



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lx.

An Act to enable the *Carlisle Canal Company* to make a Dock or Docks at *Port Carlisle* otherwise *Fishers Cross*, and for amending and enlarging the Powers and Provisions of the Act for making and maintaining the said Canal.

[7th June 1836.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for making and maintaining a Navigable Canal from or from near the City of Carlisle to the Solway Frith at or near Fishers Cross in the Parish of Bowness in the County of Cumberland*, certain Persons were incorporated by the Name of "The *Carlisle Canal Company*," and were thereby empowered to make and maintain a Cut or Canal for the Navigation of Boats, Barges, and other Vessels from or from near the City of *Carlisle*, in or through the several Townships and Parishes in the said Act mentioned, to the *Solway Frith* at or near *Fishers Cross*, since known and herein-after designated by the Name of *Port Carlisle*, in the said Parish of *Bowness*, together with other Works and Conveniences connected therewith: And whereas the said Company were by the said Act authorized to raise such Sums of Money as they should think necessary for the making, carrying on, and completing the said Canal and other Works thereby authorized to be made, not exceeding in the whole the Sum of Eighty thousand Pounds, except as therein men-

59 G. 3. c. 13.

[Local.]

23 O

tioned ;

tioned; and in case the said Sum of Eighty thousand Pounds should be found insufficient, the said Company were authorized to raise, either among themselves or by the Creation of new Shares, or to borrow and take up at Interest on the Credit of the said Undertaking, or by the Issue of Promissory Notes, any further or additional Sum or Sums of Money, not exceeding the Sum of Forty thousand Pounds: And whereas, by virtue and in pursuance of the said Act, the said Company have made and completed the said Canal, and the same is now navigable: And whereas the Number of Vessels resorting to the said Canal and *Port Carlisle* aforesaid has greatly increased, and, by reason of the Junction of the *Newcastle-upon-Tyne* and *Carlisle* Railway with the said Canal, the Traffic upon the said Canal is likely to become much more extensive, and to require increased Accommodation: And whereas Vessels navigated by Steam, and other Vessels of large Burthen, which are unable to navigate the said Canal, are obliged to remain and be moored on the Strand or Beach at the Western Termination of the said Canal at *Port Carlisle* aforesaid, and it is therefore expedient that a Floating Dock or Floating Docks should be constructed upon the Ground of the said Company at *Port Carlisle* aforesaid, to communicate with the said Canal, for the Safety and Protection of Vessels resorting to the said Port, and for facilitating the Arrival and Departure of Vessels at and from the said Canal: And whereas the said Company have, for the Guidance and Safety of Vessels resorting to the said Canal, placed and fixed in and near the Channel of the *Solway Frith* Buoys and Beacons or Landmarks, and it would materially tend to the Safety of Vessels navigating the said Frith if Provision were made for placing, erecting, and maintaining proper Buoys, Beacons, and Lights in and near the Channel of the said Frith, and for defraying the Expences attending the same: And whereas the Sum of Seventy-three thousand seven hundred and fifty Pounds, Part of the original Capital of Eighty thousand Pounds by the said recited Act authorized to be raised, hath been subscribed in One thousand four hundred and seventy-five Shares of Fifty Pounds each, and the Sum of Thirty-eight thousand nine hundred and fifty Pounds hath also been borrowed upon the Credit of the said Undertaking: And whereas, in addition to the said Two Sums of Eighty thousand Pounds and Forty thousand Pounds so authorized to be raised and borrowed as aforesaid, a further Sum will be required for the Purpose of making, completing, and maintaining the said Docks and other Works by this Act authorized to be made, and it is necessary that the said Company should be empowered to raise and borrow forthwith an additional Sum of Money, and be enabled to provide for the Extinction of such Debt and of the Debt already contracted, either by the Creation of an additional Number of Shares, or by allocating and dividing the said Debt upon the Shares for the Time being of the said Company: And whereas the Provisions of the said Act have in many respects been found insufficient, and it is therefore expedient that the same should be altered and amended, and some further Powers granted to the said Company, but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things in the said recited Act contained (except such of them or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and shall operate and be in force in respect of the Objects and Purposes thereof, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act; save only and except that nothing in this Act contained shall extend to authorize or empower the said Company to purchase or take any Lands without the Consent of the Owner thereof.

Powers and Provisions of recited Act, except where altered, to extend to this Act.

II. And whereas the probable Expence of making the said Dock or Docks and the other Works hereby authorized will amount to the Sum of Twenty-nine thousand three hundred and thirty-three Pounds, and the Sum of Twenty-four thousand Pounds, or more than Four-fifth Parts thereof has been already subscribed for by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of Twenty-nine thousand three hundred and thirty-three Pounds shall be subscribed for in like Manner before any of the Powers given by this Act shall be put in force.

The whole of the Expence to be subscribed for before the Powers of the Act are put in force.

III. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the County of *Cumberland*, that the whole of the said Sum of Twenty-nine thousand three hundred and thirty-three Pounds hath been subscribed as aforesaid, and which Certificate such Justice is hereby authorized and required to grant, on Application and proper Proof made to him by the said Company, and on Production of the Subscription Deed of or relating to the said Company, shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Twenty-nine thousand three hundred and thirty-three Pounds has been subscribed.

Certificate under the Hand of a Justice of Peace to be Proof that the Money has been subscribed.

IV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by themselves, their Agents, Officers, Contractors, Servants, and Workmen, to make, construct, form, and maintain a Dock or Docks, or Basin or Basins, in and upon the Land or Ground of the said Company at *Port Carlisle* in the Parish of *Bowness* in the County of *Cumberland*, and the Beach or Strand in front of or adjoining thereto; and the said Company, their Agents, Contractors, Servants, and Workmen, are hereby authorized and empowered to make, construct, erect, build, and maintain, and from Time to Time to keep in repair, such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, Walls, Banks, Locks, Weirs, Sluices, Tunnels, Cuts, Channels, and other Works, and to do, execute, and perform all such other Acts, Matters, and Things in and upon such Land or Ground and Beach or Strand, and in the Channel of the

Power to make Docks, &c.

the said *Solway Frith*, as they shall think necessary and proper for making, constructing, and maintaining the said Dock or Docks, or Basin or Basins, and for making the same fit for the Reception, Accommodation, and Security of Ships and Vessels resorting to the said Canal, and for the more convenient lading and unlading of such Ships and Vessels, and for facilitating the Access to and increasing the Convenience or Security of the said Dock or Docks, or Basin or Basins, and for preventing Mud, Gravel, Soil, Filth, and other Matters from stopping up and injuring the same; and also to erect and build such Warehouses and other Buildings for the Reception and safe Custody of Goods, Wares, and Merchandize, and all such Dwelling Houses and Conveniences as shall be necessary for the Purposes of the said Dock or Docks, or Basin or Basins.

Map and Book of Reference to remain with Clerk of the Peace.

V. And whereas a Map or Plan describing the Site of the said intended Dock or Docks and other Works, and the Lands on which the same are to be made, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, hath been deposited at the Office of the Clerk of the Peace for the said County of *Cumberland*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner therein shall have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at all seasonable Times, upon Payment to the Clerk of the Peace for the Time being of the said County of One Shilling for every Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying Sixpence for every Copy or Extract not exceeding Seventy-two Words, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere.

Power to borrow any further Sum not exceeding 40,000*l.*

and to assign Tolls and Duties in like Manner as in recited Act.

