or to disobey such Orders, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

For Protection of the Harbour-master and other Officers in the Execution of their Duties.

158. The Trustees shall not be compellable to receive within or upon any Part of the Harbour any Articles which in their Opinion would endanger the Safety of the Harbour, or of Buildings, Vessels, or Goods: Provided that the Trustees shall from Time to Time publish, in such

Trustees may exclude dangerous Articles from their Works.

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Manner as is prescribed with respect to the List of Rates by Section Forty-seven of "The Harbours, Docks, and Piers Clauses Act, 1847," a Schedule of such Articles as they refuse so to receive, and every Person who after such Publication brings or causes or permits to be brought within or upon any Part of the Harbour any such Article shall be liable to a Penalty not exceeding One hundred Pounds, and the Trustees may remove the Article so brought in, and may recover the Costs of such Removal, and of placing or storing the same elsewhere, from the Owner or Offender.

Tonnage
Rates on
Vessels.

159. The Trustees may from Time to Time demand or take for every Vessel using or entering the Harbour, other than a Vessel being a Steam Tug when used as such, the Sum of Sixpence for every Ton Measurement of such Vessel, and an additional Sum of One Penny *per* Ton for every Vessel, other than a Vessel being a Steam Tug when used as such, entering the said Harbour for the Purpose of sustaining a proper Light upon the Pier Head at the Entrance of the said Harbour, and every such Sum shall be payable by the Master of such Vessel.

Further
Rates on
Vessels
remaining
more than
90 Days.

160. If any such Vessel using the Harbour, whether it have previously paid or been liable to pay any such Tonnage Rates or not, remain in the Harbour for more than Ninety Days, the Trustees may demand and take for such Vessel a further Rate of Twopence a Ton for every Week, and so in proportion for any Period less than a Week, during which the Vessel so remains beyond Ninety Days, but no such additional Rate shall be payable for any Vessel prevented from leaving the Harbour by an Embargo or by Stress of Weather; and in the Case of any Vessel which shall have used or entered the Harbour (and in respect of which all the Rates or Dues which may by this Act be demanded shall have been paid), and shall have gone to Sea and put back from Stress of Weather, the Number of Days such Vessel shall have used the Harbour before going to Sea, and the Number of Days such Vessel shall use the Harbour after so putting back (excluding the Time she shall have been at Sea), shall be counted as the Number of Days such Vessel shall have used the Harbour for the Purposes of this Section.

Trustees
may provide
Steam Tugs,
Harbour and
Hopper
Boats.

161. The Trustees may purchase or provide such Number of Steam Tugs and Harbour Boats and Hopper or Ballast Boats as they may from Time to Time think necessary, and may employ and pay such Persons as they may think fit to form the Crews of such Steam Tugs and Boats, and they may demand and take from the Master of every Vessel employing such Steam Tugs or Boats any Sum not exceeding the Rates specified in the Schedule (I.) to this Act, and the
Master

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Master of every Vessel entering any Part of the said Harbour shall pay the "Inwards" Rate for Harbour Boats mentioned in the said Schedule, whether he employ a Harbour Boat or not.

162. The several Rates by this Act authorized may be demanded and taken by such Persons; at such Places, at such Times, and under such Regulations as the Trustees from Time to Time appoint: Provided, that all Rates from Time to Time payable to the Trustees shall, if the Trustees so appoint, be paid at an Office or Offices to be appointed by the Trustees for that Purpose, without any previous Demand being made of such Rate by the Trustees. Collectors of Rates.

163. The Trustees may from Time to Time make such Contracts for towing Vessels by their Steam Tugs or Boats, whether within or beyond the Harbour, or both within and beyond the Harbour, as they may think fit. Power to contract for towing Vessels.

164. In addition to the Power of making, altering, and repealing Byelaws contained in this Act and the Acts incorporated with this Act, the Trustees from Time to Time may make, alter, and repeal such Byelaws, Rules, and Regulations as they think fit for the following Purposes: Byelaws relating to the Harbour.

For the Management of Vessels and Floats of Timber passing through the Harbour:

For the Admission, Removal, Navigation, berthing, or mooring of any Vessels and Floats of Timber using the Harbour:

For regulating the Removal and Disposal of all Ballast brought by Vessels entering the Harbour, and for regulating the Supply of Ballast to Vessels in the Harbour, and for preventing Ballast being thrown or allowed to fall overboard:

For the Prevention of Trespasses, Nuisances, and Offences in the Harbour, and for the general Protection and Preservation of the Harbour:

For regulating the Conduct of all Persons who shall enter, remain, or be employed in or about the Harbour, or in or about any Vessel therein.

165. Nothing in this Act contained shall be deemed to exempt the Trustees or the Harbour from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," "The Merchant Shipping Act, 1854," or any Acts amending those Acts, or of any General Act relating to Docks, Harbours, or Dues on Shipping, or on Goods carried in Shipping, or Lights, Buoys, or Beacons, or the Rights, Powers, or Privileges of the General Lighthouse Authorities, now in force or which shall be passed during the present or any future Session of Parliament, Reservation of Merchant Shipping Acts and General Acts.
or

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or from any future Revision or Alteration, under the Authority of Parliament, of the Dues or Tolls by this Act authorized.

Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c.

166. If in the course or by means of the Execution of any of the Works by this Act authorized any Part of the Shores or Bed of the said Harbour, or of the Sea beyond the Mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the Water, the said Trustees shall not have or exercise any Right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, but such inning, gaining, or Reclamation shall enure absolutely for the Benefit of the Queen's Majesty, Her Heirs and Successors.

Saving Rights of the Crown.

167. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Trustees to take, use, or in any Manner interfere with any Land or Hereditaments, or any Rights of whatsoever Description, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Act not to interfere with Right of Lord of Manor to levy Dues.

168. Nothing in this Act contained shall take away, prejudice, interfere with, or in any Manner whatsoever affect or recognize or confirm any Right, Title, or Claim of the Lord of the Manor to levy upon every Vessel coming into such Parts of the Harbour as shall be within the Manor of *Ellenborough* a certain prescriptive or customary Payment of One Shilling, called "Anchorage," but such Right, Title, or Claim shall continue and be of the same Effect as if this Act had not passed.

PART 12.—DISTRICT AND HARBOUR FUNDS AND RATES.

Formation of District Fund.

169. All Monies in the Hands of the Trustees at the Commencement of this Act (except Monies received in respect of the Harbour), and all Monies which shall come into the Hands of the Trustees under

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under the Provisions of this Act (except Monies borrowed or received in respect of the Harbour), including the Rents and Profits of the Lands and Buildings of the Trustees, all Monies payable to the Trustees by the Owners and Occupiers of Buildings and Lands, and other Persons, the Purchase Money of, Consideration for, and Fines on Lands sold, leased, exchanged, or disposed of, Water Rents and Gas Rents, Tolls, Rents, and Stallages, Fees for Licences, and Fines and Penalties inflicted under this Act, shall be carried to a Fund to be called "the District Fund."

