ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 33.

An Act for altering and enlarging the Powers of several Acts made in the Fifth and Twenty-fifth Years of King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of His present Majesty, for enlarging the Pier and Harbour of *Scarborough*, in the County of *York*.

[23d *May* 1806.]

WHEREAS an Act was made in the Fifth Year of the Reign of His late Majesty, King *George* the Second, intituled, *An Act to enlarge the Pier and Harbour of* Scarborough, *in the County of* York; whereby there was given and granted a Duty of One Half-penny for every Chaldron of Coals laden on board any Vessel, at or in the Port of *Newcastle-upon-Tyne*, or at *Sunderland*, or any other Port or Place reputed a Member of the said Port of *Newcastle-upon-Tyne*, to be payable until the Twenty-fourth of *June* One thousand seven hundred and sixty-three; and also several other Duties upon certain Goods, Wares, and Merchandizes, landed in or shipped off from the said Port of *Scarborough*, which were to have Continuance until the Twenty-fourth Day of *June* One thousand seven hundred and eighty-three; all which Duties were, by the said recited Act, directed to be paid to the Bailiffs and Burgesses of *Scarborough*, and their Successors, and were to 5 G. 2. c. 18.

be by them applied for the Purpose of enlarging, extending, improving, and repairing the said Pier and Harbour: And whereas One other Act was made in the Twenty-fifth Year of the Reign of His said late Majesty,
25 G. 2. c. 44. intituled, *An Act to explain and amend an Act passed in the Fifth Year of His present Majesty's Reign, intituled,* '*An Act to enlarge the Pier and Harbour* '*of* Scarborough, *in the County of* York, *and for making the said Act more* '*effectual*;' whereby Provision was made for taking the Powers created by the said former Act out of the Hands of the said Bailiffs and Burgesses, and vesting the same in Commissioners named therein, and to be appointed in pursuance thereof: And whereas One other Act was made in the
3 G. 3. c. 42. Third Year of the Reign of His present Majesty intituled, *An Act for continuing the Duties and enlarging the Powers granted by Two Acts, made in the Fifth and Twenty-fifth Years of His late Majesty's Reign, for enlarging the Pier and Harbour of* Scarborough, *in the County of* York; whereby the aforesaid Duty upon Coals was continued from and after the Expiration of the then existing Term thereof, for and during the further Term of Twenty Years, save and except upon Coals exported in Ships and Vessels belonging to the Port of *Sunderland*, in the County of *Durham*: And whereas One other Act was made in the Eighteenth Year of the Reign
18 G. 3. c. 20. of His present Majesty, intituled, *An Act for further continuing the Duties granted by Three Acts, made in the Fifth and Twenty-fifth Years of His late Majesty King* George *the Second, and in the Third Year of His present Majesty's Reign, for enlarging the Pier and Harbour of* Scarborough, *in the County of* York; whereby the aforesaid Duty upon Coals, except upon Ships and Vessels belonging to the said Port of *Sunderland*; and also the said Duty upon certain Goods, Wares, and Merchandizes as aforesaid, were continued from and after the Expiration of the then existing Term thereof, for and during the further Term of Twenty Years: And whereas One other Act was made in the Forty-first Year of the Reign of His
41 G. 3. c. 69. present Majesty, intituled, *An Act for further continuing the Duties and altering the Powers granted by Four Acts, made in the Fifth and Twenty-fifth Years of His late Majesty King* George *the Second, and in the Third and Eighteenth Years of His present Majesty's Reign, for enlarging the Pier and Harbour of* Scarborough, *in the County of* York; whereby the aforesaid Duty upon Coals, except upon Ships and Vessels belonging to the said Port of *Sunderland*, and also the said Duty upon certain Goods, Wares, and Merchandize as aforesaid, were continued from and after the Expiration of the then existing Term thereof, for and during the further Term of Twenty Years: And whereas the said Harbour hath been greatly improved under and by virtue of the Powers and Provisions contained in the said Acts, by the Commissioners acting in the Execution thereof, and a new Pier for enlarging and making the same more extensively useful and beneficial was some Years since begun, and is now erecting and carrying on at a very large annual Expence; and which Pier, when finished, will render the said Harbour more safe and commodious, and will be productive of great Advantage and Security to Trade and Commerce and be of great public Utility: And whereas the said Pier cannot, without a further considerable Delay and Expence, be completed and maitained, nor can such other Works as from Time to Time may become necessary to keep the said Harbour in a State safe and commodious for Shipping, be executed and supported, unless the Powers and Provisions of the said several Acts are amended, altered, enlarged, and extended; but as such several Purposes cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted

enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things in the ſaid recited Acts contained (ſave and except ſuch Parts thereof as relate to Exemptions from Stamp Duties, and ſave and except ſuch Parts thereof reſpectively as are varied, altered, or repealed), and this Act, ſhall be and continue in full Force and Effect, and be executed for and during the Term continued and granted by the ſaid recited Act, made in the Forty-firſt Year of the Reign of His preſent Majeſty, as fully and effectually to all Intents and Purpoſes whatſoever, as if the ſame had been repeated and re-enacted in the Body of this preſent Act.

Powers of recited Acts, except where hereby altered, extended to this Act.

II. And whereas Ships belonging to the ſaid Port of *Sunderland* frequent, and in tempeſtuous Weather take Shelter within the ſaid Harbour of *Scarborough*, be it therefore further enacted, That from and after the Firſt Day of *Auguſt* it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to demand and take for or in reſpect of every Ship or Veſſel belonging to and regiſtered at the ſaid Port of *Sunderland*, which ſhall enter or go into the Harbour of *Scarborough*, from the Owner or Owners, or the Maſter or Maſters thereof, or ſuch other Perſon as ſhall have the Charge or Command of ſuch Ship or Veſſel One Shilling *per* Ton for every Ton according to the Regiſter Tonnage of ſuch Ship or Veſſel, for and towards the Maintenance and Support of the ſaid Pier and Harbour of *Scarborough*, and of the Tide-light to be erected on the ſaid Pier during the Continuance of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, and of this Act, and ſuch Rate and Duty ſhall and may be received and levied by ſuch Perſon or Perſons as the ſaid Commiſſioners or any Seven or more of them ſhall appoint to receive the ſame; whereupon the Party appointed to receive the ſame ſhall, without Delay, Fee, or Reward, deliver a Receipt for the ſame under his Hand to the Perſon or Perſons who ſhall pay the ſaid Duty, which Receipt, for ſo much, ſhall be a ſufficient Diſcharge; and ſuch Rate and Duty ſhall and may be recovered by the ſaid Commiſſioners, in ſuch and like Manner as the Rate or Duty on Coals, laden aboard of Ships and other Veſſels, is directed to be received, levied, and recovered in and by the ſaid recited Acts, ſome or one of them.

Ships belonging to the Port of Sunderland to pay One Shilling per Ton whenever they enter the Harbour of Scarborough.

III. And be it further enacted, That there ſhall be levied, collected, and paid for and in reſpect of every Ship or decked Veſſel which ſhall paſs coaſtwiſe from, to, or by the ſaid Port or Harbour of *Scarborough*, the Sum of One Penny for every Five Tons Burthen, and it ſhall be lawful for the Collector or Collectors, or ſuch Perſon or Perſons as ſhall be appointed to receive and take the Rates and Duties impoſed by this Act, or any of them, to receive and take from the Owner or Owners, or the Maſter or Maſters of ſuch Ship or Veſſel, or ſuch other Perſon as ſhall have the Charge or Command thereof, the ſaid Sum of One Penny for every Five Tons of the Burthen of ſuch laſt-mentioned Ship or Veſſel, to be taken according to the Regiſter Admeaſurement thereof, and to be paid, and payable at the Port of Delivery of ſuch Ship or Veſſel: Provided always, that

Veſſels paſſing Coaſtwiſe, to pay One Penny for every Five Tons.

that such Rate or Duty, or Sum of One Penny for every Five Tons, shall not extend to or be levied or collected in respect of any Ships or Vessels which may have paid the Duty imposed by the said recited Acts, or any of them, on Coals exported in such Ships or Vessels from the Ports hereinbefore mentioned, nor in respect of any Ships or Vessels which belong to, and are registered at the Port of *Sunderland*, nor in respect of any Ships or Vessels which pass to, from, or by *Scarborough* coastwise in Ballast; and all such Rates and Duties of One Penny for every Five Tons last-mentioned, shall and may be received and levied by such Person or Persons as the said Commissioners, or any Seven or more of them shall appoint, and to be recovered by the said Commissioners in such and the like Manner as the Rate or Duty on Coals, laden on board of Ships, is directed to be received, levied, and recovered in and by the said recited Acts, some or one of them.

