

Reasons why the Contribution of one Pen-

nie *per Tunne* of euery Ship that goeth forward and backward on the North Coast of England, towards the maintainance of the Lighthouses at *Winterton* should not be any grieuance; with an Answer vnto the objections of the Maisters of the Trinity House.

The contentencie of the Lighthouses agreed on.

The Legall point concerning the priuate Interest to be referred to the Law.

The reasons why the Imposition should not be any grieuance.

The benefit arising vnto the Patentees.

The charge of the Patentees.

550. pounds *per annum* only remayning to satisfie 3600. pounds debt; and the vncertain charge; and to recompence the seruice of the Patentees.

The comparison of the benefit of the Subiects, and the charge which he vndergoeth.

The allowance by the common Lawe of the charges vpon the Subiect.

The Allowances by the Statute Law of the charges vpon the Subiect.

First it hath beene agreed that the erection of Lighthouses at *Wintertonnesse* is conuenient and necessary, and that it is fitting there should be a Contribution from those that receiue benefit, for the erecting and maintaining of them.

Secondly, in point of Law howsoeuer, it will be cleare that his Maiestie as *Parens patrie* for the safegard of his Subiects liues and goods, may giue power to erect Lighthouses, and may depute those that are not Marriners for the performance of the seruice, so as it be done by the approbation of skillfull Sea-faring men, and he is not restrained by the Statute of 8. *Eliz. Cap. 13.* being onely in the affirmatiue: yet because it concerneth the Patentees, and the Maisters of the Trinity house in their priuate interest; the Patentees doe not desire that the Legall points should be determined: but if this Honourable house shall adiudge his Maiesties Imposition of one penny *per Tunne* to be no grieuance, then hee desireth that the priuate right may be remitted vnto the common Law to be tried there, if the Trinity house shall require it.

Thirdly, the point which this Honourable Court haue taken into their considerations, being onely whether the Imposition of one penny *per Tunne* be a grieuance vnto the Subiect, because it is too great, and the seruice may well be performed for lesse: if it please you to consider the benefit that doth rise by the Patent, the charge that the Patentees haue vndergone, and compare the benefit the Subiect receiueth by the Lighthouses, and the charge that he vndergoeth; and also take a view what the Common Lawes and Statute Lawes doth giue in cases of meaner nature, it will be (as wee conceiue it) somewhat strong that this Imposition will not be any grieuance.

As to the benefit of the Patentees it is onely a penny *per Tunne* of any Ship that sayleth forwards and backwards to or from some English Port alongst the Northerne Coast, the which is not the one hundredth penny of the value of the basest things that are imbarked, and it doth not surmount the summe of nine hundred pounds by yeare: The which the Patentees will make good vpon the forfeiture of their Patent.

As to the charge; it may well be diuided into a charge past, a charge present, and a charge future.

The charge past, hath beene in the solliciting and bringing the businesse to perfection, which was so strongly opposed by the Trinity house; in erecting of Lighthouses; in satisfying of a great summe vnto Doctor *wellwood* by his Maiesties appointment, and paying other great summes; and in the engagements which *John Meldrum*, who hath now the sole Interest, stand subiect vnto for Sir *William Erskins*, who was the other ioynt Patentee: the which in *toto* doe amount vnto the summe of 3600. pounds, all which doth still lye vpon the said *Meldrum* as his proper debt.

The charge present, is the Rent of 6. pound 13. shillings 4 pence, which is paid vnto the King; the disbursements which are made for the maintenance of the Lighthouses; and the allowance which is giuen vnto Officers for the receiuing and collecting of the Rent of one penny vpon the Tunne: all which in *toto* doe amount vnto 350. pounds a yeare and more.

The charge future, will be in repairing the Lighthouses erected, in remouing them according to the variation of the Shelues, and in the erecting and building of a new Tower and other Lighthouses, as occasion shall require in other places within foure miles, without any further charge.