170. All Monies in the Hands of the Trustees at the Commencement of this Act which shall have been received for or on account of Tonnage Rates or other Dues, or in respect of the Use of the tidal Basin or the *Elizabeth* Dock, or otherwise for the Accommodation of Shipping, and all Monies which shall come into the Hands of the Trustees under the Provisions of this Act arising from the Use of the Harbour, or of any Part thereof, including Tolls or Rates on Vessels, and Tolls or Rates and Monies receivable on account of or for the Use of Harbour Boats and Steam Tugs, shall be carried to a Fund to be called "the Harbour Fund."

Formation
of Harbour
Fund.

171. The Trustees may make and levy annually, or oftener if they think proper, a Rate to be called "the District Rate," and such Rate shall be levied upon the Occupiers of all such Kinds of Property situated within the District as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor according to the net annual Value of such Property, which Rate shall include a Rate or Assessment for carrying into execution the several Purposes comprised in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Parts of this Act, and a Highway Rate for the Purpose of maintaining and repairing the several Highways within the District; and every such Rate shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form given in the Schedule (K.) to this Act, or as near thereto as the Circumstances of the Case will admit; and every such Rate shall be signed by the Clerk to the Trustees, but need not be laid before or allowed by Justices, or laid before the Parishioners in Vestry, or be published, nor need any Accounts kept by the Trustees of Highway Rates be verified before Justices; and every such Rate shall be payable in advance, but shall not in any One Year exceed Five Shillings in the Pound, exclusive of the Amount necessary for maintaining and repairing the Highways.

Power to
levy District
Rate.

172. All Money levied by means of the District Rate shall be carried to and shall form Part of the District Fund, and shall be applied accordingly.

District Rate
to be carried
to District
Fund.

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Exemption
from Rates.

173. The District Rate, except so much thereof as shall be made or levied in respect of Highways, shall not be payable by any Person for any Arable, Meadow, or Pasture Land, or Nursery Grounds, or Woodlands, or Farmhouses or Farmsteads, or for any Church or Chapel, or any Meeting House duly licensed for Religious Worship, or any Almshouse or Hospital, or for any Building appropriated exclusively for the gratuitous Education of the Poor, or for any public Charity, nor shall any such Rate be made payable for any Property during the Time the same shall be empty or unoccupied.

Power to
rate the
Owners of
Houses in
certain
Cases.

174. In all Cases in which the annual Value of any Premises rateable as aforesaid shall not exceed Five Pounds, or where any Premises are let to weekly or monthly Tenants, or where any Premises are let in separate Apartments, or where the Rents of any Premises become payable or are collected at a shorter Period than quarterly, the Trustees may rate or assess the Owner instead of the Occupier of such Premises, and upon Nonpayment of the Sum so to be assessed the same may be levied upon and the Payment thereof enforced against the Owner, his Goods and Chattels, in like Manner as any Rate made for the Purposes of this Act may be levied upon and Payment thereof enforced under this Act against any Occupier charged with any such Rate: Provided always, that the Owner of any such Premises shall be entitled to receive from the Trustees, if the Rate be paid on Demand, a Discount or Drawback of One Fifth Part of the Rate in consideration for any Loss such Owner may sustain by reason of the Non-occupation of such Premises or otherwise.

Discount to
be allowed to
Owners.

Persons
aggrieved by
Inequality
of Rate may
appeal to the
Trustees.

175. If any Person shall think himself aggrieved by any Rate on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may, after giving Three Days Notice to the Trustees, appeal to the Trustees at their First Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment, and the Trustees at such Meeting, if they shall think such Person aggrieved, may give such Relief as to them shall seem reasonable.

Rates may
be recovered
by Action or
Distress.

176. If any Person rated shall not pay any Rate due from him, any Justice shall, on the Application of the Trustees, summon any such Person to appear before him or any other Justice at the Time to be mentioned in the Summons to show Cause why the Rate due from him should not be paid; and in case no sufficient Cause for the Non-payment of such Rate shall be shown, the same, with such Costs as to the Justice shall seem reasonable, shall be levied by Distress of the Goods and Chattels of such Person in the County of *Cumberland*, and such Justice shall issue his Warrant accordingly: Provided always, that if no sufficient Distress can be found within the said County whereupon

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whereupon to levy the said Rate and Costs, and it so appear upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall endorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied off the last-mentioned Goods and Chattels in the same Manner as if the Defaulter had been assessed in the last-mentioned County or Jurisdiction, or such Amount, together with all Costs and Expenses, may be recovered in any Court of competent Jurisdiction.

177. Any Warrant of Distress for the Recovery of any Rate or Water or Gas Rent made payable by this Act may include several Persons, and may be in the Form or to the Effect mentioned in the Schedule (L.) to this Act annexed; and every Constable shall, upon being required by a Collector of Rates, aid in making a Distress or Sale pursuant to such Warrant; and every such Constable who shall refuse so to do shall be liable to a Penalty not exceeding Five Pounds.

Form of
Warrant of
Distress.

178. No Distress to be levied by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on the Ground 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 subsequent Irregularity in the prosecuting of such Distress.

Distress not
to be avoided
for Want of
Form.

179. When the Owner of any Property shall have been rated in respect thereof, and such Rate or any Water or Gas Rent due from such Owner shall remain unpaid for the Space of Three Months, the Trustees may recover the Amount of such Rate or Water or Gas Rent from the Occupier of such Property by Distress and Sale of his Goods and Chattels in like Manner as Rates may be recovered from the Occupiers of any Property liable to be rated: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Rate or Water or Gas Rent, or which shall, after such Demand and Notice not to pay the same to his Landlord, become payable by him, unless he shall refuse, on Application being made to him for that Purpose by the Trustees, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of the Proof that the Sum demanded from any such Occupier is greater than the Rent which was due by him
at

Rates due
from Owner
may be re-
covered from
the Occupier
to the Extent
of Rent due.

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at the Time of such Notice, or which shall have since accrued, shall be upon such Occupier.

Penalty on Occupier refusing to give the Name of Owner.

180. If, on the Request of the Trustees, the Occupier of any Property shall refuse or wilfully omit to disclose or shall wilfully misstate to the Trustees or their Collector the Name of the Owner of such Property, any Justice may summon such Occupier to appear at the Time and Place mentioned in such Summons before such Justice, or before some other Justice; and if such Occupier shall refuse or neglect to attend at the Time and Place mentioned in the Summons, or if he shall attend and not show good Cause to the Justice for his Refusal or wilful Omission or Mis-statement, such Justice may, upon Proof (in case of the Neglect or Refusal to attend as aforesaid) of the due Service of the Summons, or on such Attendance, impose a Penalty upon such Occupier not exceeding Five Pounds.