Ships employed in His Majesty's Service, exempted.

IV. Provided always, That nothing in this Act contained shall extend, or be construed to extend to Ships or Vessels belonging to His Majesty or that shall or may be employed in His Service.

Securing Payment of the Duty.

V. And, to the End the said Duties may be truly answered and paid, be it further enacted by the Authority aforesaid, That no Customer of His Majesty's Customs, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, or other Officer whatsoever, of or concerning the said Customs, during the Continuance of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and of the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, and of this Act, shall take any Entries, or give or make any Cocket or other Discharge for any such Ship, Hoy, Bark, or other Vessel as aforesaid, until the respective Duties and Payments by this Act granted, and due or payable, by the Owner or Owners, or Master or other Person taking Charge of such Ship, Hoy, Bark or Vessel, according to the Tenor and true Meaning of this Act, shall be paid to the respective Deputies, Officer or Officers, appointed to receive the same as aforesaid; and that such Owner or Owners, Master, or other Persons taking Charge of such Ship, Hoy, Bark, or Vessel, do produce and shew forth such Receipt or Acquittance, under the Hand of such Deputy or Officer, testifying the Receipt thereof; and that every Customer, Collector, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, or other Officer of or concerning the said Customs, making Default in any of the Premises enjoined them by this Act, shall forfeit and pay the Sum of Fifty Pounds, to be recovered, together with full Costs of Suit, by any of the said Commissioners who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Informa ion, where no Essoign, Wager of Law, or Protection, shall be allowed.

Commissioners or any Seven or more of them to appoint a Harbour Master.

VI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby required from Time to Time, as there shall seem to them to be Occasion, to nominate and appoint a proper Person or proper Persons as Harbour Master or Harbour Masters of the said Harbour of *Scarborough*, and shall and may from Time to Time, as often as they shall see Cause, remove, suspend, or dismiss any such Harbour Master or Harbour Masters; and each and every such Harbour Master so from Time to Time appointed,

shall

shall have full Power and Authority to direct the mooring, unmooring, moving or removing of all Ships and other Vessels coming into, lying or being in the said Port or Harbour, or any Part thereof respectively, or being within the Distance of Two hundred Yards of the Entrance or Mouth of the said Pier or Harbour or either of them, and to appoint and regulate the Time or Times and Manner of their Entrance into (save and except in stormy or tempestuous Weather), lying in or going out of or from such Pier or Harbour, or either of them, and to regulate and determine the Position of such Ships and other Vessels, and their Manner of loading and discharging therein respectively; and in case the Owner, Master, or other Person having the Charge or Command of any such Ship or other Vessel, shall refuse or neglect to moor, unmoor, place, move or remove his Ship or Vessel according to such Direction immediately after Notice to him or them shall be given or left with any Person or Persons on board of the said Ship or Vessel for that Purpose, every such Owner, Master, or other Person having the Charge or Command of such Ship or Vessel shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, and it shall and may be lawful to and for the said Harbour Master or Harbour Masters, or his or their Assistants, and he and they is and are hereby required to moor, unmoor, place, move or remove such Ship or Vessel, and the Charges and Expences thereof respectively shall be repaid by such Owner, Master, or other Person having the Charge or Command of such Ship or Vessel to the Clerk or Treasurer for the Time being of the said Commissioners; and in case of Non-payment thereof on Demand, such Charges and Expences may be levied and recovered by such Ways and Means as any Penalties or Forfeitures may by this Act be levied and recovered, or by Action of Debt, or on the Case, together with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed; and in case any Master, Commander, Mate, or Pilot, or other Person or Persons taking the Charge or Command of any Ship or other Vessel, or the Owner, Agent, Consignee, or any other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, placing, moving, or removing of any Ship or other Vessel lying or being in the said Pier or Harbour, or lying or being within the Distance of Two hundred Yards of the Entrance or Mouth of the said Pier or Harbour or either of them, then and in every such Case, such Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds. His Powers.