VI. And in order to enable the said Company to make and complete the said Dock or Docks, or Basin or Basins, and other Works by this Act authorized to be made, be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered, forthwith, or from Time to Time, by the Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest on the Credit of the said Undertaking any Sum not exceeding in the whole the Sum of Forty thousand Pounds, as to them shall seem expedient; and the said Company, or the Committee of Management thereof, after any Order shall have been made for that Purpose, in manner herein-before mentioned, are hereby empowered from Time to Time to assign over the several Tolls, Rates, and Duties granted to them by the said recited Act and this Act, as a Security for any Money so to be borrowed, with Interest thereon at such Rate as may from Time to Time be agreed upon, to such Person, or to his Trustee or Trustees, as shall advance the same respectively, in the like Manner and Form, and with, under, and subject to the like Provisions, Powers, Remedies,

dies, Directions, and Regulations as are in the said recited Act contained concerning the borrowing of Money by Mortgage, or the securing or recovering the same, or the Interest thereof.

VII. Provided always, and be it enacted, That in case any Part of the Debt for the Time being due and owing from the said Company, whether created under the Authority of the said recited Act or this Act, shall be at any Time called in, paid off, or discharged, it shall and may be lawful for the Committee of Management of the said Company, from Time to Time, as often as the same shall happen, to borrow, raise, and take up at Interest on the Credit of the said Rates and Duties by the said recited Act and this Act authorized to be taken, any Sum or Sums of Money in lieu or in the stead of any such Sum or Sums of Money so called in, borrowed, raised, and taken up at Interest, which shall from Time to Time be paid off and discharged by the said Company, but so nevertheless that the said Company shall not in any event borrow to such Extent as that more than the Sum of Forty thousand Pounds, in addition to the Sums by the said recited Act authorized to be raised or borrowed; shall be owing at any one Time as a Charge upon the said Undertaking.

Power to borrow for the Purpose of taking up former Securities.

VIII. And be it further enacted, That the Assignments or Securities to be granted by the said Company in pursuance of the Provisions of this Act, for securing the Repayment of the said Sum of Forty thousand Pounds or any Part thereof, shall in respect to Priority of Payment rank after and shall be deemed and taken to be subject to all Assignments or other Securities granted for securing any Sum or Sums of Money borrowed by the said Company under the said recited Act: Provided nevertheless, that in case the several Persons to whom Securities shall have been granted or transferred under the said recited Act shall consent in Writing, then and in such Case, but not otherwise, the several Persons to whom any Securities shall be granted or transferred under this Act shall be equally entitled with the several Persons to whom Securities shall have been granted or transferred under the said recited Act, without any Preference by reason of Priority of Date or otherwise howsoever.

Holders of Securities under the recited Act to be entitled to Priority, unless they shall consent to rank equally with the Holders of Securities under this Act.

IX. And be it further enacted, That when any Sum of Money shall be borrowed at Interest pursuant to the Powers in that Behalf contained in the said recited Act or this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof, and in such Case the said Company shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured, and such Sum of Money with all Arrears of Interest shall accordingly be paid at the Time or Times so to be fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

Power to stipulate Periods of Repayment in Securities.

Notices
from or to
Holders of
Securities
where no
Period of
Payment is
stipulated.

X. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of the said recited Act or this Act, the Party entitled to any such Mortgage or Assignment or Promissory Note may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment or Promissory Note, upon giving Six Calendar Months Notice in Writing to the Clerk for the Time being of the said Company: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Mortgages or Assignments or Promissory Notes in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in Writing in Two or more Newspapers circulated in the County of *Cumberland*; and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, make default in Payment thereof in pursuance of such Notice.

Provision
for Extinc-
tion of Debt.

XI. And whereas it is expedient to provide for the Liquidation and Extinction of the Debt now due and owing by the said Company, and which may be created under the Authority of the said recited Act or this Act; be it therefore enacted, That it shall be lawful for the said Company at any Time hereafter to raise or convert and dispose of the whole of the Debt which may for the Time being be due and owing by the said Company in one or other of the Modes herein-after pointed out; (that is to say,) either the said Company may raise the Whole or any Part of the said Debt by an Issue of new Shares in the said Company at such Rate or Price *per* Share as shall be determined by the said Company, and every Person who shall subscribe for any such new Share shall on Payment of the Amount of the Price fixed for the same to the Treasurer of the said Company be thenceforth entitled to the same Powers and Privileges in all respects as any Proprietor of original Shares; or the said Company may, if they think it more advantageous, divide, assess, or apportion the whole of the said Debt which may be then due and owing by the said Company proportionally upon or amongst the whole of the Shares for the Time being of the said Company, burthening each Share in the said Company with a Sum bearing the same Proportion to the whole Debt which such Share bears to the total Number of Shares, and with Interest on such proportional Sum at a Rate to be fixed by the said Company; and after such Division or Apportionment of the Debt of the said Company every Share shall be liable to the Payment of the proportional Sum and Interest assessed or charged thereon, and shall not be liable for any further or other Part of the aforesaid Debt of the said Company, but subject nevertheless and without Prejudice to the Rights and Remedies of any Creditor as against the said Company; and no Transfer of any Share which shall be sold shall be registered by the Clerk of the said Company until Payment of the proportional Sum so assessed or charged on the same Share, with all Interest due thereon, shall have been first made; and every Proprietor shall be at liberty to pay up or discharge the proportional Sum so
assessed

assessed or charged on his Share, or on any Two or more of his Shares, at such Times as he shall judge to be proper; and it shall be lawful for the said Company to deduct and retain out of the Dividends on every Share in respect of which the proportional Sum so assessed or charged thereon, and the Interest thereof, shall not have been discharged, the Sum which shall for the Time being be due for Interest thereon, but no such Deduction shall be made from the Dividend on any Share on which the proportional Sum so assessed or charged shall have been paid for Interest for any Quarter of a Year (calculating such Quarter from the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*;) within which such proportional Sum shall have been so paid.

XII. Provided always, and be it further enacted, That if the said Company shall in the first instance raise a Portion of the said Debt by an Issue of new Shares in manner aforesaid, it shall notwithstanding be lawful for the said Company, if they shall think fit, to convert and dispose of the Residue of the said Debt by dividing and apportioning the same upon or amongst the whole of the Shares for the Time being in the said Company in manner aforesaid; but in case the said Company shall commence by dividing and apportioning the said Debt upon or amongst the Shares of the said Company in manner aforesaid, it shall not be lawful for the said Company afterwards to issue new Shares in pursuance of the Provision for that Purpose herein-before contained (except in respect of any further Debt contracted by the said Company after such Apportionment).

Part of Debt may be raised by new Shares, and the Residue apportioned.

After any Apportionment of Debt, new Shares not to be created.

XIII. And be it further enacted, That the Money which shall be raised by the said Company by the Creation and Issue of new Shares under the Authority last herein-before contained, or which shall be paid by any Proprietor of Shares in respect of the Proportion of Debt assessed or charged on his Shares as aforesaid, shall be applied in or towards the Extinction of the Debt which may be then due and owing by the said Company, and to no other Purpose whatever.

Money raised to be applied in Extinction of Debt.

XIV. Provided always, and be it further enacted, That no such Issue of new Shares or Apportionment of Debt as aforesaid shall take place without the Sanction of a General Meeting of Proprietors or a Special Meeting duly convened for that Purpose in manner prescribed by the said recited Act.

Restriction as to Issue of new Shares.