Occupier may recover Money paid for Rates due from Owner, or deduct the Amount from the Rent.

181. If the Amount of any Rate or Water or Gas Rent which ought to be paid by the Owner of any Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, then such Owner shall reimburse the Occupier, and the Occupier may deduct the Sums paid or levied, together with the Costs of the Distress (if any), from any Rent due or to become due from him in respect of such Property, or such Occupier may recover the same from such Owner in any Court of competent Jurisdiction.

Differential Rating in respect of Railways.

182. As regards any Rates to be assessed and levied under this Act (except Highway Rates) the Occupier of any Land used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance shall be assessed in respect of such Property in the Proportion of One Fourth Part of the net annual Value thereof; Provided always, that if any Sum shall be paid by such Occupier towards any Rate to be assessed and levied under this Act (except as aforesaid) in respect of any Matter for which such Occupier shall not be liable to pay more than One Fourth of his Proportion of any such Rate, the Trustees shall allow to such Occupier a Drawback on his Assessment to such Rate equal to Three Fourths of such Proportion of the Rate as is due to such Payment, and the Amount of such Allowance may be recovered by Action at Law, or may be deducted out of the next Rate.

Period for Appeal by Railway Company against Rates.

183. The Period within which any Railway Company may appeal against any Rate made under the Authority and for the Purposes of this Act shall be One Month after the Amount of such Rate shall be demanded from the Secretary or any Director of such Company, and such Demand shall be sufficient if made by Letter addressed to the
Secretary

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Secretary of such Company and sent by Post, but no such Company shall be called upon to enter into a Recognizance to try such Appeal unless required so to do in Writing under the Hand of the Clerk to the Trustees.

Borrowing Powers.

184. Whereas by virtue of the Act hereby repealed the Trustees were empowered to borrow Money upon the Credit of the Tonnage Rates or Duties and other Duties connected with the Harbour, and also upon the Credit of the several Rates or Assessments by that Act granted connected with the Improvement of the Township of *Maryport*: And whereas there was owing upon the Fifth Day of *October* One thousand eight hundred and sixty-five, upon the first-mentioned Securities, the Sum of Seventy-seven thousand two hundred and ninety-five Pounds, and upon the last-mentioned Securities the Sum of One thousand three hundred and fifty Pounds: And whereas it is expedient that the Trustees should have Power to raise a further Sum or Sums of Money for carrying into effect the Purposes of this Act: Be it enacted, That it shall be lawful for the Trustees from Time to Time, in addition to any existing Mortgage Debt, to borrow Money as follows; (namely,)

Power to
to borrow.

On the Security of the Property and Estates of the Trustees within the District (but exclusive of the Harbour) and of the District Fund, any Sum not exceeding in the whole Seventy thousand Pounds, and they may mortgage such Property and Estates and the District Fund to secure Repayment thereof with Interest:

On the Security of the Property and Estates of the Trustees within the Harbour and of the Harbour Fund, any Sum not exceeding in the whole Thirty-two thousand Pounds, and they may mortgage such Property and Estates and the Harbour Fund to secure Repayment thereof with Interest.

185. The Trustees shall not, out of the Money borrowed by them on the Security of their Property and Estates within the District (but exclusive of the Harbour) and of the District Fund, expend more than the respective Amounts following in connexion with the following Purposes; (namely,)

Sums which
may be
expended
on Water-
works, Gas,
Slaughter-
houses, &c.

In connexion with the Waterworks and Water Supply, Thirty-five thousand Pounds:

In connexion with the Gasworks and Gas Supply, Fifteen thousand Pounds:

In connexion with the Slaughter-houses and the general Improvement Purposes, Twenty thousand Pounds.

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Sums which may be expended on Harbour, Works, and Steam Tugs, &c.

186. The Trustees shall not, out of the Money borrowed by them on the Security of their Property and Estates within the Harbour and of the Harbour Fund, expend more than the respective Amounts following in connexion with the following Purposes; (namely,)

In connexion with the Harbour, Twenty thousand Pounds:

In connexion with the Purchase of Steam Tugs and Harbour and Hopper or Ballast Boats, Twelve thousand Pounds.

Protection of Lenders from Inquiry.

187. Any Person lending Money to the Trustees shall not be bound or entitled to inquire as to the Observance by them of any Provision of this Act, or be bound to see to the Application, or be answerable for any Loss or Nonapplication, of such Money or of any Part thereof.

Application of Monies.

188. All Money under this Act borrowed by the Trustees, or received by them in respect of Rates, Rents, Tolls, Licences, or other Charges, shall be applied only to the respective Purposes for which the same is by this Act expressly authorized to be borrowed, levied, or received; and all Money borrowed by the Trustees, and all Money received by the Trustees in respect of the Sale of Lands or Buildings, shall be deemed to be Capital and not Income, and shall be applied accordingly.

Power to re-borrow.

189. If the Trustees pay off any Part of any Money borrowed by them under this Act or under any former Act, and remaining unpaid at the Commencement of this Act, otherwise than by means of a Sinking Fund, they may reborrow the same, and so from Time to Time.

Saving for existing Charges.

190. Nothing in this Act shall prejudicially affect any Charge on the Property or Estates of the Trustees, or upon the Tonnage Rates or Duties, or other Duties connected with the Harbour, or upon the Rates or Assessments by the repealed Act granted, or any of them, by way of Annuity, Mortgage, or otherwise, subsisting at the Commencement of this Act; and every Annuitant, Mortgagee, or Encumbrancer, or Person for the Time being entitled to the Benefit of any such Charge, shall have the same Priority of Charge, and all the like Rights and Remedies in respect of the Property subject to his Charge, as if this Act had not been passed; and all such Charges created before the Commencement of this Act shall, during the Subsistence thereof, have Priority over any Mortgage granted under this Act.

Regulations as to Mortgages.

191. With respect to Mortgages made under this Act the following Provisions shall take effect; (namely,)

(1.) Every Mortgage shall be by Deed duly stamped, and truly stating the Consideration, and may be in the Form in Schedule (M.) to this Act:

(2.) The

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(2.) The Mortgagees and their respective Representatives and Assigns shall, in proportion to the Sums secured, be Creditors on the Property mortgaged to them respectively equally one with another, without Preference by reason of Priority of Date or otherwise :

(3.) A Register of the Mortgages shall be kept by the Clerk to the Trustees, and within Fourteen Days after the Date of each Mortgage an Entry of the Number and Date thereof, and of the Names of the Parties thereto, with their Additions, shall be made in the Register, which may be perused at all reasonable Times by any Person interested in any Mortgage without Payment.

192. With respect to Transfers of Mortgages made under this Act the following Provisions shall take effect ; (namely,) Transfer of Mortgages.