VII. And whereas many Ships and other Vessels are, in tempestuous Weather, prevented from entering the said Harbour as a Place of Protection, by Ships and other Vessels lying close to the Mouth of the said Harbour; be it therefore enacted, That no Ship or other Vessel shall anchor, moor, or lie below or without the present outer Line of Dolphins and the inner Island Pier, for any longer Space of Time than Two Tides (save and except such Ship or Vessel shall be prevented from going further up the said Harbour by the Want of a sufficient Depth of Water; or, save and except such Ship or other Vessel as shall put into the said Harbour for Protection against tempestuous Weather, or shall be detained therein by contrary Winds, or shall be unloading or taking on board a Cargo); and if any Ship or other Vessel (save and except as aforesaid) shall be anchored, Ships not to be anchored in certain Situations beyond Tides.

anchored, moored, or laid below or without the present outer Line of Dolphins and the inner Island Pier, for any longer Space of Time than Two Tides, then and in every such Case, the Master, Pilot, or other Person or Persons, having the Charge or Command of such Ship or Vessel so anchored moored, or lying, shall, for every Tide that such Ship or Vessel shall remain so anchored, moored, or lying beyond the said Two Tides, forfeit and pay any Sum not exceeding the Sum of Ten Pounds.

Punishment for destroying the Works.

VIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously demolish, break down, hurt, damage, or injure the said Pier or any Part or Parts thereof, or any of the Works made or to be made by virtue of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-fifth Years of the Reign of His present Majesty, or of this Act; then and in every such Case every such Person shall be deemed guilty of Felony; and the Court before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or in Mitigation of such Punishment may award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty against destroying Ropes of Vessels.

IX. And be it further enacted, That if any Person or Persons whomsoever shall wilfully or maliciously cut, break, or in any Manner destroy any Cable or Rope, or other Thing, by which any Ship or other Vessel lying within the said Pier or Harbour, or within the Distance of Two Hundred Yards of the Entrance or Mouth of the said Pier or Harbour, or either of them, shall be moored or fastened, such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds: Provided always, that nothing herein contained shall extend or be construed to extend so as to hinder or restrain the said Harbour Master or Harbour Masters to be appointed in pursuance of this Act, or any of them, or his or their Assistant or Assistants, from exercising in a due and reasonable Manner any of the Authorities hereby vested in him or them respectively.

A Flag to be hoisted by Day when Water is at a certain Depth at Vincent's Pier Head;

and a Light to be kept at Night.

X. And be it further enacted, That the said Commissioners shall and they are hereby required to hoist or cause to be hoisted on or near the Head of the Pier called *Vincent's Pier*, a Flag or Ensign for and during such Time in each and every Day as any Ship or other Vessel drawing Twelve Feet Water may with Safety as to the Draught of Water enter the said Pier and Harbour, and when and as soon as and for and during such Time as such Ship or Vessel cannot with Safety enter the said Pier and Harbour, to take down and remove or cause to be taken down and removed such Flag or Ensign, and again to rehoist, or cause to be rehoisted, the same in Manner aforesaid, when and as soon as there shall be such sufficient Water as aforesaid; and the said Commissioners shall, and they are hereby required to burn or cause to be burnt some Light or Lights, Fire or Fires, on or near the Head of the said Pier called *Vincent's Pier*, in each and every Night, or when such Flag or Ensign cannot be easily seen from Sea for and during such Time as any Ship or other Vessel drawing Twelve Feet Water may with Safety as to the Draught of Water enter the said Pier and Harbour, and when and as soon as and for and during

during such Time as such Ship or Vessel cannot with Safety enter the said Pier and Harbour, to extinguish or cause to be extinguished such Light or Lights, Fire or Fires, and again to burn or cause to be burnt such Light or Lights, Fire or Fires in Manner aforesaid, when and as soon as there shall be sufficient Water as aforesaid; and in case, during the Progress of the Improvement of the said Harbour, it shall become more expedient to exhibit the said Light and Flag upon any other Part or Place than aforesaid, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to alter and remove the same accordingly, after giving Three Months previous Notice thereof in the *London Gazette*, in the Three *Newcastle* Papers, and in one or more Daily Evening Newspaper published in *London*, at least twice in each of the said Papers, of the Time and Place of such intended Alteration and Removal.

Vessels entering Scarborough, and not paying the other Duties, to pay for the Light.