So as computing the 350. pounds by the yeare which he annually disburseth; the 3600. pounds which he is out of purse; the building of a new Tower, and other vncertaine charges that are likely to fall vpon *Meldrum*; there will not be so much Surpluse as is supposed: for he hath but 550. pounds *per annum* remaining for the satisfying of this debt of 3600. pounds for the labour and seruice of the Patentees, by whose endeaours the Common-wealth receiueth so much benefit, and for the performing of the vncertaine charge that may arise.

As to the comparison which is to be made betweene the benefit the Subiect receiueth by these Lights, and the charge which he vndergoeth, you shall easily finde vpon consideration, that it is not worthy the comparison.

For the charge is onely the payment of one penny *per Tunne*, the which at the most will but amount vnto 900. pounds *per annum*, the one moytie whereof is to be borne by the Maister, and the other by the owner of the goods; the benefit ariseth in the preseruacion of the liues of the Marriners which are vnualueable; in the safegard of the Shippes which are the strength of the Kingdome; in sauing the goods, which are the liuelihood of men; and in being the meanes of a more speedie voyage, quicker returne, and more frequent going: for before such time as these Lighthouses were erected, in two yeares there were 11. or 12. Ships cast away, wherein both men and goods were lost to the value of 30000. pounds, the which was a terrour to Marriners to passe there in Winter time, when the nights were long and darke; whereas since the erecting of them there hath not beene the losse of any one: And since the erection of those Lighthouses, it hath beene confessed by those that are aduerse vnto this Patent, that they make one iourney the more in euery yeare by reason of these Lighthouses, the which benefit exceedeth the whole charge that they are at in the yeare.

As to the Common Law you shall see that it alloweth a greater charge vpon the Subiect then this is, where the benefit is not equiualent, and therefore by 13. H. 4. 15. the taking of a halfe penny for the going ouer a Way is warrantable, and yet that is onely for the ease of the Subiect. *Temps. E. 3. fo. 144. and 152.* In *Kellowayes* Reports you shall see two pence claymed for euery load of Wares caried through such a place to be sold and allowed 20. H. 7. 1. 21. H. 7. 16. You shall see that the Mayor and Cominaltie of Glouc. claymed sixe pence on euery Boat that passed along the water loaden with Merchandizes through the Towne of Gloucester, and no exception at all taken against it. 5. *Rep. 63.* Chamberlayne of Londons searched at Blackwell Hall for hallage, and the ordinance allowed, and the charge thought fit and reasonable, and there is the summe of eight pence paid by the same Maisters that now complaine vpon euery Tunne that is measured vpon the Land in London, and this allowed vpon a *Quo warranto* brought in the new booke of Entryes. 536. 537. And yet not in any of these cases is the benefit, so much vnto the Subiect, nor the charge so great vnto the Officer, as it is in this case of the Lighthouses.

As to the Statutes you shall obserue also in them as great a charge, where there is not a like benefit, and therefore you shall see that by the Statute of 27. *Ed. 3. cap. 4.* The Alnager is to haue a halfe-penny vpon euery Cloath of 26. yards for the measuring and sealing of them: The Statute of 11. *H. 7. cap. 4.* giueth an allowance of one penny for the marking of euery Bushell. 23. *H. 8. cap. 4.* alloweth one penny vnto the gager for gageing of euery Butt and Pipe. 2. & 3. *Mary. cap. 7.* alloweth one penny vnto the Tolltaker for entring the names of the parties that bought and sold the Horse, and the markes of the



Horfe. The Statute of 8. *Eliz.* Cap. 12. alloweth the Fee of 3. pence, for sealing and weighing of euery Lancashire Cloath. The Statute of 1. *Jac.* cap. 22. alloweth vnto the Sealer, Searcher and Register of euery Ten hydes, Backes or Butt of Leather 2. pence, and for euery dozen of Calfe skinnes 2. pence. All which Impositions allowed by Act of Parliament, are as great as the charge heere, and onely beneficiall for the auoyding of frauds and deceits; and they doe not tend to the preferuation of the liues and liuelyhood of men as those Light-houses doe.

An Answer vnto the Obiections of the Trinity House.

The first Obiection concerning the taking of three shillings 4. pence, vpon euery 20. Chaldron, whereas 6. pence should bee sufficient, and the Answer vnto it.