(1.) Any Person entitled to a Mortgage may transfer his Interest therein to any other Person by Deed duly stamped, and truly stating the Consideration, and such Transfer may be in the Form in the Schedule (N.) to this Act :

(2.) Within Thirty Days after the Date of every such Deed of Transfer it shall be produced to the Clerk to the Trustees, who shall cause an Entry thereof to be made in a Register of Transfers of Mortgages on Payment of a Sum not exceeding Five Shillings ; and after such Entry every such Transfer shall entitle the Transferee, his Representatives and Assigns, to the full Benefit of the original Mortgage in all respects (including the Power of Transfer) ; and any Person having made such a Transfer shall not have Power to release or discharge the Mortgage transferred, or any Money thereby secured.

193. With respect to the Repayment of Money borrowed on Mortgages made under this Act the following Provisions shall take effect ; (namely,) Repayment of Money borrowed on Mortgage.

(1.) The Trustees may, if they think proper, fix a Period for such Repayment, and in that Case they shall cause such Period to be inserted in the Mortgage, and on the Expiration thereof the Principal Sum, with the Interest accrued thereon, shall on Demand be paid to the Person entitled to receive the same, and if a Place of Payment is not inserted in the Deed the Payment shall be made at the Office of the Trustees :

(2.) If a Time is not fixed in the Mortgage Deed for such Repayment the Person entitled to receive such Money may at any Time after the Expiration of Twelve Months from the Date of

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of such Deed demand Payment of the Principal Money thereby secured, and Interest, on giving Six Months previous Notice for that Purpose, and in the like Case the Trustees may at any Time pay off the Money borrowed on giving the like Notice, and every such Notice shall be in Writing or Print, or partly in Writing and partly in Print, and if given by the Trustees shall be given personally to the Person entitled as aforesaid, or left at his Residence, or, if he is unknown to the Trustees or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette* :

- (3.) If the Trustees give Notice of their Intention to pay off any Mortgage at a Time when the same may be lawfully paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon unless on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Trustees fail to pay the Principal and Interest due at the Expiration of the Notice :
- (4.) The Trustees shall every Year appropriate out of the District Fund a Sum equal to One Fiftieth Part of the Principal Monies borrowed (whether under the Act hereby repealed or this Act) in connexion with the following Purposes, *viz.*, the Waterworks and Water Supply, the Gasworks and Gas Supply, the Slaughter-houses and General Improvement Purposes, and remaining unpaid, and out of the Harbour Fund a Sum equal to One Fiftieth Part of the Principal Monies borrowed (whether under the Act hereby repealed or this Act) in connexion with the Harbour, and remaining unpaid, and a Sum equal to One Twentieth Part of the Principal Monies borrowed in connexion with the Purchase of Steam Tugs and Harbour or Hopper or Ballast Boats, and remaining unpaid, to form Sinking Funds for paying off such Principal Monies respectively, such Sums respectively to be from Time to Time invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise until they shall respectively be of sufficient Amount to pay off the respective Principal Monies aforesaid, or some Part thereof which the Trustees think ought then to be paid off, at which Time they shall respectively be applied in paying off the same :
- (5.) Whenever the Trustees are able to pay off One or more of the Mortgages payable, but are not able to pay off the whole of the same Class, they shall decide by Lot the Order of Payment among that Class, and shall cause a Notice signed

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signed by their Clerk to be given to the Persons entitled to the Money, to be paid off according to such Decision, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified at the Expiration of Six Months from the Date of such Notice.

194. The Mortgagees under this Act may enforce Payment of the Principal and Interest due to them by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Power for Mortgagees to obtain a Receiver.

PART 13.—SUNDRY PROVISIONS.

Byelaws.

195. With respect to Byelaws to be made by the Trustees under this Act and the Acts incorporated herewith the following Provisions shall apply thereto; (namely,)

Regulations as to Byelaws.

- (1.) The Trustees may from Time to Time repeal or alter existing Byelaws, and make such Byelaws as they shall think fit for the Regulation, Management, and Control of their Proceedings, and for the Government and Regulation of all Officers, Workmen, and Servants employed by them, and for the several Purposes for which they are by this Act empowered to make Byelaws, and from Time to Time may repeal, alter, or amend any such Byelaws:
- (2.) No such Byelaw shall be repugnant to Law or to this Act:
- (3.) All Byelaws shall be reduced into Writing, and be under the Common Seal of the Trustees:
- (4.) The Trustees may by any Byelaw impose Penalties for Offences against the same not exceeding in respect of any Offence Five Pounds, so that all Byelaws be so framed as to allow of Part only of the maximum Penalty being inflicted:
- (5.) Penalties under Byelaws shall be recoverable as Penalties under this Act are recoverable:
- (6.) Any Byelaw shall not take effect until it is allowed by One of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such Byelaw shall not be allowed unless Notice of Intention to apply for Allowance of the same is given by Placards posted in some public Places not less than One Month before the

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making of such Application, and for One Month at least before such Application a Copy of the proposed Byelaw shall be kept at the Office of the Trustees, and be open during Office Hours thereat to the Inspection of the Ratepayers without Payment, and the Clerk to the Trustees shall furnish a Copy thereof, or of any Part thereof, to every Ratepayer applying for the same, on Payment of Sixpence for every Hundred Words in such Copy, or if the proposed Byelaw has been printed by the Trustees, then at such reasonable Price, not exceeding Twopence for each Copy, as the Trustees direct :

- (7.) All Byelaws, when allowed, shall be printed with the Date at which they are made, and the Clerk to the Trustees shall keep a printed Copy thereof at the Harbour Office, and all Persons may at all reasonable Times inspect such Copy without Payment, and the Trustees shall cause to be delivered a printed Copy, signed by their Clerk, of all Byelaws for the Time being in force, to every Person applying for the same, on Payment by him of any Sum not exceeding Sixpence for every such Copy, and a printed Copy, signed by the Clerk of the Trustees, of the Byelaws for the Time being in force relative to any particular Subject, to every Person applying for the same, on Payment by him of any Sum not exceeding Threepence for every such Copy :
- (8.) Proper Extracts from the Byelaws, painted or placed on Boards, may be set up and kept exhibited in Places to which such Extracts relate, or in such conspicuous or suitable Places as the Trustees think fit :
- (9.) A printed Copy of the Byelaws, dated and purporting to be allowed as aforesaid, and to be signed by the Clerk of the Trustees, shall be Evidence of the Existence and of the due making and Allowance of such Byelaws, without Proof of the Signature of the said Clerk.

Appeal to Quarter Sessions.

196. In any of the following Cases, (namely,)

- (1.) Where on any summary Conviction or Adjudication under this Act in respect of an Offence punishable by pecuniary Penalty, or by Imprisonment, the Penalty adjudged to be paid (inclusive of any Costs) exceeds Three Pounds, or the Term of Imprisonment adjudged exceeds One Month, or the Conviction or Adjudication is had before or made by One Justice only ;

(2.) Where

Appeal in
Cases of
summary
Conviction
against
Orders of
Justices or
against
Rates, &c.