XI. And whereas the Erection and Maintenance of a Tide-light will be attended with a considerable Expence, and will be useful to all Vessels passing the East Coast, which have Occasion to take Refuge in or enter the Harbour of *Scarborough*; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to demand and take for or in respect of every Ship or other Vessel which shall enter the Harbour of *Scarborough* (not laden with Coals or returning from the Delivery of a Cargo of Coals, taken from the Ports of the County of *Northumberland*, or belonging to and registered at the Port of *Sunderland*, or paying any of the other Duties imposed by this Act) for the Support and Maintenance of the said Light, the Rates and Duties following; that is to say, not exceeding the Sum of Ten Shillings for each lower Mast, *videlicet*, the Sum of Ten Shillings for a Sloop, the Sum of Twenty Shillings for a Brigantine, Galliot, or other Vessel with Two Masts, and the Sum of Thirty Shillings for a Ship with Three Masts: And such Rates and Duties shall and may be received and levied by such Person or Persons as the said Commissioners, or any Seven or more of them, shall appoint; and be recovered by the said Commissioners in such and the like Manner as the Rate or Duty on Coals laden aboard of Ships and other Vessels is directed to be received, levied, and recovered in and by the said recited Acts, some or one of them.

Commissioners to purchase Lands for the Act.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to contract and agree with the Owners and Proprietors for the Purchase of any Buildings, Lands, Tenements, or Hereditaments which they, the said Commissioners shall judge necessary and proper to be purchased for the improving, widening or extending the said Port and Harbour, or for making or erecting any Quay or Quays, Wharf or Wharfs, or for erecting or making any Building or Buildings, or for any other the Purposes of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or any of them, or of this Act.

Commissioners, &c. may contract for Lands and Buildings.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorised and empowered to contract or agree for the absolute Purchase

Purchaſe of any Freehold Lands, Tenements, or Hereditaments, or of the abſolute Eſtate of Inheritance, in any Copyhold or Cuſtomary Lands, Tenements, or Hereditaments, with any Body Politick, Coporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, or with any Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees for Lunatics and Idiots, or other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, or Femes Covert, who are or ſhall be ſeiſed in their own Right, or with any Perſon or Perſons whomſoever who ſhall be willing to ſell the ſame for the Purpoſe of improving, widening or extending the ſaid Port and Harbour, or for making or erecting any Quay or Quays, Wharf or Wharfs, or for erecting or making any Building or Buildings, or for any other the Purpoſes of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second; and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or of this Act.

Bodies Politic, &c. empowered to ſell.

XIV. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees for Lunatics and Idiots, or other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, or Femes Covert, who are or ſhall be ſeiſed in their own Right; and all and every Perſon or Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in ſuch Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which ſhall be thought neceſſary by the ſaid Commiſſioners, or any Seven or more of them, to be purchaſed for any of the Purpoſes of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or of this Act, to treat, contract, and agree with the ſaid Commiſſioners, or any Seven or more of them, for the Sale thereof, or of any Part thereof; and to ſell and convey all or any Part thereof, and all Eſtate, Right, Title, and Intereſt whatſoever; of, in, and to the ſame, to the ſaid Commiſſioners for any of the Purpoſes of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or of this Act; and all Contracts, Agreements, Bargains, Sales, and Conveyances which ſhall be ſo made by virtue and in purſuance of this Act, ſhall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Aſſurances in the Law whatſoever, be good, valid, and effectual, to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon or Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſaid ſeveral and reſpective Ceſtuique Truſts; and all Perſons whomſoever claiming or to claim by, from, or under them, and of all Perſons entitled in Remainder or Reverſion expectant on any ſuch particular Eſtate; and the ſame ſhall

be

be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, general or special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

In case of Persons refusing to treat, or not agreeing, a Jury to settle the Recompence.

XV. And be it further enacted, That if any Owner, Proprietor, Occupier of or other Person or Persons interested in any Lands, Tenements, or Hereditaments which the said Commissioners shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenant for Life or in Fee Tail, general or special, or for Years determinable on any Life or Lives, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them, given or left in Writing at the Dwelling-House or Place of Abode of such Person or Persons, or of the Clerk or head Officer of any such Body Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Commissioners, shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence or otherwise shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *York* (which Oaths the said Commissioners, or any Seven or more of them, are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments for the Purposes of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, and of this Act; and in order thereto, the said Commissioners, or any Seven or more of them, are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Commissioners, or any Seven or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in Question, and use all other lawful Ways and Means, as well for their own as for the said Juries Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Commissioners, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which

ſaid Verdict or Inquiſition and Judgement, Order or Determination, ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anywiſe intereſted, in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt or Property of, in, to, or out of the ſame, and upon Payment of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto or their Agents, or (as the caſe may be) upon paying the ſame into the Bank of *England*, in Manner by this Act directed, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the Premiſes, in reſpect whereof ſuch Money ſhall be aſſeſſed, to be diſpoſed of, and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and completed were untenanted, and the Purchaſe or Conſideration Money had been received by the Perſon or Perſons entitled thereto; and for ſummoning and returning any ſuch Jury, the ſaid Commiſſioners, or any Seven or more of them, are hereby empowered to iſſue out their Warrant or Warrants, ſigned by any Seven or more of them, to the Sheriff of the ſaid County of *York*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and ſuch Sheriff or his Deputy is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Commiſſioners, or any Seven or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury, for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve:

Juries may be challenged.

Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled to; and the ſaid Commiſſioners, or any Seven or more of them, are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve in ſuch Jury, and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in Queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or be examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed One hundred Pounds upon any one Perſon for one Offence.

Sheriffs, &c. may be fined for Neglect of Duty.

By whom the Expences of the Jury to be paid.

XVI. And be it further enacted, That in caſe any ſuch Jury ſhall give in or deliver a Verdict or Aſſeſſment for more Money than ſhall, by or on Behalf of the ſaid Commiſſioners, or any Seven or more of them, have been offered before the ſummoning and returning ſuch Jury as a

Recompence

Recompence or Satisfaction for any such Right, Interest or Property, or Damage as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the Jury and Witnesses shall be borne and paid by the said Commissioners out of the Money arising, by virtue of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or any of them, or of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall, by or on Behalf of the said Commissioners, or any Seven or more of them, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in Question, and within whose Jurisdiction such Controversy or Dispute shall arise (who is hereby authorized and required to examine and settle the same), and shall and may be deducted out of the Money so assessed, and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment of the Remainder of such Monies in Manner by this Act directed shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners in Manner aforesaid.

Commissioners to pay Expences where Persons from Absence are prevented from treating.

XVII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable the said Commissioners, or any Seven or more of them, to take, use, injure, or damage any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners, or Proprietor or Proprietors thereof.

Houses, &c. not to be injured.

XVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert or other Cestuique Trusts, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the

Application of Compensation amounting to 200*l.*

the Accomptant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon, such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accomptant-General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced, Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act in case such Purchase or other Settlement were made.

Application of Compensation if less than 200l. and exceeding 50l.

XIX. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accomptant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Commissioners for executing the said

recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty and this Act (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation if less than 20*l.*

XX. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Seven or more of them, shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accomptant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (*describing them*), subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery on Motion or Petition.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion only, &c.

XXII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accomptant-General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhown to the Satisfaction of the ſaid Court of Chancery; and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Commiſſioners.

XXIII. Provided alſo, and be it further enacted, That when by Reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, and of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Proviſion for Payment of Purchaſe Money, &c. and for veſting of Property in the Commiſſioners,

XXIV. And be it further enacted, That every Sum of Money to be agreed for, awarded, or aſſeſſed as aforeſaid, ſhall be paid out of the Monies to be recieved by virtue of the ſaid recited Acts, made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or of this Act; and upon Payment to the Party or Perſons reſpectively entitled to ſuch Monies, or to their Agents reſpectively, on placing the ſame in the Bank of *England* to the Credit or for the Uſe of ſuch Parties or Perſons in Manner by this Act directed, as the Caſe may be, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, in Law and Equity, of the Perſon or Perſons reſpectively to whoſe Credit or Uſe the ſame ſhall have been paid, in, to, and out of ſuch Lands, Tenements, or other Hereditaments, ſhall be and be deemed and taken to be Part of the ſaid Pier and Harbour of *Scarborough*; and ſuch Payments ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to whoſe

whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Power for Delivery of Possession of Property purchased.

XXV. And be it further enacted, That every Lessee or Tenant for Years or at Will, and every other Person in Possession of any Lands, Tenements, or other Hereditaments, which shall be purchased for the Purposes of the said recited Acts, made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or any of them, or of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Commissioners, or the Person or Persons so appointed by them, to quit the same, at such Time or Times as shall be required by such Notice, they the said Commissioners, or such Person or Persons making such Satisfaction and Commpensation to every such Tenant or Lessee as aforesaid, in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained, in case of any Difference or Dispute about the same; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners or to the Person or Persons authorised by them to take Possession thereof; and if any such Person or Persons so in Possession as aforesaid, shall refuse to deliver up such Possession, then, and in every such Case, it shall and may be lawful to and for the said Commissioners to issue their Precept or Precepts to the Sheriff of the said County of *York*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Commissioners may borrow Money.

