ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 94.

An Act for paving and otherwise improving the Streets and other Places in the Township of *Scarbrough*, in the North Riding of the County of *York*, and for licensing Hackney Coaches, and establishing other Regulations in the said Township. [2d *July* 1805.]

WHEREAS the several Streets, Lanes, Alleys, and publick Passages in the Township of *Scarbrough*, within the Borough and Parish of *Scarbrough*, in the North Riding of the County of *York*, are in many Places incommodious and unsafe for Passengers, being ill paved and not sufficiently cleansed, lighted, and watched, and are subject to various Nuisances, Annoyances, Encroachments, and Obstructions, and it would greatly tend to the Convenience, Benefit, and Safety of the Publick as well as the Owners and Inhabitants of Houses within the said Township of *Scarbrough*, and to all Persons resorting thereto, if the Streets, Lanes, Alleys, and publick Passages therein were properly paved, cleansed, lighted, watched, and regulated, and all Nuisances, Annoyances, Encroachments, and Obstructions therein removed and prevented; and it would also greatly tend to the Convenience and Benefit of the Public if the Hackney Coaches, Chairs, Porters, Coal Carriers, Water Carriers, Trucks, Carts, and other Carriages within the Township of *Scarbrough* aforesaid, were licensed and put

under proper Regulations: But forasmuch as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Kings 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 the Bailiffs for the Time being of the Borough of *Scarbrough* aforesaid, *Thomas Adamson*, *Henry Armitage*, *John Bell*, *Anthony Beswick*, *Samuel Bottomley*, *Robert Coffins*, *John Coulson*, *Frederick Cornwall*, *George Clubley*, *John Chapman*, *William Coulson*, *Robert Clemesha*, *William Chambers*, *Francis Clark*, *Sedgfield Dale*, *Richard Vere Drury*, *Valentine Fowler* the elder, *Benjamin Fowler* the elder, *John Fox* the younger, *George Fowler*, *William Glass*, *Christopher Hill*, *Thomas Hinderwell*, *John Kirk* Clerk, *Thomas Keld*, *John Kendell*, *Richard Humpton Lister*, *Henry Leasley*, *William Moorsom*, *Isaac Mennill*, *Robert Marflit*, *John Nesfield*, *William Paul*, *John Rowntree*, *Richard Smith Robson*, *James Smith*, *Samuel Staveley*, *John Smith*, *Matthew Smith*, *William Smith*, *Gawan Trawair Sutton*, *Thomas Sutton*, *James Tindall*, *Joseph Taylor*, *Gawan Taylor*, *John Tindall*, *Robert Tindall*, *Wyvill Todd*, *William Travis*, *John Woodall* the elder, *Stephen Wharton*, *Samuel Wharton*, *Joseph Wilson*, *John Woodall* the younger, *Richard Williamson*, *John Wilson*, *Joseph Williamson*, *Wingfield Richard Willis*, *William Watson*, and *John Watkinson* the younger, and their Successors, to be elected in Manner herein-after directed (being respectively duly qualified as herein-after mentioned, and taking and subscribing the Oath or Affirmation in the Words or to the Purport herein-after mentioned and required) shall be and they are hereby appointed Commissioners for putting this Act into Execution.

Appointment of Commissioners.

Commencement of the Act, and Appointment of the First Meeting.

II. And be it further enacted, That this Act shall commence and take effect upon the Third *Tuesday* next after the passing thereof, if a General Meeting of the said Commissioners shall be then had, as herein-after directed; and if no such Meeting shall be had, then on the first subsequent Day on which such General Meeting shall be had, at some convenient Place within the Borough of *Scarbrough* aforesaid, at the Hour of Eleven of the Clock in the Forenoon; and such Meeting shall consist of Nine at least of the said Commissioners, when, and not before, this Act may and is hereby required to be proceeded on in the Execution thereof; and a General Meeting of the said Commissioners shall be held for carrying the same into Execution on every *Tuesday* afterwards, at the same Hour and Place, unless some other Day or Days in the Week or Year, or some other Place within the Borough of *Scarbrough* aforesaid shall be appointed by the said Commissioners assembled at the said First Meeting or any subsequent Meeting at which there shall be Nine such Commissioners assembled; and if at the Time when the said Meetings are hereby required, or shall be so as aforesaid appointed to be held there shall not be at each such Meeting Nine of the said Commissioners present, then each such Meeting shall stand adjourned to the next Day on which a Meeting in pursuance of this Act would otherwise be held, or at a prior Meeting shall have been appointed to be held as aforesaid; and no Act, Order, Rule, Resolution or Proceeding of the said Commissioners shall be valid and effectual, unless had, made, or done at a Meeting or Meetings to be held in pursuance of this Act; and that the Powers and Authorities by this Act granted to or vested in the said

Commiſſioners, ſhall and may from Time to Time be exerciſed by the major Part of the ſaid Commiſſioners preſent at any Meeting to be holden by virtue of this Act, the Number of ſuch Commiſſioners preſent at ſuch Meeting not being leſs than Nine, except any other Number is herein particularly mentioned; and that at ſuch Firſt Meeting for putting this Act in Execution, One of the ſaid Commiſſioners preſent thereat ſhall be appointed Chairman, to whom any One other of ſuch Commiſſioners ſhall and is hereby authorized and required to adminiſter the Oath or Affirmation, in the Words or to the Effect herein-after made; and ſuch Chairman ſhall immediately afterwards adminiſter the like Oath or Affirmation to the ſaid other Commiſſioners then preſent; and at every other Meeting a Chairman ſhall in like Manner be appointed; and the Chairman for the Time being ſhall and is hereby alone authorized and required to adminiſter the Oath or Affirmation hereby required to be taken by the ſaid Commiſſioners and their Succeſſors; and in all Caſes where there ſhall ariſe a Difference of Opinion the Queſtion ſhall be decided by a Majority of Votes of the ſaid Commiſſioners then preſent and if upon any Queſtion there ſhall be an equal Number of Votes (including the Chairman's Vote) then the Chairman ſhall have another or caſting Vote; and that no Order, Rule, Reſolution, or Proceeding, had, made, or done at any Meeting held in purſuance of this Act, at which there ſhall have been Nine of the ſaid Commiſſioners preſent, ſhall be revoked, ſuſpended, or altered, unleſs at ſome ſubſequent Special Meeting to be held for that Purpoſe (which any Twelve or more of the ſaid Commiſſioners are hereby empowered to call) and of which Seven Days previous Notice of the Time, Place, and Purpoſe ſhall be given and inſerted in Two of the Weekly Newſpapers, the one publiſhed at the City of *York*, and the other at the Town and County of the Town of *Kingſton upon Hull*, and alſo by affixing ſuch Notice on the Door of the Pariſh Church at *Scarbrough* aforeſaid; and unleſs a greater Number of the ſaid Commiſſioners than were preſent at the Meeting or Meetings at which ſuch Order, Rule, Reſolution, or Proceeding propoſed or intended to be revoked, ſuſpended, or altered, ſhall have been made, ſhall be preſent, and ſhall concur in the Revocation, Suſpenſion, or Alteration thereof; and in ſuch Caſe no other Meeting for the Execution of this Act ſhall be held until after the Day expreſſed in ſuch Notice; and that at every Meeting the ſaid Commiſſioners preſent thereat ſhall pay their own Expences.

Proviſions calling a ſpecial Meeting of the Commiſſioners.

III. Provided nevertheleſs, and be it further enacted, That if there be any particular Occaſion to hold a Meeting before the Time at which a Meeting is hereby required, or ſhall be ſo as aforeſaid appointed to be held, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, or for their Clerk for the Time being, and they or he are and is hereby required to call a Special Meeting, of which Seven Days previous Notice ſhall be given, in the ſame Manner as is herein-before mentioned, in the Caſe and for the Purpoſe of calling a Meeting to revoke, ſuſpend, or alter a former Order, Rule, or Proceeding; and in like Manner no Meeting for the Execution of this Act ſhall be held until after the Day expreſſed in the Notice for ſuch Special Meeting.

IV. And

Qualification of Commissioners.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, who is a Victualler, or shall sell Ale, Wine, Cyder, or any other Spirituous Liquors by Retail, or during the Time he shall hold or enjoy any Office or Place of Profit under, or be concerned in any Contract made by virtue of this Act, or in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in question (except as a Creditor on the Rates or Assessments herein-after required to be made and levied) or who shall not in his own Right, or in the Right of his then late or present Wife, be in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments for an Estate of Freehold within the Kingdom of *Great Britain*, of the clear Yearly Value of Forty Pounds (above Reprizes and Incumbrances) or who shall not be possessed of or entitled to such a Real Estate as above mentioned and a personal Estate jointly, or a personal Estate alone of the Value of One thousand Pounds, over and above the Amount of his Debts, and who shall moreover reside and be a Housekeeper within the said Borough; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation to the Chairman of such first Meeting as aforesaid) until he shall have taken and subscribed an Oath or Affirmation in the Words or to the Effect following; that is to say,

Commissioners Oath.

'I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly declare and affirm] That I am really and *bonâ fide*, in my 'own Right (*or*, in the Right of my Wife, late or present, *as the Case 'may be*) now in the actual Possession, Enjoyment, and Receipt of the 'Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, 'for an Estate of Freehold, situate [*or*, being *as the Case may be*] in 'the Township or Parish, or Townships or Parishes, [*as the Case may 'be*] of in the County of of the clear Yearly Value of Forty Pounds, above Reprizes and Incumbrances, or 'possessed of or entitled to such a Real Estate as last-mentioned, and 'a personal Estate jointly, or a personal Estate alone, to the Amount 'or Value of One thousand Pounds, over and above what will pay all my 'just Debts, and that I do reside and am a Housekeeper within the said 'Borough of *Scarbrough*, and that I will truly and impartially, according 'to the best of my Skill and Judgment, execute and perform the several 'Powers and Authorities reposed in me as a Commissioner, by virtue of 'an Act, passed in the Forty-fifth Year of the Reign of His Majesty 'King *George* the Third, intituled [*here insert the Title of this Act*].

'So help me GOD.'

Penalty on Persons not qualified acting as Commissioners.

And if any Person not qualified in Manner herein-before mentioned to act as a Commissioner, shall presume to act as such in the Execution of the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than one Imparlance shall be allowed; and every Person so sued or prosecuted, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said

ſaid Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon had acted as a Commiſſioner in the Execution of this Act; and the Money ſo to be recovered ſhall, after Payment of the Coſts and Expences attending the Recovery thereof, be paid one Moiety to the Informer or Proſecutor, and the other Moiety to be applied to the Purpoſes of this Act: Provided always nevertheleſs, that it ſhall be lawful for the Bailiffs for the Time being of the Borough of *Scarbrough* aforeſaid, or any other of the ſaid Commiſſioners who may be in His Majeſty's Commiſſion of the Peace for the North Riding of the ſaid County, to act as Juſtices of the Peace in or relating to the Execution of this Act, notwithſtanding their being Commiſſioners under this Act.

Commiſſioners may act as Juſtices of the Peace.

V. And be it further enacted, That upon the Death, or the Refuſal or Incapacity to act of any of the Commiſſioners hereby appointed or to be appointed as herein-after mentioned, by the Space of One Year, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or the major Part of them who ſhall be preſent at any Meeting to be ſpecially had for that Purpoſe, due Notice being given of ſuch Meeting in manner as aforeſaid, to elect and appoint ſo many fit and able Perſons to be Commiſſioners as ſhall ſupply the then Vacancies; and the Commiſſioners ſo elected and appointed ſhall have and are hereby veſted with the ſame Powers and Authorities for putting this Act in Execution, in all Reſpects whatſoever, as the Commiſſioners in whoſe Room they ſhall be appointed were inveſted with.

Appointment of new Commiſſioners.

VI. Provided always nevertheleſs, and be it further enacted, That if at any Time or Times hereafter the ſaid Commiſſioners ſhall be reduced to a leſs Number than Twenty, then and in ſuch Caſe the remaining Commiſſioners qualified as aforeſaid, or the major Part of them who ſhall be preſent at any Meeting to be ſpecially had for that Purpoſe, (due Notice being given of ſuch Meeting in manner as aforeſaid,) are hereby authorized and required, upon due Proof being made of the Matter ſtated, to elect and appoint ſuch and ſo many Perſon or Perſons, being Houſeholders of the ſaid Borough and qualified as aforeſaid as ſhall appear to be wanting, to the Intent and Meaning that the Number of Commiſſioners for executing the Purpoſes of this Act ſhall at all Times hereafter be and remain Twenty at leaſt.

When Commiſſioners are reduced under Twenty.

VII. And be it further enacted, That in all Caſes under this Act, where the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace are authorized to examine any Perſon or Perſons on Oath or Affirmation, it ſhall be lawful for ſuch Commiſſioners, and ſuch Juſtice or Juſtices, and they are hereby required and empowered to adminiſter ſuch Oath or Affirmation.