The Maryport Improvement and Harbour Act, 1866.

- (2.) Where any Adjudication under this Act, other than such an Adjudication as aforesaid, or any Order or Determination under this Act, is made by any Justice or Justices, or any Order or Determination is made by the Trustees ;
- (3.) Where any Rate is made by the Trustees, but in Cases where Application for Relief is authorized to be made to the Trustees, then only after such Application ;

Any Person who thinks himself aggrieved by such Conviction, Adjudication, Order, or Determination, or by any Rate or anything included in or omitted from any Rate, may appeal to the next Court of Quarter Sessions holden not less than Twenty-one Days after the Day whereon such Conviction, Adjudication, Order, Determination, or Rate is made, subject and according to the following Provisions ; (that is to say,)

- (1.) Within Seven Days after the last-mentioned Day, and Twelve clear Days at least before such Sessions, the Appellant may give Notice in Writing of the Appeal and of the Matter and Ground thereof to the Complainant, or the Party in whose Favour the Adjudication, Order, or Determination is made, or whose Interest is immediately affected thereby (as the Case may be), and also, in case of an Appeal against a Rate, to the Trustees ;
- (2.) Within Three Days after giving such Notice the Appellant may enter into a Recognizance, with Two sufficient Sureties, before a Justice, in such Sum as the Justice thinks fit, conditioned to try the Appeal, and abide the Judgment of the Court thereon, and pay any Costs awarded by the Court, and, in case he is in Custody, to appear personally at the Sessions ; or
- (3.) Where the Appeal is against a Conviction imposing only a pecuniary Penalty, or against an Adjudication for the Payment of Money, the Appellant may deposit with the Clerk of the Justice before or by whom the Conviction or Adjudication is had or made such Sum of Money as the Justice thinks sufficient to cover the Amount of the Penalty or Money adjudged to be paid, with the Costs of the Conviction or Adjudication and of the Appeal ;
- (4.) On such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Appellant shall be liberated if in Custody ;
- (5.) The Court of Quarter Sessions, on Proof of such Notice and Recognizance or Deposit, may in a summary Way hear and determine the Appeal, or (if they think fit) adjourn the Hearing thereof to a subsequent Session ;

(6.) The

The Maryport Improvement and Harbour Act, 1866.

- (6.) The Court, by their Order on the Appeal, may affirm or quash the Conviction, Adjudication, Order, or Determination appealed against, or may mitigate any Forfeiture or Penalty, or may order any Money paid or levied to be returned, or may dismiss the Appeal, or make such other Order therein, with or without Costs, to either Party, as seems just, and may (if necessary) issue Process for enforcing their Judgment;
- (7.) Where any such Deposit as aforesaid is made, and the Conviction or Adjudication is affirmed, or the Appeal is dismissed, the Court may order the Amount of the Penalty or other Money adjudged to be paid, together with the Costs of the Conviction or Adjudication and of the Appeal, to be paid out of the Deposit, and the Residue thereof, if any, to be returned to the Appellant, and in any other Case shall order the Deposit to be returned to the Appellant;
- (8.) Where, on Appeal, a Conviction is quashed, the proper Officer shall forthwith endorse on the Conviction a Memorandum that it has been so quashed; and wherever any Copy or Certificate of such Conviction is made, a Copy of the Memorandum shall be added thereto, which shall be sufficient Evidence of the Conviction having been quashed in all Cases where a Copy or Certificate would be sufficient Evidence of the Conviction;
- (9.) In an Appeal against a Rate the Court, by their Order, may affirm the Rate or may amend the Rate, or may give Relief to any Person rated by inserting therein or striking out therefrom any Name, or altering any Sum therein, without quashing the Rate, or may quash the Rate and order a new Rate to be made; and in any such Appeal the Court shall have the like Power of awarding Costs to be paid by or to any Party, and of compelling Payment thereof, as they for the Time being have for awarding and compelling Payment of Costs in an Appeal against a Rate for the Relief of the Poor.

Appeal Provisions to apply to Trustees.

197. The foregoing Provision relative to Appeal shall extend and apply to the Trustees when they think themselves aggrieved by any such Conviction, Adjudication, Order, or Determination as aforesaid under this Act, and shall extend and apply to the Trustees when Appellants, save only that it shall not be requisite for the Trustees to enter into any Recognizance, or make any Deposit of Money.

Miscellaneous Provisions.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

198. Except as by this Act provided, all the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty

The Maryport Improvement and Harbour Act, 1866.

Majesty (Chapter Forty-three), "to facilitate the Performance of the " Duties of the Justices of the Peace out of Sessions within *England* " and *Wales* with respect to summary Convictions and Orders," and of any Act for the Time being in force amending or substituted for the same relating to Proceedings for the Recovery of Penalties by summary Conviction, and to Appeals against such Convictions, and the levying and enforcing of Penalties, and all subsequent Proceedings which may be taken on Nonpayment thereof, or, in default of Distress, including the Commitment to Prison of the Defaulter, and enforcing Payment of Sums of Money ordered or awarded to be paid by Justices, and the Costs of such Proceedings, shall be applied and put in force in relation to the Penalties by this Act imposed.

199. If any Person charged with any Offence against this Act, or any Byelaw thereunder, refuses to disclose his Name, all the necessary Proceedings may be had and carried on against him for the Recovery of any Penalty, Forfeiture, or Damage imposed or incurred by the Description of his Person and of the Offence committed, without stating his Name, or, if One only of his Names is known, all such necessary Proceedings may be had and carried on against him by such Name only.

Proceedings when Offender refuses to state his Name.

200. Nothing in this Act shall protect any Person from being proceeded against by way of Indictment in respect of any Matter by this Act made punishable on summary Proceedings, or shall relieve any Person in respect of any such Matter from any penal or other Consequence to which he would have been liable if such Matter had not been made punishable by this Act.

Saving for Indictments, &c.

201. The Trustees may direct any Prosecution or Proceeding against any Person for any Offence against this Act, or any Matter arising under this Act.

Power to order Prosecutions, &c.

202. All Penalties and Forfeitures payable under this Act (except Penalties imposed on the Trustees) shall be paid to the District Fund: Provided always, that nothing in this Act shall alter the Application of Penalties or Forfeitures to the Police Superannuation Fund as provided by the Act of the Session of the Twenty-second and Twenty-third Years of Her Majesty, Chapter Thirty-two.

Application of Penalties in certain Cases.

203. Where any Penalty or Forfeiture is inflicted on the Trustees the Amount thereof shall (except where otherwise provided, or ordered by the Justice or Justices before whom the same is recovered) be paid to the Overseers of the Poor of the Parish of *Cross Canonby*.

Application of Penalties inflicted on Trustees.

The Märyport Improvement and Harbour Act, 1866.

Proceedings
not to be
quashed for
Want of
Form or
removed by
Certiorari.