XV. And be it further enacted, That all Shares in the said Undertaking in respect of which the proportional Sums assessed or charged thereon respectively as aforesaid, and the Interest thereof, shall have been discharged, shall from thenceforth be distinguished in the Register Book of Shares in the said Navigation as "redeemed Shares;" and the Holder or Proprietor of every such redeemed Share shall be entitled to have a Ticket or Instrument specifying that he is entitled to such redeemed Share, in the Manner and upon the Terms directed by the said recited Act with respect to original Tickets; and all Shares in respect of which the proportional Sums assessed or charged thereon respectively shall not be discharged, shall,

Shares to be distinguished in Register Book as redeemed or unredeemed.

shall, so long as such proportional Sums and the Interest thereof shall remain undischarged, be distinguished in the said Register Book as "unredeemed Shares."

Interest of Money borrowed to be paid in preference to Dividends.

XVI. And be it further enacted, That the Interest of the Money which shall be borrowed as aforesaid shall be paid half-yearly to the several Parties entitled thereto, in preference to any Dividends payable to the Proprietors of the said Company under the Provisions of the said recited Act or of this Act; and in case such Interest, or any Part thereof, shall be unpaid for the Space of Thirty Days next after the same shall have become payable as aforesaid, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for any Two or more Justices of the Peace having Jurisdiction, and not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Person or Party whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act and of this Act, or either of them, until all Interest remaining unpaid as aforesaid, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and the Money so to be received by such Receiver is hereby declared to be so much Money received by or to the Use of the Party to whom such Interest shall be then due; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so remaining unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Persons holding Securities not to be deemed Proprietors.

XVII. Provided always, and be it further enacted, That no Person to whom any Security for Money shall be made or transferred shall thereby be deemed a Proprietor of any Share, or shall thereby be rendered capable of acting as such at any Meeting of the said Company, for or on account of his having lent or advanced any Sum of Money on the Credit of such Security to the said Company.

New Shares to become Personal Estate.

XVIII. And be it further enacted, That every new Share to be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be transmissible and transferrable as such; and all Persons who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Shares in the said Undertaking to the Number of such Shares so by them possessed, as beneficially as the Proprietors of any other Shares in the said Undertaking, and under and subject to all the Powers, Provisions, Directions, Remedies, Penalties, Forfeitures, Matters, and Things contained in the said recited Act (except so far as the same are hereby altered or varied) and in this Act, relating to any other Shares in the said Undertaking, and all such Persons as aforesaid shall be deemed to be
and

and are hereby declared to be thenceforth united to and incorporated with the said Company.

XIX. And whereas it is expedient that a Fund should be raised from Time to Time as a Resource and Provision for supporting or increasing the Dividends payable to the Proprietors of Shares in the said Undertaking, or for defraying any casual or extraordinary Expence, and for Repairs or Improvements of the said Canal and other Works now existing or hereafter to be made, so that the Public Trade of the Country may not be impeded by Delay in effecting such Repairs and Improvements from Want of pecuniary Means; and it is also expedient that the said Company should have Power to lay out from Time to Time Part of any surplus Monies arising by virtue of this Act; be it therefore enacted, That it shall be lawful for the Committee of Management of the said Company to invest the Whole or any Part of such surplus Monies in the Government Stocks or Funds, or in Exchequer Bills, or in Real Securities, in the Names of Trustees to be nominated from Time to Time by the said Committee of Management, so that the Money so to be laid out and invested do not in any One Year exceed a Sum equal to One Tenth Part of the total Amount of Dividends made to the Proprietors in the Year preceding, and the Interest and Dividends of the said Stocks, Funds, or Securities, and of the Accumulations thereof (if any) may from Time to Time, at the Discretion of the said Committee of Management, be either invested in any such Stocks, Funds, or Securities as aforesaid in the Names of the same or any other Trustees, so as to form an accumulating Fund, or applied in supporting or increasing the Dividends made to the Proprietors of Shares in the said Undertaking, or the said Trust Monies, Stocks, Funds, and Securities shall be held as a reserved Fund for the Purposes aforesaid, so long and to such an Extent as the said Company shall think it necessary or proper to keep a reserved Fund for those Purposes, and subject thereto shall be held by or in Trust for the said Company; and such Securities may from Time to Time be varied for other Stocks, Funds, and Securities of a like Nature, or may be sold and realized, and the Money arising therefrom be applied to the aforesaid Purposes or any of them, at such Time or Times as the said Committee of Management shall think proper; or the said Fund or any Part thereof may be divided amongst the Proprietors at such Times and in such Manner as a General or Special Meeting of Proprietors may direct: Provided always, that such Fund shall not at any Time exceed the Amount of Twenty thousand Pounds.

Power to
create a re-
serve Fund.

XX. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of the said recited Act or of this Act, whether for Principal, Interest, or Dividends, to any Proprietor or Creditor of the said Company who shall be a Minor, the Receipt of the Parent, or of the Guardian or of any One of the Guardians for the Time being of such Minor, shall be a sufficient Discharge for the same to the said Company and their Treasurer.

Receipt of
Parent or
Guardian of
Minor a suf-
ficient Dis-
charge.

XXI. Provided always, and be it further enacted, That no Person shall hereafter become a Proprietor of any Part or Fraction of a

No Fraction
of Shares.

[Local.]

23 Q

Share

Share in the said Company, but any Share may be held by Two or more Persons as joint Proprietors thereof.

Receipt of
One joint
Shareholder
sufficient.

XXII. And be it further enacted, That in all Cases where any Share in the Capital of the said Company shall be held by any Two or more Persons jointly, the Receipt of any One of such Persons shall be a good and sufficient Discharge to the said Company or their Treasurer for the Money which may become payable under the Provisions of the said recited Act or of this Act for or in respect of such Share, and shall discharge the said Company from all Obligation of seeing to its Application, and from being answerable for its Misapplication; provided that no Notice in Writing to the contrary shall previously to any such Payment have been given to the Treasurer of the said Company by any other Person holding jointly such Share.

One joint
Proprietor
only to vote.

XXIII. And be it further enacted, That whenever Two or more Shares shall be held by Two or more Persons as joint Proprietors, any One of such joint Proprietors, but no more, attending any General or Special Meeting of the said Company, or any Proxy to be appointed in the Manner in the said recited Act mentioned by all such joint Proprietors, shall be entitled to vote in respect of such joint Shares.

Dock Rates.

XXIV. And in consideration of the Charges and Expences which the said Company may sustain and incur in making and maintaining the said Dock or Docks and other Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company, and such Person or Persons as they shall from Time to Time appoint, and they are hereby authorized and empowered, when and so soon as any such Dock or Docks shall have been made, to demand and take, recover, collect, and receive, to or for the Use of the said Company, for and in respect of every Ship, Boat, Vessel, or Raft entering into the said Dock or Docks, and all Goods, Wares, and Merchandizes, Articles, Matters, and Things brought, loaded, or discharged within the said Dock or Docks as herein-after mentioned, the several Rates following; (that is to say,)

For every Ship or Boat or Vessel from any Port or Place in *Great Britain, Ireland, the Isle of Man, or any of the Islands of Guernsey, Jersey, Alderney, and Sark*, which shall enter any such Dock, any Sum not exceeding the Sum of Nine-pence *per Ton*:

For every Ship or Boat or Vessel from any other Port or Place which shall enter any such Dock, any Sum not exceeding Three Shillings *per Ton*:

For all Goods, Wares, and Merchandizes, Corn, Grain, Timber, Cattle, or other Live Stock, not conveyed along the said Canal the Distance of Six Miles or upwards, and which shall be loaded in or upon or discharged from or out of any Ship or Boat or Vessel lying in any such Dock, any Sum not exceeding One Shilling and Six-pence *per Ton*:

For every Raft of *American, Baltic, or other Foreign Timber* brought into any such Dock or Docks, in addition to the last-mentioned Rate or Duty, any Sum not exceeding Two Shillings *per Ton*:

For

For every Ship or Boat or Vessel which shall remain in any such Dock for a longer Period than One Calendar Month, any Sum not exceeding Three-pence *per* Ton for each entire Calendar Month such Ship, Boat, or Vessel shall so remain.