Power of adminiſtering Oaths and taking Affirmations.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and may and they are hereby authorized and required, by Writing under their Hands, to elect and appoint a Treaſurer and Clerk, and alſo an Aſſeſſor or Aſſeſſors, Collector or Collectors, Receiver or Receivers of the Rates or Aſſeſſments to be raiſed and levied, and the ſeveral Monies to be received by virtue of this Act, and by whom ſuch Rates, Aſſeſſments, and Monies, may from Time to Time be paid to the Treaſurer

For appointing Officers.

for the Time being, or other Perſon or Perſons appointed for that Purpoſe, in the Manner herein-after mentioned; and alſo all ſuch Surveyors, Scavengers, Rakers, Cleanſers, and Lighters of Lamps, or ſuch other Officer or Officers, Deputies, and Aſſiſtants for the Execution of this Act, as they ſhall from Time to Time think proper, and from Time to Time to remove, ſuſpend, or diſplace all or any of ſuch Officers or other Perſons as they ſhall ſee Occaſion, and appoint others in the Room or Place of ſuch of them as ſhall be ſo removed, ſuſpended, or diſplaced, or in the Room of ſuch as ſhall die or reſign their Offices; and alſo from Time to Time, by and out of the Monies to be raiſed or received by virtue of this Act, to pay ſuch Wages or Salaries, and make ſuch Allowances to ſuch Officers, and to all other Perſons by the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable or proper; and the ſaid Commiſſioners ſhall and are hereby required to take Security for every ſuch Treaſurer, Clerk, Collector, and other Officers ſo to be appointed as aforeſaid, for the due Execution of their reſpective Offices or Duties, as the ſaid Commiſſioners ſhall think proper; and every Perſon who is hereby made liable to pay the ſeveral Rates or Aſſeſſments hereby directed and required to be raiſed and levied, or to pay any Sum of Money which is directed by this Act to be applied to the Purpoſes thereof, ſhall and they are hereby required to pay the ſame to ſuch Collector or other Perſons as ſhall be ſo appointed to collect and receive the ſame in purſuance of this Act, which Collector or Collectors, or other Perſons ſhall not at any Time retain in his or their Hands more than the Sum of Twenty Pounds, upon pain of forfeiting to the ſaid Commiſſioners any Sum not exceeding Ten Shillings *per* Day for every Twenty Pounds collected and retained beyond the Sum of Twenty Pounds, and ſo after the ſame Rate for every leſs Sum than the Sum of Twenty Pounds; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, upon Demand, at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct, deliver to ſuch Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing ſigned by them, of all Monies, Matters, and Things received and committed to their Charge by virtue and for the Purpoſes of this Act, and how much of the Monies has been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and alſo the Books, Papers, and Writings in their reſpective Cuſtody or Power relating to the Proceedings to be had under this Act, and ſhall pay all ſuch Monies as ſhall appear upon Balance of their Accounts to be due to the Treaſurer to be appointed as aforeſaid, or to ſuch Perſon or Perſons, and at ſuch Time and Place as the ſaid Commiſſioners ſhall appoint; and every ſuch Officer and Perſon ſo accounting as aforeſaid, ſhall upon Oath (or Affirmation being a *Quaker*) verify ſuch Accounts; and in Default of any of the ſeveral Matters aforeſaid, for the Space of Eight Days after being thereunto required as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to bring or cauſe to be brought an Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name of their Clerk, as herein-after mentioned, for the Time being, againſt the Officer or Officers, Perſon or Perſons, making ſuch Default as aforeſaid, for the Recovery of the Monies which ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, with the full Coſts of Suit; or if Complaint be made by the ſaid Commiſſioners, or by ſuch Perſon or

Comiſſioners to take Security from every Officer for the due Execution of his Office,

who are to deliver proper Receipts,

Commiſſioners may bring Actions againſt Officers making Default of Payment of Money in their Hands.

or Perſons as they ſhall appoint to make Complaint of any ſuch Default as aforeſaid, to any Juſtice of the Peace for the County or Place wherein the Party making Default ſhall be and reſide, ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal to cauſe the ſaid Officer or Officers, Perſon or Perſons, ſo making or having made Default to be brought before him, and upon his or their appearing or not appearing (except for ſome reaſonable Excuſe) to hear and determine the Matter of Complaint in a ſummary Way, and if upon Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (or Affirmation being a *Quaker*) it ſhall appear to ſuch Juſtice, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, or unaccounted for, then ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to order the Payment thereof, and upon Nonpayment thereof to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively, offending or making Default as aforeſaid; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the Money, and the Charges of diſtraining and ſelling the ſame, and the other Expences attending the requiring or compelling ſuch Payment as aforeſaid, or in caſe of Refuſal to account as aforeſaid, or that it ſhall appear to ſuch Juſtice by the Confeſſion of the Party ſo offending or making Default as aforeſaid, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath or Affirmation as aforeſaid, that any Books, Papers, or Writings relating to the Execution of this Act, as to the Proceedings to be had under the ſame, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver up the ſame as aforeſaid, then and in any of the Caſes aforeſaid, ſuch Juſtice ſhall and he is hereby authorized and required to commit every ſuch Offender to the Common Gaol or Houſe of Correction of the Borough of *Scarbrough* aforeſaid, or of the County, Riding, or Place where ſuch Offender ſhall then reſide, there to remain without Bail or Mainprize, until he ſhall give or make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, or until ſuch Perſon ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof: Provided always, that no Perſon who ſhall be committed for Want of ſufficient Diſtreſs, ſhall be committed for any longer Space of Time than Six Calendar Months.

Officers not paying Balances,

or refuſing to deliver up Papers, may be committed to Priſon.

IX. And be it further enacted, That if any Perſon who ſhall be appointed Treaſurer, Clerk, Aſſeſſor, Collector, Receiver, Surveyor, or any other Officer or Servant, who ſhall be in anywiſe employed by the ſaid Commiſſioners in putting this Act or any of the Powers thereof in Execution, ſhall exact, take, or accept any Fee, Profit, or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and appoved of by the ſaid Commiſſioners, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatſoever relative to putting the ſame in Execution, or ſhall directly or indirectly be concerned or intereſted in any Sale, Purchaſe, Bargain, or Contract, made or to be made by or by the Order of the Commiſſioners for the putting this Act in Execution, unleſs with the Conſent or Approbation of ſuch Commiſſioners,

Penalty on Officers taking any Fee or Reward beſides the Salary.

every

every such Person so offending shall be incapable of ever serving or being employed in any Matter under this Act, and shall over and above forfeit any Sum not exceeding Twenty Pounds, to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Books to be kept of Proceedings.

X. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, in which they shall, either by themselves or by their Clerk for the Time being, make or cause fair and regular Entries to be made of the several Meetings held in pursuance of this Act, and of the said Commissioners present thereat respectively, and of the Nomination of all Officers and Persons to act in the Execution thereof, and of all Acts, Orders, Rules, Resolutions, Proceedings, Matters, and Things relative to the Execution of this Act, and also an Account of all Monies to be assessed or raised, and to be received or made payable by virtue hereof, and of the Payment and Application of the same, and of all Contracts made by any Person or Persons by virtue or in pursuance of this Act; all which said Accounts shall be examined, adjusted, and settled by the said Commissioners assembled at any Meeting to be held in pursuance of this Act, Quarterly at least, or oftener; and the said Commissioners so examining, adjusting, or settling such Accounts, and also their Clerk for the Time being, shall subscribe their Hands to the same; and such Commissioners assembled as aforesaid, and their said Clerk, shall also subscribe their Names at the End of their Proceedings at every such Meeting; and all Entries in their Books of such Proceedings, being signed by the said Commissioners assembled thereat, and making or ordering the same in virtue or pursuance of this Act, and by their Clerk, shall be deemed Originals, and the same or attested Copies thereof shall be admitted to be read in Evidence in any Court whatsoever, in all Causes, Suits, or Actions, and upon all Occasions whatsoever, touching any Thing done in pursuance or by virtue of this Act; and such Books shall be kept by the Clerk for the Time being to the said Commissioners, or by such other Person or Persons, and at such Place as the said Commissioners shall direct, and the same shall respectively at all convenient and seasonable Times be open and liable to the Inspection of the said Commissioners, and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby, without Fee or Reward.

Actions to be in the Name of the Clerk,

XI. And be it further enacted, That the said Commissioners shall and may sue and be sued, in the Name of their Clerk for the Time being, and that all Actions or Suits that may be necessary or expedient to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any Matter or Thing relating to this Act, shall be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against such Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered, without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for

for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be): Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced, or be defended without the Order or Direction of the said Commissioners. who shall be reimbursed his Expences.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time to cause Lamp Irons or Lamp Posts to be put up, affixed into, upon, or against the Ground adjoining to, or the Walls or Palisadoes of any of the Houses, Tenements, or Buildings already built, or hereafter to be built within the said Township of *Scarbrough* as they the said Commissioners shall from Time to Time think proper and convenient, and also to cause such Number of Lamps, of such Sizes and Sorts to be provided and fixed; or put upon such Lamp Irons or Lamp Posts, and to cause the same when so provided and fixed, to be altered, taken down or removed, as they shall from Time to Time think proper, for well and effectually lighting the said Township of *Scarbrough* as last aforesaid, and also to cause such Lamps to be lighted at such Time or Times, and to be kept lighted during the Whole or such Part of the Night as they the said Commissioners shall think proper; and if any Person or Persons shall wilfully or maliciously break, throw down, displace, take away, extinguish, damage, or spoil any Lamp or Lamps put up or to be put up by virtue of this Act, or wilfully damage the Posts, Irons, or any other of the Materials or Utensils thereto belonging or used therewith, which by virtue of this Act shall be provided, or wilfully hinder or obstruct any of the said Commissioners, or any Surveyor or Surveyors, Watchman, Beadle, Constable, Workman, or any other Person or Persons employed in the Execution of this Act, in his or their respective Duty, every Person or Persons so offending in any of the Matters aforesaid (which shall be taken and deemed distinct and separate Offences) shall, upon being convicted thereof by the Oath (or Affirmation being a *Quaker*) of One or more Witness or Witnesses, or by the Confession of the Party before One or more Justice or Justices of the Peace for the Borough of *Scarbrough* aforesaid, forfeit and pay for the first Offence any Sum not exceeding Five Pounds, for the second Offence any Sum not exceeding Ten Pounds, and for the third and every other Offence any Sum not exceeding Ten Pounds, over and besides making such Satisfaction in Money for the Lamp or Lamps, Post or Posts, Materials, or Utensils so broken, thrown down, displaced, taken away, extinguished, damaged or spoiled, as such Justice or Justices shall think reasonable; and the said Justice or Justices shall order to be paid the said several Penalties and Satisfactions as aforesaid, or otherwise shall and is and are hereby empowered and required to cause the same to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal or Hands and Seals of Power to provide Lamps. Penalty on Persons wilfully damaging Lamps.

of the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be had or made; or in caſe the Perſon or Perſons ſo offending and convicted, ſhall have no Goods and Chattels whereon the ſame can be levied, then it ſhall be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal or Hands and Seals to cauſe the Offender or Offenders to be apprehended, and to commit him, her, or them, to the Common Gaol or Houſe of Correction for the Borough of *Scarbrough* aforeſaid, and there to remain for any Time not exceeding One Calendar Month, nor leſs than Fourteen Days, to be reckoned from the Day of commitment.

Commiſſioners may contract for Lamps.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time at any of the ſaid Meetings to contract and agree with any Perſon or Perſons for a ſufficient Number of Lamps neceſſary to be affixed and ſet up in the ſaid Townſhip of *Scarbrough*, and for Lamp Irons, Poſts and other Materials neceſſary or convenient for fixing the ſame from Time to Time, and for furniſhing and providing the ſame Lamps with all Requiſites, and for lighting, ſupporting, amending, and repairing the ſame, and alſo with any Perſon or Perſons, to be and act as Scavenger or Scavengers within the ſaid Townſhip of *Scarbrough*, to ſweep and cleanſe the ſame in an effectual Manner, when and as often and at ſuch Times as the ſaid Commiſſioners ſhall from Time to Time appoint, and immediately after ſuch ſweeping to take and carry away the Dirt, Duſt, Dung, Aſhes, and other Filth thereby gathered and collected according to the Purport of this Act; and alſo to purchaſe, leaſe, or otherwiſe agree for a proper and convenient Place or Places for depoſiting the Dirt, Duſt, Dung, Aſhes, and other Filth to be from Time to Time ſwept, gathered, and collected as aforeſaid, until the ſame ſhall be fit for Sale; and the ſaid Commiſſioners are hereby authorized, empowered, and required to ſell and diſpoſe of by Auction or private Contract, all ſuch Dirt, Dung, Aſhes, and Filth ſo to be ſwept, gathered, collected, and depoſited as aforeſaid, and to apply the Money ariſing therefrom to the Purpoſes in this Act mentioned, or ſuch of them as they ſhall think proper; and no Perſon or Perſons ſhall throw, caſt, or lay, or cauſe to be thrown, caſt, or laid any Dirt, Duſt, Dung, Aſhes, or other Filth whatſoever, in or upon any Street, Lane, or other publick Paſſage or Place in the ſaid Townſhip of *Scarbrough*, or any of the Brooks or Watercourſes within the ſame Townſhip (except the Dirt, Duſt, Dung, Aſhes, and Filth to be collected together by the Scavengers to be employed by virtue of this Act as aforeſaid, and except as herein-after mentioned) but ſhall, and he, ſhe, and they is and are hereby required to keep or cauſe the ſame to be kept in their reſpective Houſes or Yards, until the Scavenger or other Officer thereto appointed ſhall come by or near their Houſes or Doors with a Cart or Carts or other Conveyances to carry away the ſame, upon pain of forfeiting any Sum not exceeding Five Shillings for every ſuch Offence, to be levied, recovered, and diſpoſed of as herein-after is directed; and that the Scavenger or Scavengers, or other Perſon or Perſons employed or contracting for cleanſing the ſaid Townſhip of *Scarbrough*, ſhall Twice in every Week, or oftener if the ſaid Commiſſioners ſhall ſo direct, and on ſuch Days and Times as the ſaid Commiſſioners ſhall appoint, bring or cauſe to be brought a Cart or Carts or other Conveyances into all the Streets, Lanes, and other publick Paſſages and Places within the ſaid Townſhip of *Scarbrough*, where ſuch

and ſell the Manure from the Streets.

Cart

Cart or Carts or other Conveniences can paſs, and ſhall at or before their approach, by ſound of Bell, loud Voice, or otherwiſe give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Paſſage, or Place into which the ſaid Cart or Carts or other Conveniences cannot paſs, and ſhall then immediately take and put into ſuch Cart or Carriage all ſuch Dirt, Duſt, Dung, Aſhes, and other Filth (except Filth from any Privy or Neceſſary Houſe) as well as all ſuch Dirt, Duſt, Dung, Aſhes, and other Filth as ſhall be ſwept up and collected together as aforeſaid, and the ſaid Scavenger or other Officer appointed for that Purpoſe, ſhall immediately or as ſoon as may be carry away or cauſe to be carried away all ſuch Dirt, Duſt, Dung, Aſhes, and other Filth, to the Place or Places appointed for depoſiting the ſame as aforeſaid, upon pain of forfeiting any Sum not exceeding Twenty Shillings for every ſuch Offence or Neglect; and every Perſon acting as ſuch Scavenger for the Time being, ſhall cauſe the Words *Scavenger's Cart*, to be painted in large *Roman* Letters on the Front or other conſpicuous Place of their Carts or Carriages uſed for the Purpoſes aforeſaid, on pain of forfeiting any Sum not exceeding Twenty Shillings for any ſuch Neglect therein; and no Perſon or Perſons whomſoever ſhall take and carry away or cauſe to be taken and carried away any Dirt, Duſt, Dung, Aſhes, or other Filth ſo to be ſwept up, gathered, and collected as aforeſaid, beſides ſuch Scavenger or other Officer to be appointed by the ſaid Commiſſioners for that Purpoſe as aforeſaid, before the Time that ſuch Scavenger or other Officer as aforeſaid ſhall come to carry away the ſame; and no Inhabitant of the ſaid Pariſh, or any other Perſon ſhall permit or ſuffer any Dirt, Duſt, Dung, Aſhes, or other Filth by them or any of them brought out in order to be loaded and carried away for their own Uſe only, to continue or remain any longer Time than from Sun riſing to Sun ſetting before the ſame ſhall be carried away, on pain of forfeiting any Sum not exceeding Five Shillings for every ſuch Offence.

Inhabitants to clean Footways before their Houſes, &c.

XIV. And be it further enacted, That from and after the paſſing of this Act every Occupier of Meſſuages, Houſes, Buildings, Shops, and other Places within the ſaid Townſhip of *Scarbrough* or any of them, ſhall Twice in every Week or oftener if the ſaid Commiſſioners ſhall ſo direct, and on ſuch Days or Times as the ſaid Commiſſioners ſhall appoint, ſcrape, ſweep, and clean, or cauſe to be ſcraped, ſwept, and cleaned the whole of the Footway before and adjoining to the Front, and other Parts of his, her, or their reſpective Meſſuages, Houſes, Buildings, Shops, Walls, and other Places by them ſo reſpectively occupied, upon pain of forfeiting any Sum not exceeding Five Shillings for every Neglect herein.