Whereas the Masters of the Trinity House doe make offer to maintaine the Light-houses at *winterton*, for 6. pence vpon euery 20. Chaldron, and therefore to take 3. shillings 4. pence is vnreasonable; if you shall obserue the persons that make the offer, the time, the cause, and the impossibility of this offer made, as likewise looke into their owne actions; you shall see that it is onely an offer to wrest the authority from the King, and to defeate the Patentees of their benefit, and not any wayes to aduantage the Subiect.

The persons that make the offer, to bee considered.

As to the persons that make this offer, they are the Masters and Wardens of the Trinity House, who from the beginning haue opposed these Patentees, and haue endeauored in all courses to defeate the Patent; and therefore to haue their will, would rather vndertake to maintain them at their owne proper charge, then the patentees should inioy them: besides, they may better make the offer then others, because there be few Masters of Ships that are not younger Brothers of their Company and subiect vnto their Controle, and therefore howsoeuer the seruice be performed, there dare not be any complaint against them. Againe, they are a Corporation which consist of many, and so the benefit being small which redoundeth vnto euery of them by the seruice, there will bee a greater neglect, then when it is in the hands of priuate Gentlemen: and this appeareth by their owne Light-houses which they haue the keeping of; for since they came into their hands, there hath bene many Ships cast away in the Night time, where during the time they were kept by priuate Gentlemen, there was not any one cast away, neither there, nor at any other place, where priuate men haue had the trust reposed in them.

The time of the Offer considered.

As to the time of this offer, it is after such time as the Patentees haue vndergone the charge aboue mentioned: it is when the worke is brought to perfection; it is when they see some benefit may accrue vnto them: for in 55. yeares before when they had power to doe it, they neuer thought of it; and no question but there bee diuers would bee glad to doe that which the Statute doe require, and take halfe the allowance giuen by the Act: and who would not bee glad to make *Subpena's* or other Writs for 12. pence the writ, where the Fee is two shillings 6. pence or more? neither can any man enioy any Office freely; if others might haue the executing of it, because they will doe it at easier rates.

The Cause of the Offer.

As to the cause, it is because they would Monopolize all to themselues, and oppose all others that would bee sharers with them.

The impossibility of the performance of the offer.

As to the impossibility, there being but 6. pence vpon euery 20. Chaldron required, it cannot amouut vnto aboue 130. pound by the yeare, the which will scarcely defray a third part of the Charge of the Light-houses, as the Patentees maintaine them, besides the erection of the same; for the Tower which themselues haue builded cost 600. pound, besides the Light-houses: the which summe will neuer be raised out of 130. pound by the yeare, the perpetuall charge of the maintaining of them being considered.

The practise of the Trinity House contrary to their offer.

Lastly, looke into their Actions, you shall see it is their opposition against the Patentees that causeth them to make this offer: for the Trinity house haue giuen consent that Sir *Edward Howard* shall erect one Light-house at *Dungeonesse*, and shall haue the allowance of one penny vpon euery Tunne. There was a suite also by one Mr. *Frobusher* for the erecting of a Light-house at *Kelsey* within the Riuer of *Humber*; there was a Certificat made by aboue 40. Masters, and owners of Ships trading to *Newcastle* (which were a member of their Corporation) that the erection of a Light-house was very necessary, and that they would willingly pay one peny *par le Tunne* for the voyage, and two pence should bee paid by euery Stranger for the erection and maintaing of that Light-house. ~~And as for the Light-house at *Dungeonesse*, it was erected by the Trinity House, and the charge thereof was paid by the Trinity House, and the Trinity House doe take 6. pence in the score of all Shipping whatsoeuer, that enter into the Riuer of *Thames* for Beaconage and Boyage; the Beacons being onely three great Trees that stand there, without either Fire or Candle, and the Boyes being onely square peeces of Timber of 6. or 8. foot, and fastened vnto a chayne of Iron; the charge whereof what it can be, the Patentees referres vnto the consideration of this honorable Court.~~ Also the Trinity House doe take

The second obiection for the taking of 2. pence the Chaldron, which amounteth to 1400. pound or 15. hundred pound; answered.