XXV. Provided always, and be it further enacted, That if any Ship or Boat or Vessel for which the said Rates or Duties shall have been paid, shall depart from or leave the said Dock, and shall within the Space of Twenty-four Hours next after such Departure, either from Accident, Stress of Weather, or any other Cause, be obliged to put back or return to the same, then and in every such Case such Ship or Boat or Vessel shall not be again liable to the Payment of the said Rates or Duties in consequence of so putting back or returning to the said Dock; any thing in this Act contained to the contrary notwithstanding.

Vessels putting back from Stress of Weather not liable to Second Payment of Rates.

XXVI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time to contract and agree for the Purchase or Hire of any Lands, Tenements, and Hereditaments, with the Consent of the Owner thereof, in any Situation in the County of *Cumberland* near to *Port Carlisle* or to the *Solway Frith*, for the Purpose of erecting or maintaining One or more Lighthouse or Lighthouses or other Beacons or Sea-marks thereon for the Safety of Vessels navigating to and from the said Port, and shall also have full Power and Authority to make and maintain such Lighthouses, Beacons, and Sea-marks, and also to place and lay down such Floating Lights and Buoys, and to set up such Poles or other Marks in and near the Channel of the *Solway Frith*, and to lay down such Warping and Mooring Buoys, with their necessary Anchors and Tackling, and from Time to Time to remove and alter such Lighthouses, Beacons, Sea-marks, Floating Lights, Buoys, Poles, and other Marks, and to erect, place, or lay down others in their Stead, as to the said Company or their Committee of Management shall appear necessary or advantageous for the Protection of or for facilitating the Navigation to and from the said Port.

Power to erect Lighthouses and place Buoys.

XXVII. And in order to enable the said Company to place, erect, establish, and maintain all such Lighthouses, Buoys, Beacons, and Lights, be it further enacted, That it shall and may be lawful to and for the said Company, and to and for such Person or Persons as they shall appoint in that Behalf, to demand, collect, receive, and take of and from all and every the Masters, Owners, Agents, or Consignees of every Ship or other Vessel (His Majesty's Ships of War and others employed in the King's Service wholly exempted) the several Dues or Duties herein-after mentioned; (that is to say,)

Dues to be taken for Support of Lights, &c.

For every Ship or other Vessel passing the said Buoys, Light or Lights, or any of them, to *Port Carlisle* aforesaid, *Silloth Bay*, or any Port or Place Northward of *Silloth Bay*, any Sum not exceeding One Penny Halfpenny *per* Ton:

And for every Ship or other Vessel passing the said Buoys, Light or Lights, or any of them, from *Port Carlisle* aforesaid, *Silloth Bay*, or any Port or Place Northward of *Silloth Bay* aforesaid, any Sum not exceeding One Penny Halfpenny *per* Ton.

XXVIII. And

Act not to extend to any Ship of War or Vessels in His Majesty's Service.

XXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster General.

Dues to be paid at Port Carlisle or Dumfries.

XXIX. And be it further enacted and declared, That the said last-mentioned Dues or Duties shall be paid respectively at the Office of the said Company, or at the respective Custom Houses at the Port of *Carlisle* or *Dumfries*, according as every such Ship or Vessel shall lade or discharge her Goods wholly or in part at either of those Places or within the Limits of either of the said Ports, to such Person or Persons as the said Company shall from Time to Time nominate and appoint for such Purpose.

Distinct Account to be kept of Expenditure and Receipt in respect of Lights, &c.

XXX. Provided always, and it is hereby enacted and declared, That a separate and distinct Account shall be kept by the said Company of all Monies which shall be expended by them in the constructing, erecting, building, placing, maintaining, and supporting such Lighthouses, Beacons, floating and other Lights, Buoys, Sea-marks, and other Works as aforesaid, for the Safety or Guidance of Vessels navigating to and from the said Port, and also of all Monies which shall be received by the said Company for Light Dues or Duties under the Authority of this Act; and such Accounts shall be kept distinct from and shall not be complicated or intermixed with the Accounts of the Monies expended by the said Company in the making or maintaining the said Canal, Dock or Docks, or other Works by the said recited Act and this Act authorized to be made, or with the Canal or Dock Dues, or other Monies received by the said Company in respect of the said Canal or Docks or either of them, or from any other Source whatever; and no Part of the said Light Dues or Duties shall be applicable or applied to any Use or Purpose whatever other than and except the constructing, erecting, placing, and maintaining such Lighthouses, Beacons, floating and other Lights, Buoys, Sea-marks, and other Works connected therewith; and such Light Dues or Duties shall not be charged or chargeable with any Sum or Sums of Money borrowed or taken up at Interest by the said Company upon any Mortgage or other Security, or with any Interest thereof, anything herein-before or in the said recited Act contained to the contrary thereof notwithstanding; and that the said Company shall, as soon as may be after the First Day of *January* now next ensuing, cause a Statement in Writing, signed by the Clerk of the said Company, of all Monies received by them on account of such Light Dues or Duties, from the passing of this Act up to that Time, and all Monies expended by them during the same Period in constructing, erecting, placing, and maintaining such Lighthouses, Beacons, floating and other Lights, Buoys, Sea-marks, and other Works, to be transmitted to the Clerk of the Peace for the said County of *Cumberland*, to be by him laid before the Justices assembled at the First General Quarter Sessions of the Peace in and for the said County of *Cumberland* which shall

and transmitted annually to Clerk of the Peace.

shall be held next thereafter; and that the said Company shall in like Manner, as soon as conveniently may be after the First Day of *January* in every succeeding Year, cause a similar Statement in Writing, signed by the Clerk of the said Company, of all Monies received and expended by them on the same Account during the preceding Twelve Months, to be transmitted to the Clerk of the Peace for the said County, to be by him laid before the Justices assembled at the First General Quarter Sessions of the Peace which shall be held next thereafter; and all Persons shall at all reasonable Times have full Liberty to inspect and peruse the same Statements or Accounts, and to take Copies thereof, upon paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and the Sum of Sixpence for every Copy or Extract not exceeding Seventy-two Words, and so after that Rate for any greater Number.

XXXI. Provided always, and be it further enacted, That if the said Company shall not within Two Years next after the passing of this Act establish any Lighthouse or fixed or floating or other Light in or near the Channel of the *Solway Frith* aforesaid, then and in such Case One Half only in Amount of the Dues and Duties granted in respect of such Lighthouses, Buoys, Beacons, and Lights as aforesaid shall be collected, and the Collection of the remaining Half in Amount shall be suspended until such Lighthouse or fixed or floating or other Light shall be completed and established for the Benefit of the Shipping navigating the said Frith: Provided also, that when and as soon as the whole of the Money which shall have been expended by the said Company in and about the constructing, erecting, building, placing, and maintaining such Lighthouses, Beacons, floating and other Lights, Buoys, Sea-marks, and other Works as aforesaid, together with Interest thereon at and after the Rate of Five Pounds *per Centum per Annum*, shall have been repaid to the said Company, and the annual average Expence of maintaining the same shall have been ascertained, the said Dues and Duties shall be lowered in such Proportion as to leave a Sum equal to such average Expence, together with a further Sum amounting annually to One-fifth Part of such Sum; and such Surplus shall be deemed to be a Fund in the Hands of the said Company applicable to the Purpose of repairing, replacing, and maintaining such Lighthouses, Beacons, floating and other Lights, Buoys, Sea-marks, and other Works as aforesaid, in case of any Loss or Damage or any other unforeseen Accident happening to the same respectively.