Laſt mentioned Penalty not to extend to Rubbiſh or Dirt occaſioned by Building or repairing Houſes, &c.

XV. Provided always, and be it further enacted, That no Perſon ſhall be ſubject to the ſaid Penalty of Five Shillings for any Rubbiſh or Dirt occaſioned by the building or pulling down of any Building, or by the rebuilding or repairing any Houſe or other Building, ſo as there be convenient Space left in the Street, Lane, or Paſſage where ſuch Rubbiſh or Dirt ſhall lie, for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot Paſſengers, by the Perſon or Perſons laying or occaſioning ſuch Rubbiſh or Dirt to be laid, nor for the making up Lime into Mortar in any of the ſaid Streets, Lanes, publick Paſſages or Places, ſo as ſuch Space be left for Foot Paſſengers and Carriages, and ſo as ſuch Lime be incloſed before ſuch Houſe or Building about which the ſame is

to

to be uſed, and ſo as the Owner or Owners of ſuch Houſe or Building before which ſuch Lime or Rubbiſh ſhall be, ſhall cauſe the ſame to be removed at his, her, or their own Coſts and Charges within a reaſonable Time, or upon Notice in Writing for that Purpoſe being given to him, her, or them, or left at his, her, or their ſaid Houſe or Building where ſuch Rubbiſh or Lime ſhall be, to be ſigned by the ſaid Commiſſioners or their Clerk.

Lamps, &c. veſted in Commiſſioners.

XVI. And be it further enacted, That the Property in the Lamps, Lamp Poſts, and Lamp Irons, which ſhall be fixed up by virtue of this Act, and in the ſaid Materials, Implements, and other Things belonging thereto, and in all the Tools and Implements of the Watchmen, Seavengers, Workmen, and other Perſons employed by the Authority of this Act, which ſhall be purchaſed, provided, or gotten by virtue of this Act, and in all the Dirt, Duſt, Dung, Aſhes, and other Filth to be ſwept, gathered, and collected as aforeſaid, (except as to ſuch Dirt, Duſt, Dung, Aſhes, and other Filth as ſhall be brought out by the reſpective Inhabitants of the ſaid Townſhip of *Scarbrough* aforeſaid, for the Purpoſe of leading, and carrying away the ſame for their own Uſe, as herein-before mentioned) and alſo the preſent and future Pavements in the Streets, Lanes, and other publick Paſſages and Places, now being or hereafter to be made within the ſaid Townſhip of *Scarbrough*, as well in the Footways as Carriageways (except in certain Streets or Places called the *Market Place* or *Newbrough Street*, *Saint Thomas Street* otherwiſe *Tanner Street*, and *Blackfriar Gate* otherwiſe *Queen Street*, being the Streets or Places where the Markets and Fairs are uſually held at *Scarbrough* aforeſaid) ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners; and ſuch Commiſſioners ſhall be known by the Name of *The Commiſſioners for the better paving, cleanſing, lighting, watching, and regulating the Townſhip of* Scarbrough, *in the County of* York, and by that Name ſhall and may prefer, or order and direct the preferring any Bill or Bills of Indictment, as the Caſe ſhall be or require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy the ſame, or any Part thereof, or diſturb them in the Poſſeſſion thereof; and alſo in the Name of their ſaid Clerk ſhall and may bring or cauſe to be brought any Action or Actions againſt any Perſon or Perſons who ſhall break or not perform any Contract relating thereto; and in ſuch Bill or Bills of Indictment, the Thing or Things ſtolen, taken, carried away, detained, ſpoiled, injured, or deſtroyed, ſhall be laid generally to be the Property of the Commiſſioners for the better paving, cleanſing, lighting, watching, and regulating the Townſhip of *Scarbrough*, in the County of *York*, and in all Actions upon ſuch Breach or Non-performance of Contract, the ſame ſhall be laid to be to the Damage and Injury of the Commiſſioners for the better paving, cleanſing, lighting, watching, and regulating the Townſhip of *Scarbrough*, in the County of *York*.

Stile of Commiſſioners,

Streets, &c. to be properly paved, &c.

XVII. And, in order that the Streets, Lanes, and other publick Paſſages and Places already or hereafter to be made or built within the ſaid Townſhip of *Scarbrough*, may be properly flagged, paved, and cleanſed, and that all Annoyances, Obſtructions, Nuiſances, and Encroachments therein may be removed, and the preſent and future Drains, Sinks, Gutters, and Watercourſes, for conveying the Water and Filth out of the ſaid Streets, Lanes, publick Paſſages and Places, into the common Sewers

or

or Drains, may be amended, repaired, cleanſed, altered, and ſcoured, and new ones (if neceſſary) be made; be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, when and ſo often as they ſhall think proper, to order or direct, and cauſe all or any of the preſent and future Pavements in the ſeveral Streets, Lanes, and other publick Paſſages and Places within the ſaid Townſhip of *Scarbrough* (except in ſuch Streets or Places as are herein-before excepted) as well in thoſe Parts uſed by Carriages as thoſe uſed by Foot Paſſengers, to be taken up, and the ſaid Streets, Lanes, and other publick Paſſages and Places to be flagged, paved, relaid, repaired, raiſed, lowered, or altered in ſuch Manner as the ſaid Commiſſioners ſhall think proper; and the Perſon or Perſons authorized or directed by them to do the ſame, hath and ſhall have hereby full Power and Authority to do the ſame accordingly.

Commiſſioners may direct Streets, &c. to be paved.

XVIII And be it further enacted, That when any new Streets ſhall be laid out and made in the ſaid Townſhip of *Scarbrough* (ſuch Streets being Thoroughfares) and ſhall be well and ſufficiently flagged and paved with good and ſubſtantial Sea Cobbles, and put in good Order and Repair, to the Satisfaction of the ſaid Commiſſioners, then on Application of the Owner or Owners of the Soil, or of the Owner or Owners of the adjoining Houſes of ſuch Streets, or a Majority of them, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered from Time to Time, by Writing under their Hands, to declare the ſame to be publick Highways; and from and after ſuch Declaration made, ſuch new Streets and Ways as aforeſaid, and every of them, ſhall be deemed and taken to be publick Highways to all Intents and Purpoſes, and be repaired and kept in Repair by the ſaid Commiſſioners as the other Parts of the Streets, Lanes, Alleys, and publick Paſſages, except as herein-before excepted, within the ſaid Townſhip, are by this Act directed to be managed and governed.

Power to take in new Streets and make them Publick Highways.

XIX. And be it further enacted, That the ſaid Commiſſioners may cauſe ſuch and ſo many new Sewers, Drains, and Vaults as they may think ſufficient and neceſſary, to be dug and made in, along, or acroſs any of the Streets, Lanes, publick Paſſages and Places, and along or acroſs any Yards within the ſaid Townſhip of *Scarbrough*, and alſo any of the Sewers and publick Drains and Vaults which now are or hereafter ſhall be within the ſaid Townſhip (ſave and except in the ſaid Streets and Places before excepted) to be enlarged, widened, raiſed, altered, removed, repaired, cleanſed, or ſcoured, when and as often as to them the ſaid Commiſſioners ſhall ſeem meet; and for any of the Purpoſes herein-before mentioned, ſhall from Time to Time cauſe to be dug, carted, and carried out of, or brought into the ſaid Streets, Lanes, publick Paſſages and Places, or any of them, ſuch Gravel, Stones, Bricks, and other Materials as they ſhall judge neceſſary, and alſo ſhall and may cauſe ſuch and ſo many Grates or Openings to be made therein for the conveying and carrying off the Filth, foul and other Water, from the Houſes built or to be built adjoining to ſuch Streets, Lanes, publick Paſſages or Places in the ſaid Townſhip of *Scarbrough*, into the ſaid Sewers, publick Drains, and Vaults, as the ſaid Commiſſioners ſhall and may think neceſſary and expedient for that Purpoſe; and the ſaid Commiſſioners are hereby empowered and authorized to purchaſe ſuch Ground as ſhall be neceſſary for making or enlarging ſuch publick Drains and Sewers; and the ſaid Commiſſioners are hereby empowered to charge the ſeveral Owners of ſuch Houſes or

Sewers, &c. to be made by Commiſſioners.

Buildings as now are or hereafter ſhall be built adjoining to, and making uſe of ſuch common Sewer or Sewers, with the Payment of all ſuch Sum or Sums of Money as ſhall be by them the ſaid Commiſſioners paid, laid out, and expended in and about the making, enlarging, widening, raiſing, altering, removing, repairing, cleanſing, or ſcouring of ſuch publick Drains or Sewers; and on Refuſal or Nonpayment of ſuch Charges and Expences to the Treaſurer for the Time being to the ſaid Commiſſioners, then upon Fourteen Days Notice in Writing, ſigned by the ſaid Commiſſioners or their ſaid Clerk, being given to ſuch Owners or other Perſons as aforeſaid, or left at their, his, or her laſt or uſual Place of Abode, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as the Penalties and Forfeitures by this Act inflicted are hereby directed to be recovered.

Market Place &c. to be kept in Repair by the Bailiffs and Burgeſſes.

XX. Provided always, and be it further enacted, That the ſeveral Streets or Places herein-before mentioned, called *The Market Place*, or *Newbrough Street*, *Saint Thomas Street* otherwiſe *Tanner Street*, and *Blackfriar Gate* otherwiſe *Queen Street*, being the Streets or Places where the Markets and Fairs are uſually held at *Scarbrough* aforeſaid, ſhall be from Time to Time paved and repaired by the Bailiffs and Burgeſſes of the Borough of *Scarbrough* aforeſaid, and their Succeſſors, as hath heretofore uſually been done; any Thing herein contained to the contrary thereof notwithſtanding.

Watching.

Watchmen.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, at their firſt or ſome ſubſequent Meeting or Meetings to be held as aforeſaid, to divide the ſaid Townſhip of *Scarbrough* into ſuch and ſo many Diviſions or Diſtricts; and to apportion the Number of Watchmen to be employed in each Diſtrict as to them ſhall ſeem proper, and to appoint what Wages, Salaries, Gratuities, Rewards, or Payments ſhall be paid, given, and made to all ſuch Watchmen for their ſeveral Attendances and Services, and to alter the Wages of ſuch Watchmen from Time to Time as ſhall be found expedient, and from Time to Time to alter ſuch Diviſions or Diſtricts, and Number of Watchmen, as ſhall be found moſt convenient for the Purpoſe of appointing and regulating the Watch as herein-after is mentioned; and the ſaid Commiſſioners ſhall immediately after making ſuch Diviſion, publiſh by Hand Bills or Advertiſements, an Account thereof, ſtating what Streets, Lanes, publick Paſſages or Places, are comprized in each Diſtrict; and ſhall alſo at the ſame Time appoint a Meeting for each Diſtrict of the ſaid Commiſſioners reſident in ſuch reſpective Diſtricts, and give the like Notice of the Time and Place of each ſuch Meeting, which ſhall not be leſs than Seven Days nor more than Fourteen Days after ſuch Notice; and the ſaid Commiſſioners reſident in each Diſtrict reſpectively, ſhall and are hereby required to meet at the Time and Place ſo to be appointed and to act in the appointing and regulating the Watch in their reſpective Diſtricts, as herein-after is mentioned; and afterwards from Time to Time to meet on the Firſt *Friday* in every Month, at the Hour of Eleven of the Clock in the Forenoon, at the ſame Place, or at ſuch other Hour and at ſuch other Place as they ſhall at ſuch monthly Meetings appoint, and alſo to adjourn ſuch monthly Meetings as they ſhall think fit; and at all ſuch Meetings every Queſtion ſhall be determined by a Majority of the ſaid Commiſſioners preſent: Provided always, that no Order ſhall be made,

or any Buſineſs tranſacted at any ſuch Meeting, unleſs Three of the ſaid Commiſſioners reſident in ſuch Diſtrict at leaſt be preſent; and at ſuch Firſt and other Meetings in each Diſtrict, the ſaid Commiſſioners reſident in ſuch Diſtrict, and preſent at ſuch Meeting or Meetings, ſhall appoint, by Writing under their Hands, ſuch able-bodied Men to be employed as Watchmen in the Night-time, to attend from Time to Time, and at all ſuch Times and Places within the reſpective Diſtricts for which they ſhall reſpectively be appointed, and to perform ſuch Duty as the ſaid Commiſſioners of ſuch reſpective Diſtricts, or any Three or more of them, ſhall order, direct, and appoint; provided that in each ſuch Diſtrict they do not exceed the Number directed or appointed to be apportioned to each ſuch Diſtrict by the ſaid General Commiſſioners; and the ſaid Commiſſioners reſident in each reſpective Diſtrict, or any Three or more of them, at any Meeting for ſuch Diſtrict, as aforeſaid, ſhall and may remove all or any of ſuch Watchmen for ſuch Diſtrict, from Time to Time as they ſhall ſee Cauſe, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die or be incapable of performing their Duty, and ſhall and may make ſuch Orders and Regulations, and give ſuch Directions for the ſtationing and regulating the ſaid Watchmen, as they or any Three of them ſhall from Time to Time think proper; and the General Commiſſioners ſhall, by and out of the Money to be raiſed in purſuance of this Act, erect, hire, or otherwiſe provide proper Watch Houſes, Watch Boxes, or other Places for the Reception of the ſaid Watchmen, and proper Coats, Lanthorns, Materials, and Things ſuitable for their reſpective Offices, and proper and convenient Rooms, or other Places of Security wherein to lodge Offenders until taken before a Magiſtrate for Examination; and all and every the ſaid Watchmen ſhall and they are hereby empowered and required to uſe his and their beſt Endeavours to prevent Miſchief by Fire, and alſo to prevent Murders, Burglaries, and Robberies, and other Felonies and Miſdemeanours, and to ſecure and apprehend all Night Walkers, Malefactors, and all diſorderly and ſuſpected Perſons, and to detain and ſafely keep every ſuch Perſon in any of ſuch Watch Houſes or Places to be provided as aforeſaid, or in ſome or one of the Lock-up Rooms to be erected or provided in purſuance of this Act, until he, ſhe, or they can be taken (which ſhall be done as ſoon as conveniently may be) before ſome Juſtice of the Peace for the ſaid Borough of *Scarbrough*, to be examined and dealt with according to Law.

Penalty on Publicans harbouring Watchmen during their Hours of Duty.

XXII. And be it further enacted, That if any Victualler, Publican, or other Perſon ſelling Spirituous or other Liquors, ſhall entertain or harbour in his, her, or their Houſe, Habitation, or Shop, any Watchman to be appointed under this Act, during any of the Hours or Times appointed for ſuch Watchman to be on Duty in virtue or in purſuance of this Act, then every ſuch Victualler, Publican, or other Perſon, ſhall forfeit and pay any Sum not exceeding Twenty Shillings for the Firſt Offence, and not exceeding Forty Shillings for the Second Offence, and not exceeding Five Pounds for the Third and every other Offence.