Whereas it is affirmed by the Trinity House, that the Patentees doe collect 2. pence vpon euery Chaldron of Coales, which amounteth vnto 14. or 15. hundred pounds a yeare, besides the collection of one penny *par le Tunne* of all other Ships trading that Coast; It is answered, their Patent, doth authorize them to take but one peny vpon the Tunne, and they doe take no more, the which amounteth at the most but vnto 900. pound by the yeare, as will be easily manifested, because it hath bene heretofore obiected, and vpon due examination proued the contrary.

The third obiection concerning the building of Light-houses at *winterton*, when it was needfull; answered.

Whereas it is affirmed by the Trinity House, that there was not neede of any Light-houses at *winterton* vntill within these 4. yeares, and that they builded Light-houses at *Castor* and *Leistiffe*; It apeareth by Oath taken vpon a Commission awarded, that 4. yeares before the Inquisition taken, there were diuers Ships cast away at *wintertonnesse*, & that by reason of the dangers of that Shelve there were continuall Shipwracke: and for the building of the Light-houses at *Castor* and *Leistiffe*, it was done by one *Bushell*, a priuate Gentleman, at his costs and charges; who by reason of the opposition of the Trinity House, was forced to giue vnto them 60. pounds by the yeare, and to take a Lease from them for One and Twenty yeares, the which was a thing not warrantable.

The fourth obiection, concerning the erection of the Tower, and keeping Lights there; answered.

Whereas it is obiected that the Trinity House erected a Tower, and kept lights there nine Monthes before the Patentees, and that the Patentees did breake open their Tower and keepe there Lights there,

It appeareth by their owne petition and the Order made by the Lords of the Counsaile the 26. of March, that the Patentees were first suitors for the erecting of a Light-house at *winterton*, before euer the Trinity House attempted it, and the erection of the Tower there was to preuent the Patentees of their Suite. And whereas by Agreement the Trinity House were at the charge of the Patentees to maintaine Lights some short time, whereby to auoyde Shipwracke vntill the Differences betweene the Patentees and the Trinity House for their charges in erecting the said Tower should be accorded; they contrary to their Agreement, not regarding the danger of the Subiect, did put out their Lights, whereby the Patentees for the good of the Subiect, were enforced to set vp Lights in the said Tower vntill their Lights could bee erected, And they did maintaine the Lights nine Monthes without any contribution at all, at their owne Charge.

The fift obiection, concerning the qualities of the persons of the Patentees; answered.

Whereas it is obiected, that the Patentees are altogether vnskillfull in Marine affaires, and cannot vnderstand the nature of Sea-markes, Sandes, Channels, and Tides; and the Trinity House haue bene bred vp in the knowledge of them, and are euery day conuersant amongst them.



The abuses of the Trinity house, wherein they haue bene trusted.

It is answered that the Patentees will not compare with them for their skill; but they may well compare with them for their care, inso much that they haue formerly abused that trust which hath bene reposed in them; for they by the space of 55. yeares did neuer erect any Lighthouse but onely *Winterton* Tower. And whereas they by their Charter of Incorporation made and confirmed. 2. *Jac.* are to appoint Pilots for the conducting of Strangers into the Riuer of Thames, and are to receiue two shillings of euery twenty shillings that the Pilot receiueth, They seldome or neuer appoint any Pilot or any other to conduct the Strangers, and yet they take seauen pence for euery Tunne and eight pence; (besides Anchorage Boyage and Beaconage) for euery foote the Ship draweth within the water for Pilotage, the which for euery Ship in euery voyage amounteth vnto 5. 6. 7. or 8. pound, according vnto the burthen, without doing any thing for it; besides, whereas the Trinity house are to be Pilots, or to appoint them, because Strangers might not know our Channels, they permit the Strangers themselues to be Pilots, whereby they are acquainted with our Channels as well as the English men, which is a danger to the Common-wealth. Againe, whereas by the Statute of 27. *H.8. Cap. 18.* the ballasting of Ships is to be done in part by the Shelues of the Thames for the better maintaining of the Riuer, and they are the parties trusted to see the performance of it, they did neuer looke into it, but for their benefit haue made Leases, whereby there hath bene a neglect of that seruice, the which hath bene an occasion of a late Graunt made vnto others, of the penalties granted by the Statute of 27. *H.8.* and of an Imposition of one penny *pur le Tun* vpon all Strangers, for the cleansing of the said Riuer of Thames, and as yet no seruice done.