If no Lighthouse or Light be established within Two Years, One Half of the Duties only to be taken.

When the Money expended in erecting Lighthouses, &c., shall have been repaid with Interest, and the annual average Expence ascertained, Dues to be lowered.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to exhibit or alter any Light, Beacon, or other Sea-mark, or place or lay down any Buoy for the Guidance of Ships and Vessels navigating to or from the said Port, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond* as to the Description and Power of any such Light, and the Character of any such Beacon or Sea-mark, and the Mode of exhibiting the same respectively, and the Description and Situation of any such Buoy.

No Light to be exhibited or Buoy laid down without the Sanction of the Trinity House.

[Local.]

23 R

XXXIII. Pro-

Saving the
Right of the
Trinity
House.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to prejudice or derogate from any of the Rights or Privileges of the said Corporation of Trinity House of *Deptford Strond*.

Officers of
Customs
may refuse
Cocket for
Clearance
until Dues
are paid.

XXXIV. And to the Intent that the Harbour or Dock Rates or Duties and the Light Dues or Duties by this Act authorized to be received and taken by the said Company may be duly answered and paid, be it further enacted, That it shall and may be lawful for the Collector, Receiver of Entries of Ships, Surveyor, Searcher, or Waiter or other proper Officer of His Majesty's Customs within the said Port of *Carlisle* or any adjoining Port, and he is hereby authorized, with the Consent of the Commissioners of Customs for the Time being, to refuse to receive any Entry, or to give or make out any Cocket or other Discharge or Clearance, or to take any Report inwards or outwards, for any Ship or Vessel whatever subject and liable to the Payment of any of the Rates, Dues, or Duties imposed by this Act, until the said Rates, Dues, or Duties shall be paid to the Collector appointed to receive the same, and until a Receipt under the Hand of the said Collector for the said Duties shall be produced to the said Collector or other proper Officer of His Majesty's Customs.

For ascer-
taining Ton-
nage of Ves-
sels.

XXXV. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act in force relating to the registering of *British* Vessels, and liable to the Payment of the Harbour or Dock Rates or Duties, or the Light Dues or Duties by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or other Person having the Charge or Command of any Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment of the said Rates, Dues, or Duties to the Person who shall be authorized to collect and receive such Rates, Dues, or Duties; and in case of any Dispute about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

Power to
stop and
measure
Vessels.

XXXVI. And be it further enacted, That if the Collector of such Rates, Dues, or Duties, or such other Person as the said Company shall appoint, and the Master or other Person having the Charge or Command of any Ship, Boat, Barge, Craft, or other Vessel, cannot agree about or otherwise ascertain the Tonnage of such Ship, Boat, Barge, Craft, or other Vessel, then and in every such Case it shall be lawful for the said Collector or other Person appointed as aforesaid from Time to Time to stop, detain, enter into, measure, and gauge the same, according to the Mode prescribed by any Act in force for ascertaining the Tonnage of *British* Vessels.

Power to
appoint
Dock
Master.

XXXVII. And whereas it is necessary, for preventing Accidents and Inconvenience within the said Canal, and the Docks and Basins thereof, and for the proper Regulation and Management of the same respectively,

respectively, that a Harbour Master or a Dock Master should be appointed; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and required, from Time to Time, as they shall see Occasion, to nominate and appoint any Person or Persons to be Harbour or Dock Master or Harbour or Dock Masters of the said Canal and the Docks and Basins thereof.

XXXVIII. And be it further enacted, That whenever and so often as the Committee of Management of the said Company shall deem it necessary, for the Purpose either of repairing or of scouring, cleansing, or washing the Whole or any Part of the Docks or Basins made or to be made under or by virtue of the said recited Act or this Act, that the Ships, Vessels, Lighters, or Rafts stationed or lying in such Docks or Basins should be removed therefrom, that then and in every such Case, after Notice to the Collector and Comptroller of the Customs of the Port of *Carlisle*, and given by or by the Authority of the said Committee of Management, and affixed in some conspicuous Place of the Custom House, and also at the House of the said Company, the Master, Mate, or other Person having or taking the Charge or Command of any such Ships, Vessels, Lighters, or Rafts, shall, within Three Days after such Notice shall have been affixed up, remove his Ship, Vessel, Lighter, or Raft, out of such Docks or Basins; and every Master, Mate, or other Person having or taking the Charge or Command of any such Ship, Vessel, Lighter, or Raft, who shall neglect removing the Ship, Vessel, Lighter, or Raft of which he shall then have the Charge or Command, according to such Notice, shall forfeit a Sum not exceeding Ten Pounds; and any Harbour Master of the said Company shall, after the Expiration of the Period specified in such Notice, have full Power and Authority to remove all such Ships, Vessels, Lighters, or Rafts out of such Docks or Basins to such Station as to him shall appear most fit and proper; and it shall also be lawful for the said Harbour Master to remove any Ship, Boat, Barge, Lighter, Vessel, or Raft which shall be so placed or lie as to obstruct the Entrance of any of the Docks or Basins of the said Company, or prevent Ships and Vessels having free Access thereto and Egress out of the same, which shall not be removed by the Master, Mate, or other Person having the Charge of such Ship, Boat, Barge, Lighter, Vessel, or Raft, upon the Requisition of such Harbour Master; and that the Expences of such Removal shall be reimbursed by the Master, Mate, or other Person having or taking the Charge or Command of any such Ship, Boat, Barge, Lighter, Vessel, or Raft, to the said Company, and be recoverable in like Manner as any of the Penalties inflicted by the said recited Act or this Act are recoverable.

Power to remove Vessels for the Purpose of repairing or cleansing Docks.

XXXIX. And be it further enacted, That it shall be lawful for any Harbour Master or Dock Master for the Time being of the said Company to remove and take away any Ship or Vessel or the Wreck of any Ship or Vessel that shall be sunk in any of the Docks, Basins, or Cuts belonging to the said Company, or in any of the Entrances thereto, and also any Stone, Timber, Anchor, or other Obstruction or Impediment that may be found or arise therein; and in case the Owner of such Ship or Vessel or other Obstruction so to be removed shall refuse or neglect to pay the Charge of removing the same for

Power to remove Wrecks and other Obstructions.

the

the Space of Three Days after Demand thereof made by such Harbour Master or Dock Master, or in case the Owner of such Ship or Vessel or other Thing so removed cannot be found, then it shall be lawful for any such Harbour Master or Dock Master to sell the same, and out of the Monies thence arising to retain all the Expences incurred in removing such Obstruction, and the Charges of Detainer and Sale, rendering the Overplus to the Person entitled to the same; and if the Proceeds of such Sale shall not be sufficient to pay all the aforesaid Charges, then the Deficiency shall be recoverable from the Owner of such Ship or Vessel or other Thing so removed by and in the Name of the said Company, in like Manner as any Penalty is by the said recited Act or this Act recoverable.

Power for
regulating
Vessels in
the Docks.