To make Orders and Bye Laws for Hackney Coaches, Chairmen, Coal Carriers, Water Carriers, &c.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to conſtitute, ordain, and provide, from Time to Time, ſuch Bye Laws, Rules, and Orders, as they ſhall think fit, for licenſing and authorizing a ſufficient Number of Hackney Coaches, Sedan Chairs, Porters, Porters Carts, Coal Carriers, Coal Carts, Water Carriers, Trucks, Water

Water Carts, and all other Carts and Carriages to be let or plying for Hire within the Townſhip of *Scarbrough* aforeſaid, and for regulating and ordering ſuch Hackney Coaches and Sedan Chairs, Porters, Porters Carts, Coal Carriers, Coal Carts, Trucks, Water Carts, and all other Carts and Carriages to be let or plying for Hire as aforeſaid, and in what Manner the ſame ſhall be provided, and what Number of Perſons may be carried and conveyed in each of ſuch Coaches, and touching and concerning the Letters, Meſſages, Goods, Parcels, and Things to be carried and conveyed by ſuch Porters or any of them, and for preventing Frauds in the Sale of Coals and Water; and for aſcertaining and fixing, altering, and removing their Stands from Time to Time, and for trying, adjuſting, and puniſhing the Miſconduct and Miſbehaviour of Hackney Coachmen and Chairmen, Porters, Coal Carriers, Carmen, Truckmen, or Labourers plying for Hire within the Borough of *Scarbrough* aforeſaid, and for aſcertaining what Rates, Fares, and Prices, as well for Time as Diſtance, ſhall be taken by ſuch Hackney Coachmen, Chairmen, and Porters; and alſo for aſcertaining what Rates, Fares, and Prices, ſhall be taken by the ſaid Coal Carriers for the Carriage of their Coals, and Water Carriers for their Water, and to what Diſtance ſuch Hackney Coachmen, Chairmen, Porters, Coal Carriers, Truckmen, and Water Carriers, ſhall be obliged to drive, carry, go, and come in, through, and round the ſaid Borough, not exceeding for ſuch Coachmen and Chairmen Two Miles, and not exceeding for ſuch Porters Three Miles, not exceeding for ſuch Coal Carriers Three Miles, and not exceeding for ſuch Truckmen and Water Carriers Two Miles, and their Rates, Fares, and Prices to be taken for the ſame; and alſo that the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered from Time to Time to make ſuch other Bye Laws, Rules, and Orders, as to them ſhall ſeem neceſſary and expedient for carrying this Act into Execution (ſuch Bye Laws, Rules, and Orders, not being repugnant to any Law or Statute of that Part of the United Kingdom called *Great Britain*, or any Thing herein contained); and the ſaid Commiſſioners, or any Nine or more of them, at any Meeting to be held as aforeſaid, may from Time to Time, as they ſhall think fit, repeal, alter, or amend ſuch Bye Laws, Rules, Orders, and Regulations, or any of them; provided that no ſuch Penalty or Forfeiture ſhall exceed the Sum of Twenty Shillings for the Firſt Offence, nor the Sum of Forty Shillings for every ſubſequent Offence: Provided always, that all ſuch Bye Laws, Rules, and Orders ſo made by the ſaid Commiſſioners, ſhall be reduced into Writing, and laid before the ſaid Juſtices aſſembled at any General Quarter Seſſions of the Peace to be held in and for the ſaid Borough of *Scarbrough*, and if approved of by them, but not otherwiſe, ſhall be binding and concluſive, and ſhall be inſerted in ſome Newſpaper or Newſpapers printed or circulated in the ſaid Townſhip.

Perſons not to be prevented from employing their own Servants, &c. as Porters, &c.

XXIV. Provided always, and be it further enacted, That nothing herein contained ſhall prevent or be conſtrued to prevent any Perſon from employing occaſionally his or her own Servant, or the Servant or Servants of any other Perſon or Perſons, or any Labourer or Perſon who does not follow the Buſineſs of a Carrier, Chairman, Porter, or Labourer, in or about the Matters or Things herein-before directed to be carried or done by any ſuch licenſed Porter or Labourer; any Thing herein contained to the contrary notwithſtanding.

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Owners of Hackney Coaches, &c. to affix their Numbers, &c. and leave Notice of their Places of Abode.

XXV. And be it further enacted, That within Seven Days next after the Owner or Owners of any Hackney Coach or Sedan Chair, and also after every such Porter, Coal Carrier, and Water Carrier, and Truckman shall be licensed, every such Owner or Owners of such Hackney Coach, Sedan Chair, Porters Cart, Coal Cart, or Water Cart, shall affix and keep such Figure or Number as shall be respectively appointed by the said Commissioners, or any Nine or more of them, at any Meeting as aforesaid, on some conspicuous Part of such Coach, Sedan Chair, Porters Cart, Coal Cart, Truck, or Water Cart respectively, and shall leave at the Office of the Clerk of the said Commissioners for the Time being, a true Account in Writing of his, her, or their Place or Places of Abode, with the Figure or Number of each Coach, Sedan Chair, Porters Cart, Coal Cart, Truck, or Water Cart, and so from Time to Time every such licensed Owner or Owners of such Hackney Coach, Sedan Chair, Porters Cart, Coal Cart, Truck, or Water Cart, shall within Seven Days after his, her, or their Place or Places of Abode shall be changed, give the like Account at the said Office, upon pain that every such Owner or Owners of every such Hackney Coach, Sedan Chair, Porters Cart, Coal Cart, Truck, or Water Cart, shall for every Refusal or Neglect so to do, forfeit and pay any Sum not exceeding Twenty Shillings.

Direction touching Bog Houses.

XXVI. And be it further enacted, That no Necessary House or Privy in the said Township shall from the Twenty-second Day of *September* to the Twenty-second Day of *March* in every Year, be emptied or cleansed at any other Time than between the Hours of Ten of the Clock in the Evening, and Eight in the Morning, and from the Twenty-second Day of *March* to the Twenty-second Day of *September* in every Year, at any other Time than between the Hours of Ten of the Clock in the Evening, and Seven in the Morning; and if any Person or Persons shall empty any such Necessary House or Privy at any other Time (except in Cases where the same shall be mixed with Ashes or other Manure, for the Purpose of being immediately carted and carried away for the Use of the Owners thereof) or shall wilfully or negligently spill or drop any of the Soil of any Necessary House or Privy in any of the Streets, Lanes, Alleys, Passages, and publick Places within the said Township of *Scarbrough*, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Names of the Streets to be set up, and Houses numbered.

XXVII. And be it further enacted, That the said Commissioners, or any Nine or more of them, at any of their Meetings shall and may and are hereby required to order and cause to be placed on some conspicuous Part of some House or Building, at or near each End, Corner, or Entrance of the several Streets, Squares, Lanes, and other publick Passages already or hereafter to be erected or made within the said Township of *Scarbrough* the Name by which every Street, Passage, or Place is usually, or shall be called or known; and also shall and may cause every House, Shop, Warehouse, or Building in the same to be marked and numbered, in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface any such Inscription or Number, or any Part thereof, or cause or procure the same to be done, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings.

Certain Acts not be committed in the Streets.

XXVIII. And be it further enacted, That if any Perſon or Perſons ſhall, upon any of the preſent or any future Pavements of the Streets, Lanes, or publick Paſſages and Places, now or hereafter to be made or built within the ſaid Townſhip of *Scarbrough*, and raiſed above the Carriage Way, and uſed as and for a Footway only (except in any Court or Place which ſhall be appointed as a Stand for Sedan Chairs, or where there is not nor ſhall be any Carriage Way) run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatſoever, or ſhall roll any Caſk other than for the neceſſary loading or unloading thereof, in, upon, from, or out of any Carriage, or ſhall thereon wilfully ride, lead, or drive any Cattle or Beaſt of any Kind, or ſhall in any of ſuch Streets or Places aforeſaid, burn, dreſs, or cleanſe any Cork, or ſhall hoop, fire, cleanſe, waſh, or ſcald any Caſk, or empty any of the Contents of any Caſk thereon, or ſet any Caſk or Tub on, or ſo as in any Manner to cauſe any Obſtruction or Impediment in the Footway, or waſh any Linen, Vegetables, or other Things at any of the publick Pumps or Conduits therein, or ſhall hew, ſaw, or cut any Stone, Wood, or Timber, or bore any Timber (except for the Purpoſe of rebuilding, altering, or repairing any Houſe or Building in the Manner herein-before mentioned) or for any of the Purpoſes of this Act required or authorized to be done, in which Caſes the ſame ſhall, if the ſaid Commiſſioners ſhall think proper and direct, be fenced and incloſed in Manner herein-after mentioned) or ſhall make or repair any Coach, Waggon, Sledge, or other Carriage in any of ſuch Streets, Lanes, publick Paſſages or Places (except ſuch Carriages as may want immediate Repair from any ſudden Accident on the Spot, or which cannot conveniently be removed for that Purpoſe); or ſhall ſhoe, bleed (except in caſe of Accidents) or turn looſe any Horſe, Aſs, or other Beaſt therein; or if the Driver of any Waggon, Cart, Sledge, or other Carriage, ſhall in any Part of the ſaid Townſhip ride on the Shafts, or in or on any Part of any ſuch Waggon, Cart, Sledge, or other Carriage, without Reins, or on any of the Horſes or Cattle drawing the ſame; or ſhall in any of the ſaid Streets or Places ſhew or expoſe any Stallion or Stonehorſe, or ſhall expoſe to Sale any Horſe or other Beaſt, (otherwiſe than in any publick Market or Fair) or ſhall ride, drive, or lead the ſame in any Carriage or otherwiſe, by way of Exerciſe or for the Purpoſe of breaking them in; or make any Bonfire, or let off any Muſket or Piſtol, or fire any Crackers, Squibs, or other Fireworks; or if any Perſon ſhall ſift, throw, caſt, or lay any Aſhes (except in the Time of Froſt only, and to prevent Accidents) or any Duſt, Muck, Dung, Soil, Filth, Rubbiſh, Refuſe of Garden Stuff, Blood, Offal, Carrion, or any other offenſive Matter or Thing, in any of the preſent or future Streets or Places within the ſaid Townſhip, or ſhall hang up, place, or expoſe to ſale any Goods, Wares, or Merchandize whatſoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, on or projecting over the Foot or Carriage Way of ſuch Streets or Places, or ſo as to obſtruct or incommode the Paſſage of any Perſon or Carriage therein, or ſhall commit any other Kind of Obſtruction or Annoyance in any Part of any ſuch Streets, Lanes, or publick Paſſages or Places aforeſaid, the ſame ſhall reſpectively be conſidered as an Offence or Offences againſt this Act; or if any Perſon or Perſons ſhall kill or ſlaughter, or ſhall ſinge, ſcald, dreſs, or cut up any Animal, either wholly or in part, in any of ſuch Streets, Lanes, or publick Paſſages or Places within the ſaid Townſhip, or cauſe or permit any Blood to run from any Slaughter Houſe, Butchers Shop, or Shambles, into

into the ſame or any of them, every Perſon ſo offending in any of the Matters aforeſaid, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Beaſts wandering in the Streets may be impounded.

XXIX. And be it further enacted, That if any Horſe, Beaſt, or other Animal, ſhall at any Time be found wandering about any of the Streets, Lanes, or publick Paſſages or Places, now made or hereafter to be made or built within the ſaid Townſhip of *Scarbrough*, it ſhall be lawful for any Officer or Officers, to be appointed by the ſaid Commiſſioners, and for any of the Inhabitants of the ſame Townſhip, by and with the Conſent and Approbation in Writing under the Hands of the Bailiffs for the Time being, Lords of the Manor of *Scarbrough* aforeſaid, to ſeize and impound ſuch Beaſt, Swine, or other Animal, in the common Pound of the ſaid Townſhip, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint, and the ſame there to detain until the Owner or Owners thereof ſhall, for each Beaſt or other Animal impounded, pay a Sum of Money not exceeding Twenty Shillings to the Treaſurer for the Time being to the ſaid Commiſſioners, towards the Purpoſes of this Act, and alſo the Sum of One Shilling to the Perſon impounding the ſame, beſides the reaſonable Charges and Expences of impounding and keeping the ſame; and in caſe the ſaid Sums, Charges, and Expences, ſhall not be paid within Seven Days after ſuch impounding, it ſhall be lawful for the Pound Keeper, or ſuch other Perſon as ſhall be appointed by the ſaid Commiſſioners for that Purpoſe, giving Seven Days previous Notice of the intended Sale to the Owner or Owners of ſuch Horſe or other Beaſt, or if the Owners thereof cannot be found, within Three Days after advertiſing the ſame in ſome publick Newſpaper uſually circulated within the Townſhip of *Scarbrough* aforeſaid, to ſell or cauſe the ſame to be ſold, and the Money ariſing from ſuch Sale, after deducting the ſaid Sums, and the Charges and Expences aforeſaid, and of ſuch Notice and Sale, ſhall be paid to the ſaid Treaſurer, to be by him paid to the Perſon whoſe Property the Beaſt or other Animal ſo ſold ſhall appear to have been.

Nuiſances to be removed.

XXX. And be it further enacted, That in caſe any Slaughter Houſe, Hogſtye, Neceſſary Houſe, or other noiſome or offenſive Building or Matter whatſoever, within or adjoining any of the Streets, Lanes, or publick Paſſages or Places which ſhall or may hereafter be made or built within ſuch Part of the Townſhip of *Scarbrough* aforeſaid, as ſhall be watched, lighted, and cleanſed in purſuance of this Act, and ſhall be offenſive to any of the Inhabitants thereof or Perſons reſiding therein, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, upon Complaint thereof to them made by any ſuch Inhabitant, or other Perſon or Perſons, under the Hands of the ſaid Commiſſioners or under the Hand of their Clerk for the Time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Fourteen Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Ten Shillings daily, for every Day that the ſame ſhall continue unremoved after the Expiration of the Time mentioned in ſuch Notice.

The Streets to be watered.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to cauſe the ſaid Streets, Lanes, and publick

publick Paſſages or Places, to be watered as often as they ſhall think fit, and alſo to cauſe any Waterpipe or Waterpipes to be laid therein, or any Well or Wells to be dug and ſunk, and any Pump or Pumps to be erected in ſuch Places as they ſhall think proper, within the ſaid Township, for the Purpoſe of watering the ſaid Streets or Places, or for any other Purpoſe, and to cauſe the ſame to be removed or altered, and the Expences thereof to be defrayed out of the Monies to be raiſed by virtue of this Act.

Drains not to branch into publick Sewers.

XXXII. And be it further enacted, That no Perſon or Perſons ſhall, without the Leave or Licence of the ſaid Commiſſioners, make or branch any Drain or Drains into any of the ſaid publick Sewers, Drains, or Vaults, made or to be made by virtue of this Act, upon pain that every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name of the Clerk to the ſaid Commiſſioners for the Time being, in which Action or Suit no Protection, Eſſoign, or Wager of Law, or more than One Imparlance ſhall be allowed.

Private Drains to be cleanſed.

XXXIII. And be it further enacted, That all private Drains which now are, or by Permiſſion of the ſaid Commiſſioners ſhall hereafter be made within any of the Streets, Lanes, and publick Paſſages or Places within the ſaid Township of *Scarbrough*, and which do or ſhall iſſue into any of the publick Sewers, Drains, or Vaults, ſhall be repaired and cleanſed under the Inſpection and Direction of the Surveyor or other proper Officer of the ſaid Commiſſioners, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands or Tenements to which the ſaid private Drains do or ſhall reſpectively belong.