Private Gentlemen allowed by the Trinity house, to erect and keepe Lighthouses.

Againe, when *Busbell* and one *Graue Violes*, who were priuate Gentlemen, and altogether vnexperienced in Marine affaires, vndertooke this businesse at *Stamport* and *Castornes*, and gaue the Trinity house 60. pounds by the yeare, no exception was taken against them, but they were allowed to be sufficiently experienced men for the businesse, and Sir *Edward Howard* likewise for his Lighthouses at *Dungeones* in regard of twenty pounds by the yeare that hee was to pay vnto them, was esteemed by them to be a person sufficiently qualified to vndertake the businesse, and the Patentees if they would haue giuen 50. pound by the yeare vnto the Trinity house, they had passed likewise without any exception at all taken against them.

The Lighthouses worke kept by Trinity house then by priuate Gentlemen.

Besides, the Maisters and Wardens of the Trinity house hauing taken the Lights at *Stamport* and *Castornes* into their owne hands, hath employed one that hath very small skill in Sea businesse to looke vnto the Lights: and since the Maister and Wardens of Trinity house haue taken the Lighthouses into their owne hands, there hath bene 3. Ships cast away in the night within this yeare, and many before; whereas when *Busbell* and other priuate Gentlemen had the manning of the businesse, there was not any one Ship cast away.

Euery man fitting to keepe the lights, and kindle the fire.

Againe, the Seruice consisting onely on two parts: The first of which is the maintainance of the Lighthouses, as they now stand: The second is in the alteration and remouing of the Lighthouses, according vnto the variation of the Shelve: and for the first part it will not be denied, but that the Patentees or any other who is able to kindle a fire or light a Candle, is able to performe it; for one of the Lighthouses being maintained with a perpetuall fire of Scottish and Newcastle Coale burning in the night, and the other two Lighthouses being maintained with Candles seuerally burning in them, nothing being necessary but the making and lighting of a fire, and lighting of Candles in a conuenient time, the which any man may doe.

An experienced Maister maintained for the sounding of the Channels.

For the second part, howsoeuer the Patentees are not skilfull in the alteration of Sands, and so able of themselues to direct the remouing of the Lighthouses, yet doe they at their great charge maintaine one, his wife and family at the place, who is a very well experienced Marriner, and hath bene a Maister of Shipping this thirty yeares, to haue a care of that Seruice: This Seafaring man being one, that the Trinity house employed, and hath a Boat and Seruants vnder him, to sound the Channels: And so because these Patentees doe employ the same man for the performing of the Seruice that the Trinity house did, the Patentees hope they are as fitting men as the Trinity house.

As concerning the Certificate by Sir *Henry Yeluerton* mentioned in the Obiection: It had bene more ingeniously done by that Corporation (if any thing had bene certified amisse) to haue put in Maister Sergeant *Crew*, and Maister Attourney Generall, who did certifie the legall point as well as Sir *Henry Yeluerton*.

Wherefore the benefit being so great, and the charge of the Subiect so small, and since that the Common Lawes and Statute Lawes doe allow a greater proportion, where there is not so great a cause; and it is answerable to the voluntary Contributions of that kinde, and the offer of the Trinity house commeth not in his due time, nor can be well performed, and the executing of the Seruice hath alwayes hitherto passed without any exception, whereas if there be a lesse proportion allowed, the Seruice will be pinched: It is desired that the Patentees may haue the benefit which his Maiestie hath allowed vnto them confirmed, and they will be willing to make good all Losses which shall be sufficiently proued to come through their neglect in the Seruice.