204. Any Order, Verdict, Rate, Assessment, Judgment, Conviction, or any Proceeding touching or concerning any Offence against this Act, or against any Byelaw thereunder, shall not be quashed or vacated for Want of Form only, or be removable by Certiorari or otherwise into any of the Superior Courts.

Validity of
Warrants of
Commitment.

205. A Warrant of Commitment on any Conviction shall not be held void by reason of any Defect therein if it is therein alleged that the Person therein named has been convicted, and there is a good Conviction to sustain the same.

Justices, &c.
not disquali-
fied from
acting.

206. Except as expressly otherwise provided, any Person shall not be disqualified or disabled to act as a Justice of the Peace, Coroner, Juror, or otherwise in any Matter arising under or in relation to this Act by reason of his being a Trustee, or a Ratepayer in the District, or liable to any Payments under this Act.

Persons
entering into
Contracts
with Trus-
tees not
disqualified
as Trustees,

207. Any Person entering into any Contract with the Trustees for a Supply of Gas or Water, or for a Gas or Water Meter, shall not thereby be disabled from being, continuing, or acting as a Trustee, or as an Officer or Servant of the Trustees, or incur any Penalty by reason of such Contract, or of his being, continuing, or acting as such Trustee or Officer or Servant.

Power to
contract for
Works.

208. The Trustees may from Time to Time contract with any Person for performing or doing any of the Works or Things by this Act authorized, and all such Contracts shall be in Writing, sealed with the Common Seal of the Trustees, and signed by the Person contracting, and shall specify the Works and Things so to be done, and the Prices at and the Times within which they are to be done, and the Trustees may take such Bond or other Security from every Contractor for the due Performance of his Contract as they think sufficient.

Power to
compound
with Con-
tractors.

209. The Trustees may from Time to Time compound with any Person having entered into any Contract with them under this Act for any Penalty contained in such Contract, or in any Bond or other Security for the Performance thereof, or on account of any Breach or Nonperformance of such Contract, Bond, or Security, for such Sum of Money or other Recompense as they think proper.

Penalty for
obstructing
Persons em-
ployed in
execution of
Act.

210. If any Person obstructs, assaults, hinders, or molests any Trustee or any Officer or Servant of the Trustees acting under this Act, or any Byelaw thereunder, in the Execution of his Duty, or in the

The Maryport Improvement and Harbour Act, 1866.

the Execution of any of the Powers, Authorities, Works, Matters, or Things to be exercised or done under this Act, or any such Byelaw, he shall be liable to a Penalty not exceeding Five Pounds.

211. If any Person destroys, pulls down, injures, or defaces any Placard or Notice issued and put up by or under the Direction of the Trustees, or any Board provided by the Trustees on which any Byelaw or Part of a Byelaw is painted or placed, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty on
pulling down
Notice
Boards.

212. Any Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument made, given, delivered, or served under this or any other Act, or any Byelaw by the Trustees, may be either in Print or in Writing, or partly in Print and partly in Writing, and shall be sufficiently authenticated by the Signature of the Clerk to the Trustees or other proper Officer, according to the Subject of the particular Document; and it shall be sufficient in all Cases where any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument is required to be given to, or served upon, the Owner or Occupier of any Property, to address such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument to such Owner or Occupier by his Description as Owner or Occupier (as the Case may be) of the Premises (naming them) in respect of which the Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument is given or served, without further Name or Description; and any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument may be served upon any Owner, Occupier, or other Person either personally, or by sending the same through the Post in a registered Letter addressed to him by Name at his last known Place of Abode or Business, or by delivering the same to some Inmate at his last known or usual Place of Abode or Business, or in case of an Occupier to any Inmate of the Building in respect of which such Notice, Order, Resolution, Declaration, Requisition, Demand, or Instrument is given or served, or if the Building is unoccupied, and the Place of Abode of the Person to be served is unknown after due Inquiry, it shall be sufficient to affix such Notice, Order, Resolution, Declaration, Requisition, Demand, or Instrument, or a Copy thereof, upon some conspicuous Part of such Building.

Form and
Service of
Notices, &c.
by Trustees.

213. Any Notice to or Demand on the Trustees under this Act may be served on them by being delivered to their Clerk, or by being sent through the Post in a registered Letter directed to their Clerk, in which latter Case Service shall be deemed to be effected on the Trustees on the Day on which such Letter would be delivered in the ordinary Course of Post.

Service of
Notice on
Trustees.

214. In

The Maryport Improvement and Harbour Act 1866.

Books and
Papers of
Trustees on
Death of
Officers, &c.

214. In the Case of the Death of any Officer or Servant of the Trustees, or of his becoming bankrupt before he has delivered up all Books, Papers, Writings, and other Things concerning his Office or Employment, or relating to the Execution of this Act, no Interest whatever in such Books, Papers, Writings, and Things, or any of them, shall pass to or vest in his Representatives or Assignees, as the Case may be.

Proof of
Debt in
Bankruptcy.

215. If any Person against whom the Trustees have any Claim or Demand becomes bankrupt, the Clerk to the Trustees in all Proceedings in relation to the Estate of such Bankrupt may represent the Trustees, and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of their Clerk and not of the Trustees.

PART 14.—MARRIAGES AT MARYPORT CHAPEL.

As to Mar-
riages so-
lemnized at
Maryport
Chapel.

216. Whereas under and by virtue of the Powers conferred on him by the Act of Parliament of the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-five, the Right Reverend *Hugh Percy*, Lord Bishop of the Diocese of *Carlisle*, did by Licence under his Hand and Seal, dated the Twenty-first Day of *December* One thousand eight hundred and forty-two, authorize the Curate of the Chapel of *Maryport* in the Parish of *Cross Canonby* in the County of *Cumberland*, and his Successors, to solemnize Marriages according to the Rites and Ceremonies of the Church of *England* in the said Chapel: And whereas divers Marriages have, under the Authority of such Licence, been solemnized in the said Chapel of *Maryport*, but Doubts have arisen whether such Marriages are valid in Law, because the Limits of the District to which the Licence was intended to apply were not specified in such Licence as required by the Act of Parliament aforesaid, and because such Licence was made to apply to the District or Township of *Maryport*, there being no such District or Township: And whereas such Licence ought to have been made to apply to the Township of *Netherhall* in the Parish of *Cross Canonby* in the County of *Cumberland*: And whereas it is expedient that all Doubts relative to the Validity of such Marriages should be removed: Be it enacted, That all Marriages which shall have been duly solemnized according to the Rites and Ceremonies of the Church of *England* within the said Chapel of *Maryport* shall be as good, valid, and effectual to all Intents and Purposes as if they had been duly solemnized according to such Rites and Ceremonies in the Parish Church of the said Parish of *Cross Canonby*, and all Banns of Marriage which shall have been published in the said Chapel shall be deemed to have been duly published, and the said Licence

The Maryport Improvement and Harbour Act, 1866.