The Bailiffs and Burgeſſes of Scarbrough to have Power to take up Pavements for the placing or repairing of Water Pipes, &c.

XXXIV. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Bailiffs and Burgeſſes of *Scarbrough* aforeſaid, or their Succeſſors, Agents, or Workmen, from Time to Time when neceſſary, to dig or take up any of the Pavements within the Township of *Scarbrough* aforeſaid, for the laying or amending any Waterpipe or Waterpipes now laid therein, or for making or repairing any Drains or Sewers now under the ſame, or for other Purpoſes; and that when and ſo often as any Part of the ſaid Pavements ſhall be ſo taken up in any of the Streets, Lanes, publick Paſſages or Places within the Township of *Scarbrough* aforeſaid, then that ſuch Pavement ſo taken up ſhall be new laid and made good (except in the Streets or Places before excepted) in ſuch Manner as the ſaid Commiſſioners or any Perſon to be by them appointed and authorized to ſurvey and overlook the Pavings and Repairs of the ſaid Streets or Places, ſhall direct, at the ſole Coſts and Charges of the ſaid Bailiffs and Burgeſſes, or their Succeſſors.

Penthouſes, Signs, and other Things projecting into the Street, or which are inconvenient, to be removed.

XXXV. And be it further enacted, That from and after the Commencement of this Act the Water at the Tops or Roofs of all Houſes and other Buildings now or hereafter to be made or built within the ſaid Township, ſhall (if not conveyed into private Ciſterns or Reſervoirs belonging to ſuch Houſes or Buildings) be conveyed by Pipes, to be fixed to the Fronts or Sides thereof reſpectively, into the common Channels or Drains, within Three Calendar Months after a Day to be expreſſed in a Notice

a Notice in Writing under the Hands of the ſaid Commiſſioners, or their Clerk for the Time being, to be for that Purpoſe given to or left with the Owners or Occupiers of ſuch Houſes or Buildings; and that all Penthouſes, Bow Windows, Shutters, Signs, Sign Poſts, Shew Boards, Spouts, Pales, Rails, Grates, Steps, Projections, or other Matters or Things whatſoever, as in the Judgement of the ſaid Commiſſioners ſhall be inconvenient to, or incommode Paſſengers upon any of the preſent or future Footways or Carriage Ways of ſuch Streets or Places, ſhall, within Fourteen Days after a Day to be expreſſed in a like Notice to be for that Purpoſe given to or left with the Owner or Occupier of the Houſes or other Buildings or Land, to whom ſuch Matters and Things aforeſaid, or any of them, ſhall reſpectively belong, be taken down, filled up, removed, or altered, by or at the Expence of the Owner or Owners thereof, under the Inſpection and Direction of the Surveyor or other proper Officer of the ſaid Commiſſioners; and in caſe the reſpective Owners ſhall neglect or refuſe to obey ſuch Notices, and to obſerve and perform the ſeveral Matters and Things hereby reſpectively required to be done within the Time aforeſaid, then every Perſon ſo neglecting or refuſing ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings for every Week the ſame ſhall ſo remain undone; and then alſo it ſhall and may be lawful for the ſaid Commiſſioners to cauſe the ſame to be taken down, filled up, removed, altered, and fixed in the Manner and for the Purpoſes aforeſaid, and ſhall return or cauſe to be returned to the reſpective Owners thereof, or to be left on the Spot from whence the ſame ſhall be ſo reſpectively removed, or as near thereto as conveniently may be for ſuch Owners, ſo much of ſuch Matters and Things as aforeſaid, as ſhall not be affixed or ſet up or otherwiſe made uſe of in the Alterations directed by this Act; and the Charges and Expences attending the ſame ſhall berecovered of the Owners thereof reſpectively, in the ſame Manner as the Penalties or Forfeitures inflicted by this Act are hereby directed to be recovered on Non-payment; and if ſuch Owners ſhall cauſe ſuch Matters and Things to be placed, erected, built, or made contrary to the Directions of this Act, every ſuch Owner for every Week he ſhall ſo offend ſhall forfeit and pay any Sum not exceeding Twenty Shillings, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners as aforeſaid, to order the ſame to be taken down, filled up, removed, or altered in ſuch Manner as they ſhall think proper, without giving any Notice to the Owner or other Perſon offending therein, and the Charges and Expences attending the ſame ſhall or may be recovered of the Perſon or Perſons ſo offending, in the ſame Manner as is laſt herein-before directed; provided, that nothing herein contained ſhall extend to Projections made or to be made in the Nature of Bow Windows, in any of the preſent Streets, Lanes, or publick Paſſages or Places in the ſaid Townſhip of *Scarbrough*, in caſe ſuch Projections do not advance more than Nine Inches beyond the front Wall of the Premiſes to which ſuch Projections adjoin: Provided always, that in caſe ſuch Occupier or Occupiers ſhall be required to make ſuch Alterations, Matters, and Things aforeſaid, then it ſhall be lawful for him or them to deduct or retain the Coſts, Charges, and Expences of doing thereof, out of his, her, or their next Rent; and ſuch Landlord or Landlords is and are hereby required to allow the ſame accordingly.

Perſons having greater Eſtate than 21 Years, deemed Owners for the Purpoſe of paying Expences of Reparations.

XXXVI. Provided alſo, and be it further enacted, That in all Caſes where any ſuch Alterations as aforeſaid ſhall be made to any Houſe or Building wherein any Perſon or Perſons ſhall have any greater Eſtate, Term, or Intereſt, than for Twenty-one Years, ſuch Perſon or Perſons ſhall be and be deemed the Owner or Owners of ſuch Houſe or Building for the Purpoſe of ſuch Alterations being made as aforeſaid; any Thing herein, or any Law or Cuſtom to the contrary notwithſtanding.

The Ground of Houſes taken down or building, and of Houſes taking down to be incloſed.

XXXVII. And be it further enacted, That the Ground or Place whereon any Houſe or Houſes, Wall, or Building, within the Townſhip of *Scarbrough* aforeſaid, formerly or lately ſtood, and which is or are now, or at any Time hereafter ſhall be wholly or in part taken down, and every Houſe, Wall, or Building, now making or building within the ſaid Townſhip, ſhall, by the Owners or Occupiers of ſuch Ground, Place, Houſe, or Building, immediately after the paſſing of this Act, be fenced and incloſed, and that the Ground on which any Houſe or Building ſhall hereafter be built or taken down, either wholly or in part, till the ſame ſhall be rebuilt, ſhall likewiſe be fenced and incloſed at the Expence of ſuch Owners or Occupiers reſpectively, in ſuch Manner as the Commiſſioners ſhall think proper or neceſſary, in order to keep the Footways and Carriage Ways before or behind, or belonging to the ſame, as open and free from Impediment as the Nature of the caſe will admit of, and effectually to guard and protect all Perſons paſſing by or near the ſame or any Part thereof from Danger or Accident, from or in conſequence of any Hole, Vault, Area, Timber, Stones, Materials, or Things, made, brought, placed, or uſed, in, about, or relating to ſuch Ground, Place, Houſe, or Building, now made or built, or which ſhall hereafter be made or built within the Townſhip of *Scarbrough* aforeſaid, which ſhall be taken down either in the whole or in part, or which ſhall be altered or repaired, or added to, or begun to be altered or repaired, or added to, whereby or in conſequence whereof the Carriage Way and Footway before, behind, or belonging to ſuch Houſe, Wall, or Building, or either of the ſaid Ways, ſhall be in any Manner obſtructed or rendered dangerous to, or unſafe for, or expoſe any Perſon paſſing by or near ſuch Houſe, Wall, or Building, or any Part thereof, to Danger or Accident as laſt mentioned, ſhall be in like Manner fenced and incloſed by and at the Expence of the reſpective Owners or Occupiers thereof; and the Fences and Incloſures to be made in reſpect of any Houſe, Wall, or Building, which ſhall or may hereafter be taken down, altered, repaired, or added to, ſhall be made before ſuch Houſe, Wall, or Building, ſhall be begun to be altered, repaired, or added to; and all the Fences and Incloſures hereby directed to be made for all or any of the Purpoſes aforeſaid, ſhall be continued ſtanding and in good Condition during ſuch Time as the ſaid Commiſſioners ſhall order and direct; and if the Owner of ſuch Ground, Place, Houſe, Wall, or Building as aforeſaid, ſhall refuſe or neglect to erect and ſet up any ſuch Fence or Incloſure as aforeſaid, or ſhall not continue the ſame ſtanding and in good Condition as aforeſaid, then and in either of the ſaid Caſes every ſuch Owner ſhall for every Day ſuch Offence ſhall be continued, forfeit and pay any Sum not exceeding Forty Shillings; and moreover, in caſe of ſuch Refuſal or Neglect, it ſhall be lawful for the ſaid Commiſſioners to cauſe ſuch Ground, Place,

Penalty on Perſons neglecting or refuſing to make ſuch Fence.

Place, Houſe, Wall, or Building, to be well and ſufficiently fenced in and incloſed as aforeſaid, or the Fence or Incloſure then erected and ſet up to be well and ſufficiently repaired, as the caſe ſhall require, and ſuch Fence or Incloſure to be ſo continued ſtanding as aforeſaid; and the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, ſhall, over and above the ſaid Penalty, pay all ſuch Charges and Expences of making ſuch Fences and Incloſures, or repairing the ſame, upon Demand made by the ſaid Commiſſioners or by their Clerk; and upon Refuſal may, together with the Coſts attending the Recovery, be recove ed in ſuch Manner as the Penalties and Forfeitures by this Act inflicted are herein-after directed and authorized to be recovered.

Lights to be fixed for preventing Accidents.

XXXVIII. And be it further enacted, That if at any Time hereafter any Stones, Timber, Mortar, Rubbiſh, Materials, or other Things ſhall be laid or placed in, or any Hole or Opening ſhall be made in any of the Streets, Lanes, or publick Paſſages or Places already made or built, or which ſhall hereafter be made or built within the ſaid Townſhip of *Scarbrough*, for any Purpoſe whatſoever, not prohibited by or contrary to the Intent and Meaning of this Act, the Owner of ſuch Stones, Materials, or other Things, or Perſon or Perſons cauſing ſuch Hole or Opening as aforeſaid to be made, ſhall, at his, her, or their Expence, cauſe a Light to be fixed in or near the ſame reſpectively, for ſecuring Paſſengers and Cattle from Accident, every Night from Sun-ſetting to Sun-riſing, during the Time ſuch Stone or other Materials, Hole, or Opening ſhall remain; and alſo if the ſaid Commiſſioners ſhall think proper and direct, ſhall, at his, her, or their own Expence, cauſe ſuch Stones, Materials, or other Things, Holes, or Openings, or either, as the Caſe may be, to be fenced and incloſed in ſuch Manner as the ſaid Commiſſioners ſhall think proper, and continue the ſame ſo fenced and incloſed until the Stones, Materials, or other Things, or Hole or Opening, as the Caſe may be, ſhall be removed, and in Default ſhall forfeit and pay any Sum not exceeding Forty Shillings for every Day or Night ſuch Neglect or Default ſhall be continued; and the ſaid Commiſſioners on ſuch Default being made, are hereby empowered to cauſe ſuch Light to be affixed, and to fence and encloſe ſuch Stones, Materials, and Things, and to continue the ſame ſo fenced and incloſed, and charge ſuch Owners or other Perſon or Perſons as aforeſaid with the Expences thereof reſpectively; and to recover ſuch Expences, on Refuſal to pay the ſame to the ſaid Commiſſioners, and the Expences attending ſuch Recovery, in the ſame Manner as is mentioned in the caſe of Fences and Incloſures to be made on taking down or altering any Houſe or Building, as herein-before is mentioned.

Lands to be purchaſed.

XXXIX. And be it further enacted, That the ſaid Commiſſioners ſhall have Power and Authority to agree with the Proprietors of and Perſon intereſted in any Lands, Tenements, Buildings, Erections, and Hereditaments, which the ſaid Commiſſioners ſhall judge neceſſary or expedient to be cut, digged, pulled down, thrown up, carried away, damaged, or otherwiſe made uſe of for the Purpoſes of this Act, for the Purchaſe of ſuch Lands, Tenements, Buildings, and Hereditaments, or for the Recompence to be made to ſuch Proprietors and Perſons intereſted, for the Damage they may ſuſtain, and alſo to ſettle and aſcertain in what Proportion

Proportion the Sum or Sums ſo agreed, ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Officers in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, 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, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert, who are or ſhall be ſeiſed in their own Right, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Tenements, Buildings, or Hereditaments, to contract for, ſell, and convey, aſſign, and ſurrender unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands, Tenements, Buildings, or Hereditaments, for the Purpoſes aforeſaid, or to agree with the ſaid Commiſſioners for any Recompence to be made for the Damage which may be done to any ſuch Lands, Tenements, Buildings, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts and Agreements, Sales, Conveyances, Aſſignments, Surrenders, and Aſſurances, ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever, not only to convey the Eſtate and Intereſt of the Perſon or Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons whomſoever, and all claiming or to claim by, from, or under them, any Law, Statute, Uſage, Cuſtom, or any other Matter or Thing whatſoever, to the contrary notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall do in the Premiſes, purſuant to this Act, notwithſtanding any Omiſſion or Miſtake of Matter or Form whatſoever; but if it ſhall happen that any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or concerned as aforeſaid, in any of the Houſes, Buildings, Lands, Tenements, or Hereditaments contained in the Schedule to this Act annexed, ſhall for the Space of Fourteen Days after Notice in Writing, ſigned by the ſaid Commiſſioners, and given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Tenements, Buildings, or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or by reaſon of Abſence ſhall be prevented from treating, or ſhall not produce and evince a clear Title to the Tenements they are in Poſſeſſion of, or to the Intereſt they claim therein, to the Satisfaction of the ſaid Commiſſioners, then and in every ſuch Caſe, any One of His Majeſty's Juſtices of the Peace for the ſaid Borough, ſhall and he is hereby empowered and required, from Time to Time, to iſſue out his Warrant under his Hand and Seal to the Sheriff of the County of *York*, or if ſuch Sheriff ſhall be intereſted in the Matter in queſtion, then to One of the Coroners of ſuch County, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return

In caſe the Proprietors of Lands ſhall not agree to ſell, the Commiſſioners to iſſue a Warant to the Sheriff to ſummon a Jury to ſettle the Damages.

return Twenty-four Men, qualified according to the Laws of this Realm, to be returned for the Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear before His Majeſty's Juſtices of the Peace, who ſhall be aſſembled at the then next General Quarter Seſſions of the Peace to be held for the ſaid Borough, in order that out of them a Jury of Twelve Men may be drawn, and be ſworn to inquire touching the Matters in queſtion; and in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men who can ſpeedily be procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen; and the Juſtices of the Peace for the ſaid Borough, and each of them, is and are hereby empowered and required, by Warrant or Warrants under his or their Hands and Seals or Hand and Seal, from Time to Time as Occaſion ſhall require, to ſummon and call before them all ſuch Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in queſtion; and the ſaid Juſtices of the Peace for the ſaid Borough, or any one of them may, on the Application of either Party, order and authorize the ſaid Jury, or any Six or more of them, to view the Places or Matters in queſtion, which Jury upon their Oaths, to be adminiſtered by the ſaid Juſtices or any One of them (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Juſtices or any One of them is and are hereby empowered and required to adminiſter) ſhall enquire of, aſſeſs, and aſcertain the Sum and Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, Buildings, or Hereditaments, or the Recompence to be made for the Damages that may or ſhall be ſuſtained as aforeſaid, and to ſettle and aſcertain in what Proportions the Sum or Sums of Money ſo aſſeſſed, ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and the ſaid Juſtices ſo aſſembled as aforeſaid (not being intereſted in the Matter in queſtion) ſhall give Judgement for ſuch Purchaſe Monies or Recompence ſo to be aſſeſſed by ſuch Juries, which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Juſtices, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever: Provided always, that ſuch Juſtices may adjourn ſuch Matters in queſtion to any other Seſſions of the Peace for the ſaid Borough, and finally determine the ſame at any of the ſaid Seſſions, and give Coſts to either Party as they ſhall adjudge to be reaſonable.