XXVI. And for the more speedy raising such Money as may be necessary for the Purposes of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or any of them, or of this Act; be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby empowered, from Time to Time,

Time, to borrow and take up at Intereſt ſuch Sum and Sums of Money as they ſhall judge neceſſary for the Purpoſes of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, and of this Act, and by Writing, under their Hands and Seals, to aſſign over or mortgage the Duties and Sums of Money thereby and hereby granted, or any Part thereof (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Duties and Sums of Money) for any Term during the Continuance of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, and this Act, as a Security for the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns; ſuch Intereſt to be paid and payable by equal Half-yearly Payments, at the Dwelling-houſe of the Treaſurer of the ſaid Commiſſioners for the Time being; all which Mortagages or Aſſignments ſhall be in the Words or to the Effect following:

Form of Mortgage.

'BY virtue of an Act made in the Forty-ſixth Year of the Reign of 'King *George* the Third, [*ſet forth the Title of this Act*], we whoſe 'Names are hereunto ſubſcribed and Seals affixed (being Commiſſioners 'acting in Execution of the ſaid Act, and of ſeveral other Acts made in 'the Fifth and Twenty-fifth Years of the Reign of His late Majeſty 'King *George* the Second, and in the Third, Eighteenth, and Forty-firſt 'Years of the Reign of His preſent Majeſty), in Conſideration of the Sum 'of to the Treaſurer of the Harbour of *Scarborough* in hand 'paid by *A. B.* do hereby grant, bargain, ſell, and demiſe unto the ſaid '*A. B.* Executors, Adminiſtrators, and Aſſigns, ſuch Pro-'portion of the Duties and Sums of Money ariſing by virtue of the ſaid 'Acts as the ſaid Sum of doth or ſhall bear to the whole Sum charg-'ed and advanced or to be charged or advanced on the Credit of the ſaid 'Acts, to be had and holden from this Day of in the 'Year of our Lord for and during the Conti-'nuance of the ſaid Acts, unleſs the ſaid Sum of with Inte-'reſt after the Rate of *per Centum per Annum* ſhall be 'ſooner repaid and ſatisfied. Given under our Hands and Seals this 'Day of in the Year of our Lord

Copies of Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Commiſſioners; and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who are or ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities reſpectively, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

I, *A. B.*

Form of Transfer.

'I *A. B.* being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment, bearing Date the Day of under the Hands and Seals of of the Commissioners for improving the Pier and Harbour of *Scarborough*, acting in Execution of several Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of King *George* the Third, upon the Credit of the said Acts, do hereby transfer all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto *C. D.* Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

And every such Transfer shall be produced and notified to the Clerk to the said Commissioners within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned, to be transferred in the said Book or Books to be kept for entering the said original Mortgages or Assignments, to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Ten Shillings and no more; and after such Entry made, every such Transfer shall entitle the Person to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer, to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof: And all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Duties, and Sums of Money, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, That before any Sum or Sums of Money shall be taken up or borrowed, Fourteen Days Notice, in Writing, at the least, shall be given of the Intention of borrowing such Money, by affixing the same on any Part or Parts of the said Harbour, signed by any Seven or more of the said Commissioners.

Commissioners to give fourteen Days Notice previous to borrowing Money.

'XXVII. And be it further enacted, That from and after the passing of this Act, the Right and Property of the said Pier, and of all Wharfs, Quays, and Buildings, and of all Timber, Iron-work, Wood, Stone, and other Materials, purchased or to be purchased for any of the Purposes of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or of this Act, and the Property of all and every the Works erected in and about the said Pier and Harbour in pursuance of such Acts or of this Act, shall belong to, and the same is and are hereby vested in the said Commissioners for the Time being, who are hereby authorized and empowered to cause any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred, as the Case shall require, against any Person or Persons who shall steal, take, or carry away, detain, demolish, destroy, break down, or injure any Part or Parts thereof; and in all such Actions and Bills of Indictment

Pier and Works belonging to the same vested in the Commissioners.

respectively it shall be and be deemed to be sufficient to state generally that the Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for improving the Pier and Harbour of *Scarborough*," without particularly naming such Commissioners; and the said Commissioners shall from Time to Time have full Power and Authority to sell and dispose of all or any Part of such Materials that shall be found useless to such Person or Persons as shall be willing to purchase the same, and the Money to arise therefrom shall be applied for the Purposes of this Act.