XL. And be it further enacted, That it shall be lawful for every Person appointed in pursuance of this Act to act as Dock Master or Harbour Master to direct any Person having the Charge or Command of any Ship, Boat, Barge, Lighter, or other Vessel entering into or being within any Dock or Basin or the said Canal, to moor, anchor, and place the same in such Situation within the said Dock or Basin or Canal as the said Dock Master or Harbour Master shall direct, and such Dock Master or Harbour Master shall also have full Power and Authority to direct the unmooring, moving, or removing, from one Part of any Dock or Basin to another Part thereof, or from one Part of the said Canal to another Part thereof, of all Ships and Vessels, Barges, Lighters, and Rafts, lying or being in the said Dock or Basin or in the said Canal; and in case the Owner, Master, or other Person having the Charge or Command of any such Ship, Vessel, Barge, Lighter, or Raft shall refuse or neglect to place the same as such Harbour Master or Dock Master shall direct, or to unmoor, move, or remove the same as soon as may be after being required, then it shall be lawful for the Dock Master or Harbour Master, and such other Persons as he shall call to his Assistance, to moor, unmoor, move, or remove such Ship, Vessel, Barge, Lighter, or Raft in such Manner as he shall deem necessary; and the Master or other Person having the Command or Charge of such Ship, Vessel, Barge, Lighter, or Raft, who shall so refuse or neglect to moor, unmoor, move, or remove any such Ship, Vessel, Barge, Lighter, or Raft, when directed so to do as aforesaid, or who shall obstruct or hinder such Dock Master or Harbour Master in the mooring, unmooring, moving, or removing any Ship, Vessel, Barge, Lighter, or Raft as aforesaid, shall in every such Case forfeit and pay a Sum not exceeding Ten Pounds, together with the Costs and Charges which may be incurred by such Dock Master or Harbour Master in the mooring, unmooring, moving, or removing any such Ship, Vessel, Barge, Lighter, or Raft as aforesaid, to be recovered in like Manner as any Penalty is by the said recited Act or this Act recoverable.

Power to
regulate
Vessels
coming in or
going out of
Docks.

XLI. And be it further enacted, That every Harbour Master or Dock Master of the said Company shall have full Power and Authority to direct the Time and Manner at and in which any Ship, Vessel, Boat, Barge, Lighter, or Raft shall come into or go out of any of the said Docks or Basins, and also the Time of opening and shutting the Gates of any such Dock or Basin; and every
Master

Master or other Person having the Command or Charge of any Ship, Vessel, Boat, Barge, Lighter, or Raft, who shall act contrary to the Directions or neglect to obey the Orders of any such Harbour Master or Dock Master, in relation to the Manner of coming into or going out of any of the said Docks or Basins, or who shall obstruct or hinder such Dock Master or Harbour Master in the opening or shutting of any such Gates as aforesaid, shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

XLII. And be it further enacted, That if any Master or other Person having the Charge or Command of any Ship, Vessel, Boat, Barge, Lighter, or Raft shall bring any such Ship, Vessel, Boat, Barge, Lighter, or Raft into any of the said Docks or Basins, contrary to the Directions of the Harbour Master or Dock Master of the said Company, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Penalty on bringing Vessel into Docks contrary to Directions.

XLIII. And whereas Damage is frequently done to Piers, Quays, Locks, Gates, Bridges, Walls, Cranes, and other Works, by Ships, Vessels, and Rafts, owing to the Wilfulness or Negligence of the Masters or other Persons having or taking the Command or Charge of such Ships, Vessels, and Rafts, and although it is reasonable that such Damage should be compensated such Compensation is frequently refused to be made; be it therefore enacted, That every Master or other Person having the Command or Charge of any Ship, Vessel, or Raft, who shall, by any wilful Neglect or Mismanagement thereof, damage any Piers, Quays, Locks, Walls, Gates, Bridges, Cranes, or other Works belonging to the said Company, or to any of the Docks, Basins, or other Works of the said Company, shall pay for and make good all such Damage, and all such Damage shall be recoverable in the Name of the said Company in a summary Way before any Two of the Justices of the Peace for the said County of *Cumberland*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of any such Ship, Vessel, or Raft doing such wilful or negligent Damage as aforesaid, and to hear and determine the same and ascertain such Damage; and if Judgment shall be given by them against such Master or other Person, then it shall be lawful for such Justices, and they are hereby authorized, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Vessel, or Raft doing such Damage as aforesaid, and all Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Seven Days after any Distress so made or taken, that then it shall be lawful to sell the same, and any Stores, Articles, or Things belonging to the same which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges in taking, keeping, and selling the same, rendering the Overplus, if any, to the Master or other Person entitled to the same, on Demand; and in case the Money cannot be levied as aforesaid, then by Warrant under the Hands and Seals of such Justices to cause

For Recovery of Damage done to Quays, &c.

the Body of such Master or other Person as aforesaid to be imprisoned in the Common Gaol of the said County of *Cumberland* for any Time not exceeding One Calendar Month, unless the Sum of Money so awarded shall be sooner paid; and the same when levied in manner aforesaid shall go and be paid to the said Company: Provided that this Act shall not extend to enable the Recovery of any such wilful or negligent Damage as aforesaid in a summary Way hereby directed in any Case where such Damage shall amount to more than the Sum of Fifty Pounds, but that in all Cases in which such Damage shall amount to more than the Sum of Fifty Pounds the same shall be recoverable by Action at Law, with Costs of Suit, by and in the Name of the said Company; any thing herein contained to the contrary notwithstanding.

Penalty on opening Dock Gates, &c.

XLIV. And be it further enacted, That if any Person, without the Authority of the Harbour Master or Dock Master of the said Company, shall open or shut any Gate, Sluice, or Clew of any Dock or Basin belonging to the said Company, then and in every such Case every Person so offending shall forfeit and pay a Sum not exceeding Fifty Pounds.

Power for Harbour Master to cut Ropes of Vessels.

XLV. And be it further enacted, That in case any Master or other Person having Charge or Command of any Ship, Vessel, or Raft which shall be moored within any Dock or Basin made or hereafter to be made by the said Company in pursuance of the said recited Act or this Act, shall refuse or neglect, upon Demand of any Harbour Master or Dock Master, to unloose or slacken the Rope or Chain by which such Ship, Vessel, or Raft shall be so moored, in order to give a convenient Passage to any other Ship, Vessel, or Raft which shall be coming into or going out of or mooring in any such Dock or Basin, or in case there shall be no Person on board or in charge of any such Ship, Vessel, or Raft so moored, or no Person who shall answer to and obey the Call of the said Harbour Master or Dock Master, for the Purpose aforesaid, then and in every such Case it shall and may be lawful for the said Harbour Master or Dock Master to cut the Rope or slacken the Chain by which such Ship, Vessel, or Raft shall be so moored as aforesaid, in order to give a convenient Passage for the Ship, Vessel, or Raft which shall be so coming into or going out of or mooring in any such Dock or Basin.

Harbour Master to put Persons on board before cutting Ropes.