Penalty on Sheriff, Coroner, Jury, or Witneſs, neglecting his Duty.

XL. Provided always, and be it further enacted, That if any Sheriff, Under Sheriff, or Coroner, ſhall make Default in the Premiſes, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Twenty Pounds; and if any Perſon ſo ſummoned and returned as a Juryman ſhall not appear, or appearing ſhall refuſe to be ſworn, or being ſworn ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn, or to affirm or give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe to be allowed by the ſaid Juſtices, ſhall for every ſuch Offence forfeit and pay ſuch Sums of Money as

as the ſaid Juſtices, or the major Part of them ſo aſſembled as aforeſaid, ſhall appoint, not exceeding the Sum of Five Pounds.

Contracts, Verdicts, Judgments, &c to be lodged among the Records of the Court of Quarter Seſſions.

XLI. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and alſo all Verdicts and Judgements which ſhall be made and given in relation to any ſuch Lands, Tenements, Buildings, or Hereditaments as aforeſaid (ſuch Verdicts and Judgements being ſigned by any One of the Juſtices of the Peace, or by the Recorder of the Borough of *Scarbrough*, or his Deputy for the Time being, who ſhall be preſent at the taking of ſuch Inqueſt) ſhall be copied into the Book or Books of the ſaid Commiſſioners, and be lodged for ſafe Cuſtody among the Records of the Court of Quarter Seſſions, with the Recorder of the ſaid Borough or his Deputy, who ſhall give to the ſaid Commiſſioners a Receipt for the ſame when they ſhall be ſo lodged, which Receipt ſhall be preſerved by the ſaid Clerk to the ſaid Commiſſioners and ſhall alſo be copied into the ſaid Commiſſioners Book or Books; and the ſaid Recorder and his Deputy, and Clerk to the ſaid Commiſſioners, ſhall permit and ſuffer any Perſon or Perſons from Time to Time and at all Times, within the Office Hours of Attendance, to peruſe and inſpect the ſaid Originals and Copies reſpectively, and to take Copies thereof or of any Part thereof, upon paying for every ſuch Peruſal, Inſpection, and taking of Copies, the Sum of One Shilling and no more.

How Coſts of Verdicts ſhall be paid.

XLII. And be it further enacted, That in all Caſes where any Verdict ſhall be given for a greater Sum or Recompence than ſhall have been offered by or on the Behalf of the ſaid Commiſſioners, before the ſummoning of any ſuch Jury, for or in reſpect of any ſuch Lands, Tenements, Buildings, Hereditaments, or Damages as aforeſaid, that then all the Expences of ſuch Jury, and the Witneſſes attending in conſequence thereof, and of the taking of ſuch Inqueſt, ſhall be paid by the ſaid Commiſſioners out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more or a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, then and in every ſuch caſe, ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Lands, Tenements, Buildings, or Hereditaments in queſtion, and ſhall and may in that caſe be deducted out of the Sum to be paid to them by the ſaid Commiſſioners: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from meeting with the ſaid Commiſſioners, ſuch Coſts and Charges ſhall be borne and paid by the ſaid Commiſſioners in Manner aforeſaid.

Upon Payment of the Value aſſeſſed the Eſtate to be conveyed.

XLIII. And be it further enacted, That upon Payment of the Sum or Sums of Money ſo to be aſſeſſed and adjudged as aforeſaid, after ſuch Deduction as aforeſaid, to the Perſon or Perſons to whom the ſame ſhall be ſo adjudged, for the Purchaſe of the ſaid Lands, Tenements, Buildings, or Hereditaments, or for the Purchaſe of any Eſtate or Intereſt therein, ſuch Perſon or Perſons ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Surrenders, Aſſignments, and Aſſurances in the Law, to the ſaid Commiſſioners and their Succeſſors, in Truſt for the Purpoſes hereby intended, or any Perſon or Perſons in Truſt for them, of the ſaid Lands, Tenements, Buildings, and Hereditaments, or of ſuch Eſtate or Intereſt for which ſuch

ſuch Sum or Sums of Money ſhall be ſo adjudged, and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Surrenders, Aſſignments, and Aſſurances, and ſhall do all Acts, Matters, and Things, neceſſary and requiſite to make and derive a good, clear, and perfect Title thereto, to the ſaid Commiſſioners and their Succeſſors, in Truſt for effecting the Purpoſes hereby intended, and ſuch Conveyances, Surrenders, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants as ſhall on the Part of the ſaid Commiſſioners be required.

Immediately after Conveyances, Verdicts, &c. Eſtates to veſt in the Commiſſioners.

XLIV. And be it further enacted, That immediately after the Execution of ſuch Conveyances, Surrenders, Aſſignments, or Aſſurances, or after ſuch Verdicts, Judgements, and Proceedings of the ſaid Juſtices and Juries, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand in Law and Equity, of the Perſon or Perſons theretofore intereſted in the Lands, Tenements, Buildings, Hereditaments, and Premiſes to be purchaſed as aforeſaid, ſhall veſt in the ſaid Commiſſioners and their Succeſſors, in Truſt for effecting the Purpoſes hereby intended, and they ſhall be deemed in Law to be in the actual Seiſin or Poſſeſſion thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate in the Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery of Seiſin, Fine, Common Recovery, Surrender, or any other Conveyance or Aſſurance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to whoſe Credit ſuch Payment ſhall have been made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and 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.

Application of Compenſation Money when exceeding 200l.

XLV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, Buildings, or other Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity as aforeſaid, 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 Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commiſſioners for executing 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, Buildings, or other Hereditaments, in the Purchaſe of the Land Tax, or towards the 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, Buildings, or other Hereditaments, or affecting other Lands, Tenements, Buildings, or other Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes;

poſes; 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, Buildings or other 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, Buildings, or other 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 Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant 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 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 Lands, Tenements, Buildings, or other Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation Money does not exceed 200 l. and above 20 l.

XLVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, Buildings, or other Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed 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, Building, or other Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-after 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 Three or more of the ſaid Commiſſioners (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 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 where the Money is leſs than 20 l.

XLVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than the Sum of 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, Buildings or other Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners,

ers, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then 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 Title;

XVIII. 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, Buildings, 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, Buildings, 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 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 Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, Buildings, 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.

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

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

XLIX. 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 Accountant 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, Buildings, 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, Buildings, 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, Buildings, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery;

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, unleſs, &c.

cery; 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, Buildings, 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.

L. 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, Buildings, 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, Buildings, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the Commiſſioners, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Bargains and Sales to have the Force of Fines and Recoveries.

LI. And be it further enacted, That the Surrender or Conveyance of any ſuch Eſtate or Intereſt of any Feme Covert to the ſaid Commiſſioners, or any Perſon or Perſons in Truſt for them, by Indenture or Indentures of Bargain and Sale, ſealed and delivered by ſuch Feme Covert in the Preſence of and atteſted by Two credible Witneſſes, and duly acknowledged, and to be enrolled in the Regiſter Office eſtabliſhed at *North Allerton*, in the North Riding of the County of *York*, for the regiſtering of Deeds, Conveyances, and Wills affecting Freehold Lands, Tenements, and Hereditaments lying in the ſaid North Riding, within Six Calendar Months next after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Feme Covert in the Premiſes, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or ſuffered thereof in due Form of Law; and further, that all Bargains and Sales whatſoever to be made of any ſuch Lands, Tenements, Buildings, and Hereditaments as ſhall be purchaſed by the ſaid Commiſſioners, by virtue of and for the Purpoſes of this Act, and inrolled as aforeſaid, ſhall have the like Force, Effect, and Operation in Law, to all Intents and Purpoſes, as any Fine or Fines, Recovery or Recoveries whatſoever, would have had if levied or ſuffered by the Bargainer or Bargainers, or any Perſon or Perſons ſeiſed of any Eſtate in the Premiſes, in Truſt for ſuch Bargainer or Bargainers, in any legal Manner or Form whatſoever.

Tenant at Will &c. to deliver Poſſeſſion.

LII. And be it further enacted, That every Leſſee or Tenant for Years or a Year, or at Will, or any other Perſon or Perſons in poſſeſſion of any ſuch Lands, Tenements, Buildings, or Hereditaments which ſhall be purchaſed by virtue of and for the Purpoſes of this Act, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Commiſſioners, or to ſuch Perſon

ſon 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 authorized by them, to quit the ſame at ſuch Time or Times as ſhall be required by ſuch Notice, they the ſaid Commiſſioners, or ſuch other Perſon or Perſons, making ſuch Recompence to every ſuch Tenant or Leſſee as aforeſaid, in caſe ſuch Tenant or Leſſee 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 a Diſpute or Difference ſhall ariſe concerning the ſame, it ſhall and is hereby required to be referred to the Determination of a Jury to be impannelled in Manner aforeſaid; and ſuch Perſon or Perſons in poſſeſſion ſhall, at ſuch Time or Times as he, ſhe, or they ſhall be required, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Commiſſioners, or to the Perſon or Perſons authorized by them to take Poſſeſſion thereof; and that in caſe any ſuch Perſon or Perſons, ſo in poſſeſſion as aforeſaid, ſhall refuſe to give up ſuch Poſſeſſion as aforeſaid, then it ſhall be lawful for the ſaid Commiſſioners to iſſue their Precept or Precepts to the Sheriff of the 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 ſuch 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 give Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, and their Goods.

For paying off Mortgages on Lands uſed by the Commiſſioners.

LIII. And be it further enacted, That in caſe any Lands to be uſed for the Purpoſes of this Act, ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall and may be lawful for the ſaid Commiſſioners, upon Application being made to them by each Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, and the ſaid Commiſſioners are hereby authorized and required to pay ſuch Sum or Sums of Money, after the ſame ſhall have been ſo agreed for, and adjuſted or aſſeſſed in Manner aforeſaid, for ſuch Lands in Mortgage, in part of the principal Money that ſhall be due upon ſuch Mortgage or Mortgages unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators: Provided always, that upon Receipt of ſuch Sum or Sums of Money, an Indorſement ſhall be made upon the Back of ſuch Mortgage or Mortgages, and ſigned by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, in the Preſence of one or more credible Witneſs or Witneſſes, in Satisfaction of ſo much of the principal Money due upon ſuch Mortgage or Mortgages.

Purchaſe Money to be paid or tendered before any Uſe made of the Eſtate.

LIV. And be it further enacted, That all Sums of Money, or other Conſideration, Recompence, or Satisfaction, to be paid or made purſuant to any ſuch Agreement, Surrender, Conveyance, or Verdict as aforeſaid, or in diſcharge of any ſuch Mortgage, ſhall be paid or tendered to the Party or Parties entitled to the ſame, or be paid into the Bank of *England* as aforeſaid, before the ſaid Commiſſioners, or any Perſon or Perſons authorized by them, ſhall proceed to pull down any Houſe or Houſes, or other Erections or Buildings, or to make uſe of any Lands comprized in or affected by ſuch Agreement, Conveyance, Surrender, Verdict, or Mortgage reſpectively.

LV. An

Commissioners empowered to let, sell, &c. any Ground not necessary for the Purposes of the Act.

LV. And whereas some Part or Parts of the Lands, Tenements, Buildings, or Hereditaments, so to be purchased as aforesaid, may happen to be more than necessary to be made use of for the Purpose of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to sell or dispose of and convey, or cause to be sold, or disposed of and conveyed, such Part or Parts of the said Lands, Tenements, Buildings, and Hereditaments, to any Person or Persons willing to contract, agree for, or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

Former Proprietors to have Preference of taking, renting, or purchasing the same.

LVI. Provided always nevertheless, and it is hereby declared and enacted, That the former Proprietor or Proprietors of such Part or Parts of the same Lands, Tenements, Buildings, or Hereditaments, as may not be necessary to be made use of for the Purposes of this Act, shall have the Preference of taking or purchasing the same, if such former Proprietors, on Notice given to them of such Intention of the said Commissioners to sell, shall, within Three Calendar Months, agree to pay as much Money for any such Lands as shall have been or shall be offered by any other Person or Persons for the same.

Declaring what shall be Evidence of former Proprietors having refused to purchase Lands offered to them, and not wanted for the Purposes of this Act.

LVII. Provided also, and be it further enacted, That in case such former Proprietor or Proprietors of such Part or Parts of the said Lands, Tenements, Buildings, or Hereditaments, as shall or may not be necessary to be made use of for the Purposes of this Act, shall not agree, or shall refuse to purchase the same, as herein-before mentioned, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Borough of *Scarbrough*, or for the said North Riding, by some Person or Persons no way interested therein, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed, to or was refused by the former Proprietor or Proprietors respectively, to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be.

Rates.