Licence shall be read and construed as if Limits had been duly specified therein, and as if such Limits had been co-extensive with the Township of *Netherhall* in the said Parish.

Saving of Rights.

217. Nothing in this Act shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors. Saving Rights of Her Majesty.

218. Subject to the Provisions of this Act, nothing in this Act shall prejudice, diminish, alter, or take away any of the Rights, Powers, Authorities, Suits, Services, Courts, or Privileges of the Lord of the Manor of *Ellenborough*. Saving Rights of Lord of Manor.

219. All the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Trustees, and shall be paid by them out of the District Fund and the Harbour Fund in such Proportions as they shall think proper. Expenses of Act.

The Maryport Improvement and Harbour Act, 1866.

SCHEDULES.

SCHEDULE (A.)

I *A.B.* do declare that I reside within the District of Maryport [*or within Five Miles of the Boundary of the District of Maryport*]; and 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 which are assessed to the Rates for the Relief of the Poor to the Amount of Fifty Pounds, per Annum [*or am possessed of Personal Estate of the Value of One thousand Pounds*], [*or that I occupy a Dwelling House within the District of Maryport which is assessed to the District Rate to the Amount of Fifteen Pounds per Annum*], [*or that I am possessed of Sixteen Sixty-fourth Shares in a Vessel belonging to the Port of Maryport of between 100 and 200 Tons Register*], [*or of Eight Sixty-fourth Shares in a Vessel belonging to the Port of Maryport of between 200 and 300 Tons Register at the least*], [*or of Four Sixty-fourth Shares in a Vessel belonging to the Port of Maryport of 300 Tons Register at the least*].

SCHEDULE (B.)

FORM OF VOTING PAPER.

MARYPORT IMPROVEMENT AND HARBOUR ACT, 1866.

VOTING PAPER AT ELECTION OF TRUSTEES.

Names of Persons voted for as Trustees.	Christian Name and Surname of Voter.	Description of Qualification.

I hereby declare that I possess the Qualification above described.

A.B.

The Maryport Improvement and Harbour Act, 1866.

SCHEDULE (C.)

TOLLS FOR USE OF SLAUGHTER-HOUSES.

	£	s.	d.
For every Ox, Cow, Bullock, Steer, or Heifer	0	1	0
For every Calf	0	0	6
For every Sheep or Lamb	0	0	3
For every Hog or Pig	0	0	6
For every other Beast	0	1	0

SCHEDULE (D.)

DISTRICT OF MARYPORT.

LICENCE FOR SLAUGHTER-HOUSE.

No.

The Trustees for the District and Harbour of Maryport, in pursuance of "The Maryport Improvement and Harbour Act, 1866," do hereby license and authorize _____ of Number _____ in _____ Street [*or other proper Description*] in the said District to use and occupy the Building, Yard, and Premises [*or other proper Description*] Number _____ in _____ Street [*or other proper Description*] in the said District as and for a Slaughter-house, subject nevertheless to the Provisions of the said Act, and any Rules or Byelaws for the Time being in force thereunder.

This Licence remains in force until the _____ Day of _____ 186 _____, and is available to the said _____ only, and cannot be transferred to any other Person, and is subject to be revoked or suspended as in the said Act mentioned.

Given under the Common Seal of the said Trustees this _____ Day of _____ 186 _____.

Clerk to the Trustees,

SCHE-

The Maryport Improvement and Harbour Act, 1866.

SCHEDULE (E.)

DISTRICT OF MARYPORT.

LICENCE FOR THE MAKING AND KEEPING OF FIREWORKS, &c.

No.

The Trustees for the District and Harbour of Maryport, in pursuance of "The Maryport Improvement and Harbour Act, 1866," do hereby license the _____ and Premises situate and being Number _____ i _____ Street [or other proper Description] in the said District, and now in the Occupation of _____ as a Place for the making and keeping of Fireworks [or Ammunition or Fulminating Mercury, &c. &c.]:

Provided that the said _____ shall not keep at or upon the said _____ and Premises any Quantity of Fireworks [or Ammunition or Fulminating Mercury, &c. &c.] which shall contain in the aggregate more than _____ Pounds of explosive Matter:

Provided also, that this Licence shall remain in force only until the Day of _____ 186 , and is liable to be suspended or revoked as in the said Act mentioned.

Given under the Common Seal of the said Trustees this _____ Day of _____ 186 .

Clerk to the Trustees.

LICENCE TO SELL FIREWORKS.

No.

The Trustees for the District and Harbour of Maryport, in pursuance of "The Maryport Improvement and Harbour Act, 1866," do hereby license the _____ and Premises situate and being Number _____ in _____ Street [or other proper Description] in the said District, and now in the Occupation of _____ as a Place for keeping and selling Fireworks, and do hereby authorize and empower the said _____ to sell Fireworks at and upon the said _____ and Premises:

Provided that the said _____ shall not keep at or upon the said _____ and Premises any Quantity of Fireworks which shall contain in the aggregate more than _____ Pounds of explosive Matter:

Provided also, that the said _____ shall not sell any Fireworks to any Person apparently under the Age of Sixteen Years:

Provided also, that this Licence shall remain in force only until the Day of _____ 186 , and is liable to be suspended or revoked as in the said Act mentioned.

Given under the Common Seal of the said Trustees this _____ Day of _____ 186 .

Clerk to the said Trustees.

LICENCE

The Maryport Improvement and Harbour Act, 1866.

LICENCE FOR KEEPING PETROLEUM.

No.

The Trustees for the District and Harbour of Maryport, in pursuance of "The Maryport Improvement and Harbour Act, 1866," do hereby license the _____ and Premises situate and being Number _____ in Street [*or other proper Description*] in the said District, and now in the Occupation of _____ as a Place for keeping Petroleum (as defined in the Acts of the 25th and 26th Vict. c. 66., or any Act or Acts for amending the same):

Provided that the said _____ shall not keep at or upon the said _____ and Premises any greater Quantity than _____.

Provided also, that this Licence shall remain in force only until the Day of _____ 186 .

Given under the Common Seal of the said Trustees this _____ Day of _____ 186 .

Clerk to the Trustees.

SCHEDULE (F.)

DISTRICT OF MARYPORT.

LICENCE TO CARRY ON THE BUSINESS OF A DEALER IN SECOND-HAND GOODS OR MARINE STORES.

No.

The Trustees for the District and Harbour of Maryport, in pursuance of "The Maryport Improvement and Harbour Act, 1866," do hereby license _____ of Number _____ in

Street [*or other proper Description*] to carry on the Business of a Dealer in Second-hand Goods and Marine Stores at [*or on*] [*here describe the Premises according to the Words of the said Act*] in the said District, subject nevertheless to the Provisions of the said Act.