XLVI. Provided always, and be it further enacted, That before any such Harbour Master or Dock Master shall cut any Rope or slacken any Chain by which any Ship, Vessel, or Raft shall be moored, having no Person on board or no Person who shall answer to and obey the Call for the Purpose aforesaid of the said Harbour Master or Dock Master, such Harbour Master or Dock Master shall and he is hereby authorized to put on board or in charge of such Ship, Vessel, or Raft such Number of Persons as he may think proper for the Protection and Security from Injury of such Ship, Vessel, or Raft; and all reasonable Charges and Expences which shall be thereby incurred (to be ascertained by any One of His Majesty's Justices of the Peace for the said County of *Cumberland*) shall be forthwith paid by the Master or Owner of such Ship, Vessel, or Raft; and in default of
Payment

Payment of such Charges and Expences the same shall and may be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, or by Distress and Sale of the Tackle, Apparel, and Furniture of such Ship, Vessel, or Raft, or the Timber of which such Raft shall consist, by Warrant under the Hand and Seal of any Justice of the Peace of the said County of *Cumberland*, which Warrant the said Justice is hereby authorized and empowered to grant.

XLVII. And be it further enacted, That if any Person not legally authorized so to do shall wilfully cut, break, or in any Manner destroy any Rope or other Thing by which any Ship, Vessel, Boat, or Raft lying in any Dock or Basin of the said Company, or any Cut communicating therewith, shall be moored or fastened, or cast or loose any Ship, Vessel, Boat, or Raft from its Moorings, or cut, break, or in any Manner destroy any Buoy or Rope from any Anchor, or deface or take away, or cast, loose, or cut away, any floating Buoy or Perch or known Sea-mark, such Person, being convicted thereof before any Justice of the Peace for the said County of *Cumberland*, shall forfeit and pay any Sum not exceeding Twenty Pounds; and the enforcing of such Penalty shall not in any Manner lessen or affect the Remedy which any other Person shall or may have by Action or otherwise for any Damage or Injury which may be thereby done against the Person committing the same.

Penalty on cutting or destroying Ship Ropes or Buoys, &c., not being authorized so to do.

XLVIII. And be it further enacted, That if any Person shall take any Ballast, Stones, or other Materials from any Part of the Shore or Beach extending in front of the Grounds and Works of the said Company between *Binnacle House* in the said Parish of *Bowness* and *Kirkland House* in the same Parish, every Person so taking away any Ballast, Stones, or other Materials shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

Penalty on taking Ballast from the Shore.

XLIX. And be it further enacted, That any Wood or Timber which shall be floated or brought within any Dock or Basin belonging to the said Company shall not be permitted to lie or remain therein for a longer Time than Forty-eight Hours, without the Consent of the Dock Master or other Officer for the Time being of the said Company, and in case such Wood or Timber shall not be removed before the Expiration of the said Forty-eight Hours, or within such further Time as shall be so allowed as aforesaid, the Owner thereof shall forfeit and pay any Sum not exceeding Five Pounds for every Twenty-four Hours during which such Wood or Timber shall remain after the Expiration of such Forty-eight Hours, or such further Time as shall be so allowed as aforesaid.

Timber not to lie in Dock longer than Forty-eight Hours without Consent.

L. And be it further enacted, That if the Owner of or the Person into whose Custody or Charge any Tar, Pitch, Resin, Hemp, Flax, Faggots, Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings, Shavings of Wood, or any other combustible Matter or Thing whatsoever shall be intrusted, shall permit or suffer the same or any of them or any Part thereof respectively to be or remain on any of the Quays or Wharfs already or hereafter to be made or erected by the said Company, or upon the Deck

No inflammable Goods to remain on the Quays or Decks of Vessels.

Deck of any Ship, Boat, or other Vessel in any Dock or Basin already or hereafter to be made by the said Company, for above the Space of Two Hours after he shall have been required by the Dock Master or Harbour Master of the said Company to take away and remove the same therefrom, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds for every Hour such Pitch, Tar, Resin, Hemp, Flax, Faggots, Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings, Shavings of Wood, or other combustible Matters or Things, or any of them or any Part thereof, shall be or remain in the Place or Situation aforesaid after the Expiration of the said Two Hours, such Two Hours to be computed from the Time of such Requisition; and in every such Case the Owner of or Person in or to whose Custody or Charge such several Articles or other combustible Matters or Things aforesaid shall be or be intrusted, if the same shall be lying on the said Quays or Wharfs or any of them, or the Master or other Person having the Charge or Command of the Ship, Boat, or other Vessel on the Deck of which the same shall respectively be, shall, at his own Cost and Charge, maintain a sufficient Number of careful and sober Persons to guard and watch over such several Articles or other combustible Matters or Things aforesaid from and after the making of such Requisition until the same respectively shall be removed; and in case any such Owner, Master, or other Person aforesaid shall make default herein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

No combustible Matter to be melted on board any Vessel, nor any Gun-powder or loaded Gun brought into Dock.

LI. And be it further enacted, That no Pitch, Tar, Resin, Turpentine, Oil, or other combustible Matter shall at any Time hereafter be boiled or heated by any Device or Means whatsoever on board any Ship, Boat, or other Vessel lying within any Dock or Basin already or hereafter to be made by the said Company, nor shall any Gun-powder or loaded Gun whatever be brought into such Dock or Basin, or be suffered to remain on board any Ship or other Vessel therein, upon pain that every Master, Commander, or Owner of every such Ship or Vessel shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Fire, Candles, or Lamps not to be lighted in the Dock, except as regulated.

LII. And for more effectually preventing Accidents by Fire within any Dock or Basin already or hereafter to be made by the said Company, be it further enacted, That if any Person shall have or keep, or cause to be had or kept, any Fire, Candle, or Lamp lighted within such Dock or Basin, or on board any Ship or Vessel lying in such Dock or Basin, at any Time whatsoever, save and except such Fires or lighted Candles or Lamps and at such Times as shall be permitted by the special Orders and Regulations of the said Company given in Writing in that Behalf, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

For preventing Obstructions in going on board Ship in Dock.

LIII. And be it further enacted, That if any Person shall at any Time hereafter in any way obstruct, or be aiding or abetting any other Person in obstructing, in the Execution of his Duty or Employment, any Constable, Watchman, or Person thereto appointed by or having Instruc-

Instructions in Writing in that Behalf from the said Company or from the Dock Master or Harbour Master of the said Company, from or in going on board or entering into or upon or being in or upon any Ship, Boat, or other Vessel for the Purpose of searching for or extinguishing any Fire, Candle, or Light being or suspected to be therein contrary to any Provision of this Act, or contrary to any Order, Rule, or Regulation made by virtue of this Act, or for the Purpose of discovering any Theft or Embezzlement committed or suspected to have been committed in or about such Ship, Boat, or other Vessel, or for the Purpose of quelling any Riot or Disturbance therein, or for any other Purpose authorized by this Act, or by any such Order, Rule, or Regulation as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

LIV. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under the said recited Act or this Act, commenced or instituted against the said Company, and also in all Actions or Suits at Law or in Equity, and in all Proceedings commenced or instituted by or on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on the Behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Release as may be deemed to be necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company in order to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, and also to do any other Act in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been made under the Seal of or done by the said Company.

Clerk of Company may give general or other Releases;

LV. And be it further enacted, That in all Cases when it may be requisite for the said Company to give any Notice to any Person whomsoever it shall be sufficient for such Notice to be signed by the Clerk of the said Company, without being required to be under the Common Seal of the said Company.

and give Notices on behalf of the Company.

LVI. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or any Writ or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Secretary or Clerk of the said Company, or leaving the same at the Office of the said Company or of such Secretary or Clerk, or delivering the same to some Inmate at such Office of the said Company, or

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

[Local.]

23 T

at

at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known then personal Service thereof upon any other Agent of or Officer employed by the said Company, or any one of the Committee of Management of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively on the said Company.

Clerk of the
Company
may prove
Debts in
Bankruptcy.