LVIII. And, for raising Money for answering and defraying the Expences attending the obtaining of this Act, and carrying into Execution the several Purposes thereof; be it further enacted, That the said Commissioners shall and they are hereby authorized and required, once or oftner in every Year as they shall see Occasion, to cause such Sum of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malt Houses, and other Buildings, which are already made or built or shall hereafter be made or built within the said Townships as aforesaid, and upon the several Gardens, Yards, or Lands, thereto respectively belonging and adjoining, and upon all Gardens, Orchards, Paddocks, Closes, Tenements, and Hereditaments adjoining to or upon any of the Streets, Lanes, or other publick Passages or Places which are already made or built or which shall hereafter be made or built within the said Township of *Scarbrough*, according to the annual Rent or Value

Value of the ſame reſpectively, not exceeding in any one Year the Sum of Two Shillings in the Pound upon ſuch Annual Rent or Value, as the ſaid Commiſſioners ſhall think proper and neceſſary, for paying and defraying the ſeveral Charges and Expences attending the obtaining and paſſing of this Act, and of cleanſing, lighting, watching, and keeping in repair the Pavements of ſuch Streets, Lanes, and other publick Paſſages and Places as aforeſaid, and of purchaſing and providing a ſufficient Number of Lamps, Lamp Poſts, and Lamp Irons, and of keeping the ſame in repair from Time to Time, and all other Charges and Expences incidental thereto, under the Orders and Regulations by this Act provided and directed to be obſerved and made, and all other Charges and Expences incidental to and attending the Execution of this Act; ſuch annual Rent or Value to be from Time to Time ſettled, aſcertained, and fixed, according to the reſpective Rents which ſuch Houſes, Warehouſes, Shops, Cellars, Vaults, Stables, Coach Houſes, Brewhouſes, Granaries, Malt Houſes, Buildings, Gardens, Orchards, Paddocks, Cloſes, Tenements, or Hereditaments, are or ſhall be rated or taxed at or for the Relief of the Poor; but if in any ſuch Poor Rates any Perſon or Perſons ſhall be omitted to be rated, then the Name or Names of ſuch Perſon or Perſons ſo omitted, ſhall be added to the Rate or Aſſeſſment hereby directed to be made, and he, ſhe, or they, ſhall be rated and aſſeſſed according to the juſt and true Value or letting of the Premiſes by him, her, or them occupied; and where any ſuch Premiſes lie intermixed, or are jointly held with any other Premiſes that ſhall not be rated in purſuance or in virtue of this Act, then the ſame ſhall be rated and aſſeſſed in Proportion as the whole Premiſes are rated in any ſuch Poor Rates; and in caſe of ſuch Omiſſion as aforeſaid, then in Proportion to the juſt and true Value in letting of the whole Premiſes; and where in any caſe the Rates or Aſſeſſments to be raiſed and levied as aforeſaid, in reſpect of any of the Premiſes hereby made liable to be rated, cannot be ſettled, fixed, or aſcertained, by either of the Ways aforeſaid, then the ſaid Commiſſioners ſhall rate and aſſeſs ſuch Premiſes as laſt aforeſaid, at ſuch Annual Sum as they the ſaid Commiſſioners ſhall think juſt and reaſonable; and for the Purpoſes aforeſaid, or any of them, it ſhall be lawful for the ſaid Commiſſioners Yearly and every Year, as often as they ſhall ſee Occaſion, by Writing under their Hands to nominate and appoint One or more of the Inhabitants of the ſaid Townſhip of *Scarbrough* (not being of the People called *Quakers*) to be the Aſſeſſor or Aſſeſſors of ſuch Rates or Aſſeſſments as aforeſaid, and as ſoon afterwards as may be to iſſue their Order thereupon to ſuch Aſſeſſor or Aſſeſſors, who ſhall accordingly be, and he and they is and are hereby empowered and required to make ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, in all Caſes except where the Rates or Aſſeſſments ſo to be raiſed cannot be ſettled, aſcertained, and fixed in either of the Ways herein-before mentioned; and the firſt Year for which ſuch Rates or Aſſeſſments ſhall be made, ſhall commence at, and be computed from and after the Eleventh Day of *October* next after the paſſing of this Act; and the Money ſo to be rated and aſſeſſed, ſhall from Time to Time be paid by ſuch ſeveral Tenants or Occupiers as aforeſaid, and they are hereby required to pay the ſame by Half-yearly Payments to the Collector or Collectors to be appointed by the ſaid Commiſſioners as aforeſaid; but no Rate or Aſſeſſment to be made in purſuance of this Act ſhall be valid, until the ſame ſhall be allowed and ſigned by Nine of the ſaid Commiſſioners at the leaſt; and the ſaid Aſſeſſor or Aſſeſſors ſhall

appear at ſuch Time and Place as the Commiſſioners ſhall by Writing ſigned by them, order and appoint, and then and there produce and deliver to them two Copies or Duplicates of the Aſſeſſment made and ſubſcribed by ſuch Aſſeſſor or Aſſeſſors, and ſhall from Time to Time, upon reaſonable Notice to him or them given by the ſaid Commiſſioners, attend the ſaid Commiſſioners at any of their Meetings, then and there to explain ſuch Rates and Aſſeſſments; and that after ſuch Rate or Aſſeſſment ſhall be made and allowed, and ſigned, ſettled, aſcertained, and fixed as aforeſaid, and the Money thereby made payable ſhall be collected and received by the Collector or Collectors to be appointed as aforeſaid, as ſoon as may be, of and from the reſpective Perſons who ſhall be ſo rated or aſſeſſed; and the ſaid Commiſſioners ſhall from Time to Time, as ſoon as may be, after ſuch Rate or Aſſeſſment ſhall be made, allowed, and ſigned, ſettled, aſcertained, and fixed as aforeſaid, cauſe a Duplicate thereof, ſigned by them, to be delivered to the ſaid Collector or Collectors, and ſhall alſo iſſue their Orders to the ſaid Collector or Collectors, requiring him or them to collect and receive the reſpective Sums of Money made payable by ſuch Rate or Aſſeſſment; and ſuch Collector or Collectors is and are hereby authorized and required to collect and receive the ſame accordingly, and alſo Once at leaſt in every Month, or oftner if directed ſo to do by the ſaid Commiſſioners, by Writing ſigned by their Clerk for the Time being, to pay the Money ſo to be collected and received by virtue of this Act, to the Treaſurer for the Time being to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to receive the ſame, to be applied to and for the Uſes and Purpoſes herein-before mentioned; and all and every ſuch Collector or Collectors ſhall and is and are hereby required, at the Time of making every ſuch Payment of the Money ſo reſpectively collected as aforeſaid, to deliver to the Perſon or Perſons empowered to receive the ſame, a true and exact Account of all Sums of Money received by them reſpectively, and alſo of ſuch Sums of Money, Rates, or Aſſeſſments (if any) which ſhall remain uncollected, together with the Reaſons why the ſame have or had not been collected, to the End that it may appear whether ſuch Nonpayment or Non-collection happened through the Inſolvency of the Perſon rated, or through the Default of the Collector or Collectors; and if any Perſon who ſhall accept of the Office of Aſſeſſor or Collector in virtue hereof, ſhall afterwards refuſe or neglect to take upon himſelf and execute his ſaid Office, without ſhewing ſome reaſonable Cauſe, to the Satisfaction of the ſaid Commiſſioners, for ſuch Refuſal or Neglect, or ſhall wilfully make Default in the Performance of the Duty of his ſaid Office, or over-rate any Perſon or Perſons, or collect more than the Sum which ſhall have been ſo rated or aſſeſſed as aforeſaid, or otherwiſe miſbehave himſelf therein, he ſhall for every ſuch Refuſal, Neglect, Default, or Miſbehaviour, forfeit and pay any Sum not exceeding Ten Pounds, to be recovered as other Penalties are herein-after directed to be recovered, and alſo be diſcharged from his ſaid Office if the ſaid Commiſſioners ſhall think fit.

Aſſeſſors not to be appointed twice in Five Years.

LIX. Provided always and be it further enacted, That no Perſon ſo nominated or appointed an Aſſeſſor, and who ſhall have ſerved ſuch Office, or ſhall have paid ſuch Penalty as aforeſaid for not ſerving the ſame, ſhall be again compellable to ſerve the ſaid Office in leſs than Five Years after the End of ſuch Service or Payment of ſuch Penalty.

LX. And,

Commissioners, in order to ascertain the Rates, may order the Parish Rate Books or Land Tax Books to be produced and Copies thereof made.

LX. And, in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to cause any of the Books or Assessments of Rates towards the Relief of the Poor of the said Township of *Scarbrough*, and if they shall think fit any of the Books or Assessments of the Land Tax, to be brought before them, and to take Copies of such Books or Assessments, or of any Part thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be, shall refuse or neglect to attend the said Commissioners with such Books or Assessments, or to permit them to take Copies thereof, then and in every such case such Person who shall so refuse or neglect, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

If Assessors assess the Rates improperly, Commissioners may amend or alter the old Rates.

LXI. And be it further enacted, That if such Assessor or Assessors shall at any Time or Times hereafter, in any Rates or Assessments by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay or to be charged with such Rates or Assessments, or shall in such Assessments under-rate any such Person or Persons liable to pay such Rates or Assessments, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rates or Assessments, such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so under-rated, or amend such Rates or Assessments as aforesaid, in such Manner as to the said Commissioners shall seem just and reasonable; and that the said Commissioners shall and may and they are hereby empowered to strike out the Name or Names of any Person or Persons whom they shall determine not to be liable to the Payment of the Rates hereby directed to be made; and that all such Additions to or Alterations in the old or former Rates or Assessments, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been Part of the original or old or former Rates or Assessments; any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding.

Tenants to pay the Rates.

LXII. And be it further enacted, That if the Tenant or Occupier of any Messuage, House, Warehouse, Shop, Cellar, Building, Garden, Land, Tenement, or Hereditament, upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act shall at any Time neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Fourteen Days after the same shall be due and Demand made thereof, by Notice in Writing under the Hand or Hands of the Collector or Collectors of the said Rates, to be delivered to such Tenant or Occupier, or left at his or her Dwelling House or usual or last Place of Abode, or at the Tenement occupied, then upon Proof thereof upon Oath (or Affirmation being a *Quaker*) before any Justice of the Peace for the said Borough of *Scarbrough*, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of such Justice of the Peace, and which Warrant such Justice is hereby authorized and required to grant, rendering the Overplus (if any) after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Charges and Expences attending the

the Recovery thereof, to the Owners of such Goods and Chattels, upon Demand.

How Rates to be paid by Tenants quitting or entering.

LXIII. And be it further enacted, That in all cases where any Person shall remove from or quit any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in Proportion to the Time that he or she occupied the same, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person shall come into or occupy any such Messuage, Warehouse, Buildings, Gardens, Lands, Tenements, or Hereditaments as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was or were empty or unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable to any such Rate or Assessment in Proportion to the Time that he or she shall occupy the same, in the same Manner as if he or she had been originally rated or assessed for such Messuage, Warehouse, Buildings, Gardens, Lands, Tenements, or Hereditaments, which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable; and in case any Person, who having been so rated and assessed as aforesaid, shall quit his or her Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, before he or she shall have paid such Rate or Rates, or proportionable Part or Parts thereof, by him or her due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the City, County, Riding, Division, Liberty, Town, or Place, where such Person shall remove to or reside, or where any Goods or Chattels of such Person shall be found (which Warrant such Justice is hereby required to grant, upon Proof made of the Sum so due before him, upon Oath of a credible Witness or Witnesses (or Affirmation being a *Quaker*) to levy such Rate or Rates, or proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus and the Goods and Chattels remaining (if any be) upon Demand, after Payment of the Money due in respect of such unpaid Rate or Rates, or proportionable Part or Parts, and all Expences attending the Recovery thereof, unto the Person or Persons whose Goods and Chattels have been so distrained and sold.

Persons removing.

If more than one Tenant or Occupier any One may be liable to pay the Rates.

LXIV. And be it further enacted, That where any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, shall be let or demised to more than one Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act; and the said Rates or Assessments shall be levied by Distress and Sale in Manner last herein-before mentioned, of all or any of the Goods and Chattels in such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament.

Exemption from Rates.

LXV. Provided always, and be it further enacted, That no Person shall be rated or pay the Rates or Assessments which shall be made by virtue

virtue or in purſuance of this Act, who ſhall occupy a Houſe or Houſes within the ſaid Townſhip of leſs than the Yearly Value of Five Pounds, and no Rate or Aſſeſſment ſhall by virtue of this Act be charged or made payable by any Perſon, who by reaſon of his or her own Poverty only is or ſhall be excuſed from paying any Rate made for the Relief of the Poor, nor ſhall any Perſon be charged or rated in or by ſuch Rate or Aſſeſſment as aforeſaid, in or on account of any Lands whatſoever, which ſhall at the Time of making any ſuch Rate or Aſſeſſment be uſed as Arable Land, Meadow, or Paſture Ground only, and ſhall not adjoin to ſome Street, Lane, or other publick Paſſage or Place which ſhall be watched and cleanſed in virtue or purſuance hereof.

Houſes, &c. unoccupied not to be rated.

LXVI. Provided alſo, and be it further enacted, That no Meſſuage, Warehouſe, Building, Garden, Tenement, or Hereditament, hereby made liable to be rated or aſſeſſed, ſhall be charged or chargeable with any Rate or Aſſeſſment as aforeſaid, during the Time the ſame be empty or unoccupied, and excuſed from Payment of the Aſſeſſed Taxes upon Houſes and Windows on that Account.

Commiſſioners to adjudge what Houſes, &c. ſhall not be rated.

LXVII. And whereas there are and may be ſeveral Meſſuages, Buildings, Tenements, Lands, and Grounds, which by reaſon of their Diſtance from the ſaid Streets, Lanes, or publick Paſſages or Places, or from other Cauſes, can receive little or no Advantage from the general watching, lighting, or cleanſing thereof, and others which are or may be ſo ſituated or circumſtanced as to render it unneceſſary or inexpedient to light, watch, or cleanſe the ſame; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners to adjudge and determine how far it may be expedient to light, watch, or cleanſe ſuch diſtant Place or Places ſo ſituated as aforeſaid, and which of the Meſſuages, Buildings, Tenements, Lands, and Grounds, ſhall be liable to be rated and aſſeſſed as herein-before is directed; and that it ſhall not be lawful for the ſaid Commiſſioners to lay any Rate or Aſſeſſment on ſuch Meſſuages or other Premiſes, as they ſhall ſo adjudge and determine to be at ſuch Diſtance, or to be ſo circumſtanced, as not to receive adequate Advantage from the general Purpoſes of this Act.

Perſons aggrieved by Rates may apply to the Commiſſioners.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Aſſeſſment, Rates or Aſſeſſments, which ſhall be made in purſuance of this Act, ſuch Perſon or Perſons ſhall and may firſt apply for Relief to the ſaid Commiſſioners at the Firſt or Second Meeting to be holden next after Demand ſhall be made of ſuch Rate or Aſſeſſment; and the ſaid Commiſſioners are hereby authorized and empowered, if they ſhall think the Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable; and if any Perſon or Perſons ſo applying to ſuch Commiſſioners, ſhall not be ſatisfied with their Order or Determination, or ſuch Application ſhall not be attended to by the ſaid Commiſſioners at ſuch Firſt or Second Meeting as aforeſaid, then ſuch Perſon or Perſons ſhall nevertheleſs be obliged to pay ſuch Rate, and then and not before may appeal, in the Manner herein-after mentioned, to the General Quarter Seſſions of the Peace to be holden in and for the North Riding of the ſaid County of *York*, for Relief in the Premiſes.

Commissioners empowered to borrow Money on the Credit of the Rates.