Entries of Proceedings good Evidence.

XXVIII. Provided always, and be it enacted, That all and every Book or Books in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise relating to the Execution of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or of this Act, or any of them, or any of the said Commissioners, or of any Person or Persons acting by and under their Authority (such Entry or Entries being made in such Book or Books according to the Directions of such Acts), shall be and be deemed to be good and sufficient Evidence of such Proceedings in any Court whatsoever.

Actions to be brought in the Names of the Treasurer or Clerk, or one of the Commissioners.

XXIX. And be it further enacted, That whenever any Action shall be brought by the Order of the said Commissioners against any Person or Persons by virtue or in pursuance of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or of this Act, the same may be brought in the Name or Names of their Treasurer or Clerk, or in the Name of any one of the said Commissioners, on Behalf of the said Commissioners, and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Commissioner, or any or either of them shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money received or to be received by virtue of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or of this Act.

But neither of them to be liable to the Payment of Costs.

Recovery and Application of Penalties.

XXX. And be it further enacted, That all Penalties or Forfeitures, by virtue of the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or of this Act, or by virtue of the Powers therein imposed, (the Manner of levying and recovering whereof is not otherwise particularly directed in the said recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majesty King *George* the Second, and in the Third, Eighteenth, and Forty-first Years of the Reign of His present Majesty, or in this Act), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or

Place

Place where the Offence ſhall happen (which Warrant ſuch Juſtice is hereby empowered to grant upon Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath), and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures when recovered (if not directed to be otherwiſe applied), ſhall be paid to the Treaſurer to the ſaid Commiſſioners, to be applied towards the Purpoſes of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, and of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required by Warrant under his Hand and Seal to cauſe the Offender or Offenders to be committed to the common Gaol or Houſe of Correction of the County, City, or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Ten Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

XXXI. And be it further enacted, That in all Caſes where any Convictions ſhall be had for any Offence or Offences committed againſt the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or againſt this Act, or againſt any Order of Seſſions, or any Matter in purſuance of ſuch Acts, or of this Act, the Form of Conviction ſhall be in the Words or to the Effect following; *videlicet*,

Form of Conviction.

'BE it remembered, That on this Day of in the Year of the Reign of
'*A. B.* is convicted before of His Majeſty's Juſtices of the
'Peace for the of having (*as the Offence ſhall be*), and
'I (or we) the ſaid do adjudge him (her, *or* them) to for-
'feit and pay for the ſame the Sum of Given under my
'Hand and Seal (*or*, our Hands and Seals) the Day and Year afore-
'ſaid.'

Appeal.

XXXII. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done in purſuance of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the County or Place (within which the Matter of Appeal ſhall ariſe) next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Clerk to the ſaid Commiſſioners; and within Ten Days after ſuch Notice entering into a Recognizance before

fore ſome Juſtice of the Peace for ſuch County or Place, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authoriſed and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination thereon, and to award ſuch Coſts to either of the Parties or otherwiſe, as they ſhall judge proper; and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and all ſuch Determinations of the ſaid Juſtices ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes whatſoever.

Diſtreſs not to be unlawful for Want of Form.

XXXIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them or of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio* on Account of any Irregularity that ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

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

XXXIV. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders againſt the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Plaintiffs not to recover without Notice, or after Tender of Amends

XXXV. And be it further enacted, That no Plaintiff or Plaintiffs ſhall cover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or any of them, or of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Fourteen Days before ſuch Action ſhall be commenced of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action, nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by leave of the Court, after ſuch Action

ſhall have been brought at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit; whereupon ſuch Proceedings, Order, and Judgement ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXXVI. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or of this Act, after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover double Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Coſts of the Act.

XXXVII. And be it further enacted, That all Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act ſhall, in the firſt Place, be paid and defrayed out of any Monies received or collected by virtue of the ſaid recited Acts made in the Fifth and Twenty-fifth Years of the Reign of His late Majeſty King *George* the Second, and in the Third, Eighteenth, and Forty-firſt Years of the Reign of His preſent Majeſty, or out of the firſt Monies received or collected by virtue of this Act, and the Remainder thereof ſhall from Time to Time be applied in carrying ſuch Acts and this Act into Execution.

Publick Act.

XXXVIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others without being ſpecially pleaded.

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