This Licence remains in force until the _____ Day of _____ 186 , and is available to the said _____ only, and cannot be transferred to any other Person, and is subject to be revoked or suspended as in the said Act mentioned.

Given under the Common Seal of the said Trustees this _____ Day of _____ 186 .

Clerk to the Trustees.

The Maryport Improvement and Harbour Act, 1866.

SCHEDULE (G.)

FORM OF CONVEYANCE.

I _____ of _____ in consideration of the Sum of _____ paid to me by the Trustees of the District and Harbour of Maryport, do hereby convey [or assign, *as the Case may be,*] to the said Trustees, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, to hold the Premises to the said Trustees, their Successors and Assigns for ever, or for the [Residue of a Term of _____, *as the Case may be*].

In witness whereof I have hereunto set my Hand and Seal the
Day of _____ in the Year of our Lord _____

SCHEDULE (H.)

FORM OF CONVEYANCE ON FEE-FARM OR CHIEF RENT.

I _____ of _____ in consideration of the Rent to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Trustees of the District and Harbour of Maryport, do hereby convey to the said Trustees, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same, and every Part thereof, to hold the said Premises to the said Trustees, their Successors and Assigns for ever, they the said Trustees, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of _____ by equal [*quarterly or half-yearly*] Payments henceforth on the [*stating the Days*], clear of all Taxes and Deductions.

In witness whereof I have hereunto set my Hand and Seal the
Day of _____, in the Year of our Lord _____

The Maryport Improvement and Harbour Act, 1866.

SCHEDULE (I.)

TONNAGE RATES FOR STEAM TUGS.

	Loaded Vessels per Register Ton.	Light Vessels. per Register Ton.
	<i>d.</i>	<i>d.</i>
From the Harbour to Sea, or from Sea to the Harbour	2	1½
From Place to Place within the Harbour - - -	1¼	¾

In Cases where a Second Tug is required, One Pound shall be paid in addition to the above Rates ; and, in addition, Two Pounds for each Tug beyond the Second.

The Limits Seawards comprised in the above Rates shall be considered to extend One Mile from the End of the South Wooden Pier.

CHARGES FOR PROVIDING A HARBOUR BOAT.

	Inwards.	Outwards.
	£ s. d.	s. d.
Vessels under 20 Tons - - - - -	0 1 6	1 0
Vessels of 20 Tons, and not exceeding 50 Tons Register, each - - - - -	0 3 0	1 6
Vessels above 50 Tons, and not exceeding 80 Tons Register, each - - - - -	0 4 0	3 0
Vessels above 80 Tons, and not exceeding 100 Tons Register, each - - - - -	0 5 0	4 0
Vessels above 100 Tons, and not exceeding 150 Tons Register, each - - - - -	0 6 6	5 0
Vessels above 150 Tons, and not exceeding 200 Tons Register, each - - - - -	0 8 0	6 0
Vessels above 200 Tons and not exceeding 300 Tons Register, each - - - - -	0 10 6	7 6
Vessels above 300 Tons, and not exceeding 400 Tons Register, each - - - - -	0 12 6	10 6
Vessels above 400 Tons, and not exceeding 500 Tons Register, each - - - - -	0 15 0	12 6
Vessels above 500 Tons Register, each - - - - -	1 1 0	15 6

CHARGES FOR HOPPERAGE.

For every Ton of Ballast discharged into Hoppers from any Vessel, and carried to Sea and there deposited - - - - -	<i>s. d.</i>
	0 6

The Maryport Improvement and Harbour Act, 1866.

SCHEDULE (K.)

DISTRICT RATE.

An Assessment to the District Rate under or by virtue of "The Maryport Improvement, Harbour, and Dock Act, 1866," the Day of 186 .

Number on the Rate.	Name of the Person rated.	Name of the Owner of the Property.	Description and Situation of the Property.	Gross annual Value.	Net annual Value.	Rate for general Purposes at in the Pound.	High-way Rate at in the Pound.	Total of District Rate.

Signed by me, this Day of 186 .
A.B., Clerk to the Trustees for the District and Harbour of Maryport.

The Maryport Improvement and Harbour Act, 1866.

SCHEDULE (L.)

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF GAS AND WATER RENTS, DISTRICT RATES, &c.

Maryport District (to wit):

To the Trustees of the District and Harbour of Maryport in the County of Cumberland [and to their Collectors of Gas Rents, or Water Rents, or District Rates, &c., as the Case may be], and to the Constables acting within the said District:

These are in Her Majesty's Name to command you to levy the Sum of _____ by Distress of the Goods and Chattels of *A.B.* of _____ and if the same is not paid within the Space of _____ Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the Goods and Chattels by you distrained, and out of the Money arising from such Sale that you do detain the said Sum, and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to the said *A.B.* the Overplus on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A.B.* whereon to levy the said Sum, that then you do certify the same to me, together with this Warrant, to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under my Hand and Seal the _____ Day of _____ One thousand eight hundred and _____

SCHEDULE (M.)

FORM OF MORTGAGE.

MARYPORT IMPROVEMENT AND HARBOUR ACT, 1866.

Mortgage, No.

Pounds.

By virtue of the above-mentioned Act the Trustees of the District and Harbour of Maryport, in consideration of _____ Pounds paid to them by *A.B.* of _____ grant to him, his Executors, Administrators, and Assigns, their Property and Estates within the District (but exclusive of the Harbour) and the District Fund [or their Property and Estates within the Harbour and the Harbour Fund], to hold until the said Sum of _____ Pounds be repaid to him or them, with Interest at the yearly Rate of _____ Pounds in the Hundred,

[Local.]

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by

The Maryport Improvement and Harbour Act, 1866.

by equal half-yearly Payments on the _____ Day of _____
 and the _____ Day of _____ in every Year from the Day
 of the Date hereof, the Principal to be repaid on the _____ Day
 of _____ at the Option of either Party, and all Payments to be
 made at the Office of the Trustees.

Given under the Seal of the Trustees of the District and Harbour of Maryport
 this _____ Day of _____ One thousand eight hundred and _____.

 SCHEDULE (N.)

FORM OF TRANSFER OF MORTGAGE.

MARYPORT IMPROVEMENT AND HARBOUR ACT, 1866.

I *A.B.* of _____ in consideration of _____
 Pounds paid to me by *C.D.* of _____ transfer to him, his
 Executors, Administrators, and Assigns, the Mortgage No. _____ of
 the District Property and Estates and District Fund [or the Harbour Property
 and Estates and Harbour Fund] of the Trustees of the District and Harbour of
 Maryport for _____ Pounds, and Interest at
 the yearly Rate of _____ Pounds in the Hundred, granted
 on the _____ Day of _____ by the said Trustees [or, if the
Transfer be by Endorsement, the within-written Security], and all my Right and
 Interest in and under the same.

As witness my Hand and Seal this _____ Day of _____ One
 thousand eight hundred and _____.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1866.