LVII. And be it further enacted, That in case any Fiat of Bankruptcy shall be awarded against any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, it shall be lawful for the Clerk of the said Company for the Time being to appear, and he is hereby authorized to appear and act on behalf of the said Company in respect of any such Debt, Claim, or Demand before the Commissioner or Commissioners under any such Fiat of Bankruptcy, either personally or by his Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat, and such Person shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Fiat on behalf of the said Company in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates, and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person, being a Creditor of such Bankrupt in his own Right, would have in respect of the Debt proved by him under such Fiat.

Recovery
and Appli-
cation of
Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said recited Act or by this Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof, the Manner of levying and recovering whereof is not herein otherwise particularly directed, may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace for the said County of *Cumberland*, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expenses as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the said Company for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, one Moiety to the Informer, and the other Moiety to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice or Justices and they are hereby re-
quired

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

LIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the Rates, Dues, Duties, or other Monies which the said Company are or shall be entitled to receive by virtue of the said recited Act or this Act, or respecting any Matter or Thing in anywise relating to the said Company, no Person acting by or under the Authority or in the Service of the said Company shall for that Reason alone, or by reason of his being one of the Proprietors of the said Canal, be in any Manner disqualified or incapacitated from giving Evidence in, upon, or respecting such Dispute, Suit, Litigation, Matter, or Thing, nor shall any other Shareholder in the said Company as such be so disqualified.

Officers of the Company, or Proprietors, not disqualified from giving Evidence.

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

Justices may proceed by Summons in the Recovery of Penalties.

in

in which any Person convicted of any Offence under the said recited Act or this Act shall be committed by any Justice or Justices of the Peace to the Common Gaol or House of Correction for Nonpayment of any Penalty or Forfeiture by the said recited Act or this Act imposed for such Offence, it shall be lawful for such Justice or Justices in the Warrant of Commitment of such Person to direct such Person so committed to the said Gaol or House of Correction to be there kept to hard Labour.

Power to compound Penalties.

LXI. And be it further enacted, That in all Cases in which any Action or Suit shall be brought, commenced, or prosecuted against any Person for any Penalty contained in the said recited Act or in this Act, for Breach or Nonperformance of any Contract, it shall be lawful for the said Company from Time to Time to compound or agree for such Sum as they shall think proper instead of receiving the whole of such Penalty; but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Nonperformance of any such Contract.

If Docks not completed within Seven Years, Powers of this Act to cease.

LXII. And be it further enacted, That in case the said intended Dock or Docks hereby authorized to be constructed and made shall not be made and completed within the Space of Seven Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to such or so much, if any, of the said Dock or Docks hereby authorized to be made as shall have been declared and certified to be completed within the said Term of Seven Years by the Justices of the Peace for the County of *Cumberland* assembled at any Quarter Sessions of the Peace to be held in and for the said County at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months after the Expiration thereof, upon the Evidence of Two or more Witnesses.

Company not to take Lands without Consent.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company to purchase or take any Lands without the Consent of the Owner thereof.

Interpretation Clause.

LXIV. And be it further enacted, That when in the said recited Act or this Act the Word "Person" is or shall be used, the same shall be understood a Body Politic, Corporate, or Collegiate, and a Corporation Aggregate or Sole, as well as an Individual; and where any Word is or shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where any Word is or shall be used importing the Plural Number, the same shall be understood to apply to one Matter as well as several Matters, and one Person as well as several Persons; and where the Word "Lands" is or shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" is or shall be used, the same shall be understood to mean Body Politic, Corporate,

Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole ; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

LXV. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all other Expences in any way incident thereto, shall, in the first place, and in preference to all other Payments whatsoever, be paid out of the first Money which shall be raised or received under or by virtue of the said recited Act and this Act, or either of them. Expences of Act.

LXVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to lessen or abate or in any Manner to affect or prejudice the Rights, Titles, or Privileges of the Right Honourable *William* Earl of *Lonsdale*, Lord of the Manor of *Drumburgh* in the Barony of *Burgh*, or the Lord of the said Manor and Barony for the Time being, to any Customs, Tolls, Rights, Profits, Anchorage, Royalties, and all other Things which are now or shall happen to come within the Limits of the said Manor and Barony, or other Benefits or Advantages belonging or in anywise appertaining thereto, other than such Tolls, Rates, and Duties as are by the said recited Act and this Act authorized and directed to be collected, received, and paid ; and that nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the said *William* Earl of *Lonsdale*, or of the Lord of the said Manor and Barony for the Time being, of, in, and to the free Liberty of Anchorage for any Barks, Barges, Boats, or other Vessels within any Part of the Flood-mark or Shore adjoining to or belonging to any Land or Ground heretofore Parcel of the Commons and Waste Lands within the Parish of *Bowness*, as also to erect, build, or set up any Houses, Edifices, Buildings, or Storehouses upon the said Shore within any Part of the Lands and Grounds heretofore Parcel of the said Commons and Waste Lands, for the more safe keeping, laying, and stowing of any Sort of Goods, Wares, or Merchandizes whatsoever which may at any Time hereafter be there imported by any Barks, Barges, Boats, or other Vessels whatsoever, or for the Exportation of all such Goods, Wares, and Merchandizes, but that he the said *William* Earl of *Lonsdale*, and the Lord of the said Manor and Barony for the Time being, shall and may take, receive, have, and enjoy all such Rights, Titles, and Privileges, in as full, large, ample, and beneficial a Manner as the same were reserved to him upon the Inclosure of the said Commons and Waste Lands, or as he could have taken, received, had, and enjoyed the same if this Act had not been passed ; and that the said Company, in setting out, making, and constructing the said Dock or Docks hereby authorized to be made, shall leave such Space or Width of Ground along the Northern or North-eastern Bank of the said Canal, and between the said Canal and the said intended Dock or Docks, as shall for that Purpose be first approved of and consented to by the said *William* Earl of *Lonsdale*, or the Lord of the said Manor and Barony for the Time being, such Approbation and Consent to be testified in Writing under the Hand of the said *William* Earl of *Lonsdale*, or the Lord of the said Manor and Barony for the Time being. Saving Rights of the Earl of Lonsdale.

[Local.]

[23 U]

LXVII. Pro-

Lord of the
Manor of
Drumburgh
to receive
Toll as here-
tofore.

LXVII. Provided always, and be it enacted, That the Lord or Lady of the Manor of *Drumburgh* in the Barony of *Burgh* for the Time being shall receive from every Ship or Boat or Vessel which shall enter any such Dock such Sum of Money as the Lord of the said Manor has been heretofore of right accustomed to receive as Toll in respect of Anchorage for or in respect of every Ship, Boat, or Vessel which has anchored upon or been moored to any Part of the Shore or Beach within the Limits of the said Manor.

Repeal of
Power con-
tained in
57 G. 3. c. 13.
to borrow
Money upon
Promissory
Notes.

LXVIII. And whereas it is by the said recited Act enacted, that if the said Company should think it expedient to borrow any Part of the Sum of Forty thousand Pounds (thereby authorized to be raised by the said Company) upon Promissory Notes under the Common Seal of the said Company, it should be lawful for them so to do: And whereas it is expedient that so much of the said Act should be repealed; be it therefore enacted, That so much of the said recited Act as authorizes the said Company to borrow any Sum or Sums of Money upon Promissory Notes shall be and the same is hereby repealed: Provided always, that nothing in this Act contained shall in anywise invalidate, affect, or prejudice any Promissory Note made before the passing of this Act in pursuance of the Powers of the said recited Act.

Public Act

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.