LXIX. And, for the more effectually enabling the said Commissioners to execute the Purposes of this Act in the most expedient Manner, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time when they shall judge it necessary, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments to be made by virtue of this Act, for the Purposes aforesaid, so as that there shall never be more than the Sum of Three thousand Pounds Principal Money owing at any one Time upon the Credit of such Rates or Assessments, and by any Writing or Writings upon Vellum or Parchment, signed by the said Commissioners, to assign the said Rates or Assessments, or a competent Part thereof, to such Person or Persons as shall advance or lend such Money thereupon, as a Security or Securities for the several Sums so borrowed, with lawful Interest for the same, which Interest shall be payable and paid Half-yearly by the Treasurer for the Time being to the said Commissioners out of the Money to arise or be levied by or from the said Rates and Assessments; and all and every Sum and Sums of Money so to be advanced and lent, and the Interest thereof, shall be and are hereby charged upon, and shall be paid and payable from Time to Time, free from all Charges, Taxes, and Deductions, out of the Money arising from the said Rates or Assessments hereby authorized or directed to be made and levied as aforesaid, and of all Charges, Taxes, and Deductions whatsoever, of the same Principal Money or the Interest thereof; and all Persons who shall be possessed of the said Securities, shall be Creditors on the said Rates or Assessments without Preference in respect to the Time of his, her, or their advancing Money thereon, or otherwise howsoever; and every such Grant, Assignment, or Security, shall be in the Form or to the Effect following; that is to say:

Form of the Grant or Security.

'BY virtue of an Act, passed in the Forty-fifth Year of the Reign of King *George* the Third, intituled, [*set forth the Title of this Act*] We Nine of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of advanced and paid by to the Treasurer appointed in pursuance of the said Act upon the Credit and for the Purposes of the said Act, do grant and assign unto the said his [*or her*] Executors, Administrators, and Assigns, such Proportions of the Rates or Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the same Act; To be had and holden from this until the said Sum of with Interest at *per Centum per Annum* for the same, to be paid Half-yearly, shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals, this Day of

And every such Grant or Mortgage shall be good, valid, and effectual in Law.

Notice to be given before Money shall be borrowed.

LXX. Provided nevertheless, and be it further enacted, That before any such Money shall be borrowed at Interest as herein-before mentioned, Fourteen Days Notice, signifying the Intention of borrowing such Money

Money at Intereſt as aforeſaid, ſhall be given and publiſhed in the Manner firſt herein-before mentioned, with reſpect to other Notices to be given by virtue of this Act.

Securities may be transferred.

LXXI. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons entitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, and Aſſigns, at any Time or Times by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities by Indorſement to any Perſon or Perſons whomſoever, and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, or the Perſon or Perſons for the Time being entitled to ſuch Securities, may in like Manner aſſign or transfer the ſame; and every ſuch Aſſignment or Transfer, after the ſame ſhall reſpectively be entered by the Clerk for the Time being to the ſaid Commiſſioners in the Manner herein-after directed, (and which he is required to do for ſuch Fee or Reward as is herein-after mentioned), ſhall entitle the Perſon or Perſons to whom they ſhall be reſpectively made, or who ſhall be for the Time being entitled thereto, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred; and the Form of ſuch Aſſignment or Transfer ſhall be in the Words or to the Effect following; that is to ſay:

Form of Aſſignment or Transfer.

‘ I [*or*, we] being entitled to the Sum of
‘ of payable with Intereſt after the Rate
‘ payable to me [*or*, us] my [*or*, our] Executors, Adminiſtrators, or Aſſigns by virtue of a Mortgage [*or*, Aſſignment] bearing
‘ Date the Day of under the Hands and Seals of
‘ of the Commiſſioners acting in the Execution of an Act,
‘ paſſed in the Forty-fifth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act*] upon the Credit or ariſing out of
‘ the Rates or Aſſeſſments ariſing by the ſaid Act, do hereby transfer all
‘ my [*or*, our] Right and Title in and to the ſame and the Money now
‘ due and to grow due thereon, unto his Executors,
‘ Adminiſtrators, and Aſſigns, ſubject to ſuch Right of Redemption of
‘ the ſame Sum and Intereſt, as by the ſaid Act the ſame is liable or
‘ made ſubject to. Dated this Day of
‘ in the Year

Mortgages may be redeemed by by the Commiſſioners.

LXXII. Provided always, and be it further enacted, That every Grant, Aſſignment, or Mortgage, which ſhall be made by virtue of this Act, for any Sum of Money which ſhall be borrowed by the ſaid Commiſſioners on the Credit of the ſaid Rates or Aſſeſſments, as herein-before is mentioned, ſhall be made liable or ſubject to, and may be redeemed by the ſaid Commiſſioners, at ſuch Times and in ſuch Manner as the ſaid Commiſſioners ſhall think fit, Six Calendar Months previous Notice having been given to the Perſon or Perſons entitled to ſuch Sum lent on the Credit of ſuch Rates or Aſſeſſments, by the ſaid Commiſſioners of their Intention of redeeming the ſame, and full Payment of the Principal Sum ſo borrowed, and Intereſt after the Rate at which the ſame ſhall be ſo borrowed, being made to ſuch Perſon or Perſons; and he, ſhe, or they may and are authorized to call for the Payment thereof, as he, ſhe, or they ſhall think fit, giving the like Notice to the ſaid Commiſſioners or their Clerk.

LXXIII. And

Intereſt of Mortgages how to be recovered.

LXXIII. And be it further enacted, That in caſe the Intereſt for the ſaid Mortgages or any Part thereof, ſhall be behind and unpaid by the Space of Thirty Days next after the ſame ſhall become due and be payable as aforeſaid, and have been demanded, then it ſhall and may be lawful for the ſaid Commiſſioners and they are hereby required on Application to them made by any Creditor or Creditors whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands and Seals, to appoint one or more Perſon or Perſons to receive the Whole or any Part or Parts of the ſaid Rates or Aſſeſſments, and that the Money ſo to be received by ſuch Perſon or Perſons, ſhall be ſo received to and for the Uſe and Benefit of the Perſon or Perſons to whom ſuch Intereſt in Arrear ſhall be due, and ſhall be paid to him, her, or them accordingly; and when the Intereſt ſo in Arrear, as well as the Intereſt which ſhall accrue and grow due whilſt the Perſon or Perſons ſo to be appointed as aforeſaid ſhall be in the Receipt of ſuch Rates and Aſſeſſments, together with the Coſts and Charges of recovering, receiving, and paying over the ſame in Manner aforeſaid, ſhall be fully ſatisfied and paid, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid, ſhall ceaſe and be at an End; or otherwiſe, if ſuch Creditor ſhall think proper, ſuch Intereſt ſo due and in arrear as aforeſaid, ſhall and may be ſued for and recovered by him, her, or them, with Coſts of Suit, by an Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Clerk to enter all Securities for Money borrowed.

LXXIV. And be it further enacted, That the Clerk for the Time being to the ſaid Commiſſioners, ſhall enter in a Book to be for that Purpoſe provided and kept, Copies of all Securities for Money borrowed on Mortgage by virtue or in purſuance of this Act, and Extracts or Memorials of all Aſſignments or Transfers thereof, expreſſing in Words at length the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of all ſuch Perſons as ſhall from Time to Time be entitled to ſuch Securities by Mortgage, to which Book and Books the Perſon and Perſons intereſted ſhall at all ſeaſonable Times have Acceſs, with free Liberty to inſpect the ſame without Fee or Reward; and for the Entry of every ſuch Transfer of the Grant or Aſſignment of the ſaid Rates or Aſſeſſments, the ſaid Clerk ſhall be paid by the Perſon to whom ſuch Transfer ſhall be made, the Sum of Two Shillings and Sixpence and no more; and after every ſuch Entry made of any ſuch Transfer, every ſuch Transfer ſo entered ſhall entitle the Perſon to whom the ſame ſhall be made, and his, her, or their Executor, Adminiſtrator, or Aſſign, to the Benefit of the Security thereby transferred.

Application of the Money received, and the Treaſurer to pay the ſame as the Commiſſioners direct.

LXXV. And be it further enacted, That the Monies to be received by virtue of this Act, ſhall be from Time to Time applied and diſpoſed of for the ſeveral Purpoſes of this Act, and the Treaſurer for the Time being to the ſaid Commiſſioners ſhall and is hereby authorized and required to pay and apply all ſuch Monies as he or they ſhall reſpectively receive by virtue hereof, to ſuch Perſon or Perſons, and in ſuch Manner, and at ſuch Time and Times as the ſaid Commiſſioners ſhall from Time to Time, by any Order or Orders under their Hands, direct and appoint; and the ſaid Commiſſioners are hereby empowered to make ſuch Order or Orders accordingly.

LXXVI. And

For Recovery and Application of Costs, Penalties, and Forfeitures.

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act to be incurred or imposed, and all Costs, Charges, and Expences allowed, ordered, or directed to be paid by the Authority of this Act, or of any Rules, Orders, or Bye Laws made or to be made in pursuance thereof, the Manner of levying and recovering whereof is not herein otherwise directed, shall from Time to Time be levied, recovered, or ascertained and settled as follows; that is to say, all such Costs, Penalties, and Forfeitures, in case the same is or are not paid by the Person or Persons incurring the same to the said Commissioners, or their said Treasurer or Clerk, on Demand, or on Notice thereof in Writing signed by the said Commissioners or their said Treasurer or Clerk, being given to him, her, or them, or left at his, her, or their last or usual Place or Places of Residence or Abode, shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons offending, or directed to pay the same, by Warrant under the Hands and Seals of any Two Justices of the Peace acting in and for the Riding, Division, Liberty, Town, or Place, where such Offender or other Person shall be and reside, or where his or her Goods and Chattels shall be found, which Warrant such Justices of the Peace are hereby authorized and required, to grant and issue upon the Confession of the Party offending, or upon the Information of One or more credible Witness or Witnesses upon Oath (or Affirmation being a *Quaker*); and in case sufficient Distress shall not be found, and such Costs, Charges, and Expences, or any of them, shall not be paid on Demand, it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in and for the Borough of *Scarbrough* aforesaid, or of the City, County, Riding, Division, Liberty, Town, or Place where such Offender shall be or reside, as the Case may be, there to remain without Bail or Mainprize, for any Time not exceeding Two Calender Months nor less than One Calendar Month, unless such Costs, Charges, and Expences shall be sooner paid and satisfied; and in all Cases of Distress and Sale as aforesaid, the Overplus (if any) of the Monies to arise thereby, after deducting the Costs and Charges attending the Recovery of such Penalties, Forfeitures, and Costs, and all other Expences incident thereto, shall be paid upon Demand to the Party or Parties whose Goods and Chattels shall have been so distrained and sold as aforesaid.

Directing the Application of Penalties, Forfeitures, and Costs.

LXXVII. And be it further enacted, That the respective Penalties, Forfeitures, and Costs, when recovered by this Act, shall be paid to the Treasurer for the Time being to the said Commissioners, or to such other Person or Persons as the said Commissioners shall think proper and direct, and shall be applied and disposed of for the Purposes of this Act, and to and for no other Use or Purpose whatsoever.

For rewarding Informers.

LXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures hereby made payable, or any of them, as they shall think proper, not exceeding One Moiety thereof respectively, to and for the Use of the Informer or Informers of any Offence or Offences against this Act; any Thing herein contained to the contrary notwithstanding.

 LXXIX. And

Directing the Manner of ſerving Notices.

LXXIX. And be it further enacted and declared, That all Notices and Summonſes which are directed or required to be given by this Act, or which are or may be directed and required to be given by any Rules, Orders, or Bye Laws made or to be made in purſuance of this Act, or which ſhall or may be neceſſary for carrying into Execution any of the Powers of the ſame, or any ſuch Rules, Orders, or Bye Laws of which the Manner of ſerving the ſame is not particularly directed by this Act, the Service of any ſuch Notice or Summons, either on the Perſon to whom the ſame ought to be given, or leaving the ſame or a true Copy thereof, ſigned by the Clerk for the Time being to the ſaid Commiſſioners at his or their Dwelling Houſe or uſual or laſt Place of Abode, ſhall be good and ſufficient Service of any ſuch Notice or Summons.

Proceedings to be within Six Months.

LXXX. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences againſt this Act, or againſt any Rule, Order, or Bye Law to be made in purſuance thereof, unleſs ſome Proceedings or Notice of ſome intended Proceedings ſhall be had or given according to the Direction of this Act, or of ſuch Rule, Order, or Bye Law, reſpecting ſuch Offence or Offences within Six Calendar Months next after ſuch Offence committed.

In Caſes of Verdict in favour, Perſons convicted to pay Double Coſts.

LXXXI. And be it further enacted, That if any Action or Actions ſhall be brought againſt any Perſon or Perſons for any Thing relating to this Act, or the Powers herein contained, and a Verdict ſhall be had and given againſt the Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts; and the Plaintiff or Plaintiffs in ſuch Action or Actions ſhall have ſuch Remedy and Remedies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts in any other Caſe by Law.

Declaring that Inhabitants ſhall be competent Witneſſes in all Actions concerning the Execution of this Act.

LXXXII. And it is hereby further enacted, That in all Actions, Proſecutions, Informations, and Cauſes of Proceedings whatſoever, relating to or concerning the Execution of this Act, or of any Rule, Order, or Bye Law made in purſuance thereof, no Inhabitant of the ſaid Township of *Scarbrough* ſhall be deemed incompetent to give Evidence by reaſon of his or her being ſuch Inhabitant, or by reaſon of his or her being rated or aſſeſſed to, or paying any of the Rates or Aſſeſſments to be impoſed by virtue of this Act.

For compelling the attendance of Witneſſes.

LXXXIII. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before any Juſtice or Juſtices of the Peace in and for any County, Riding, Diſtrict, Liberty, Diviſion, or Place whatſoever, touching any Matter of Fact contained in any Information or Complaint for any Offence againſt this Act, or againſt any Rule, Order, or Bye Law made in purſuance thereof, whether on the Part of the Proſecutors or of the Perſon or Perſons complained of, and which Summons ſuch Juſtice or Juſtices as aforeſaid are hereby authorized to iſſue, where and in ſuch Caſes only as ſuch Juſtice or Juſtices as aforeſaid, as the Caſe may be, are made

made competent by this Act to hear and determine the ſame; and if any ſuch Perſon or Perſons ſo ſummoned as aforeſaid, ſhall refuſe or neglect to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for ſuch his, her, or their Refuſal or Neglect, to be approved of by ſuch Juſtice or Juſtices, or appearing ſhall refuſe to be examined on Oath (or on ſolemn Affirmation being a *Quaker*) and to give Evidence before ſuch Juſtice or Juſtices of the Peace, then and in every ſuch Caſe every ſuch Perſon ſhall forfeit for every ſuch Offence any Sum not exceeding Forty Shillings.

Perſons taking a falſe Oath to be guilty of Perjury.

LXXXIV. And be it further enacted by the Authority aforeſaid, That any Perſon or Perſons who ſhall be convicted of wilfully taking a falſe Oath, or being One of the People called *Quakers* in making a falſe Affirmation, in any of the Caſes in which an Oath or Affirmation is or are by this Act directed or required to be taken, ſhall be liable to the Pains and Penalties to which Perſons are liable for wilful and corrupt Perjury.

LXXXV. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act or againſt any Rule, Order, or Bye Law, to be made in virtue or purſuance thereof, and over which ſuch Juſtice or Juſtices has or have hereby Cognizance, ſhall and may cauſe the Conviction to be drawn up in the Form of Words or to the Effect following; that is to ſay:

Form of Conviction.

Borough of Scarbrough in the County of York, or North Riding of the County of York, *as the Caſe may be.*

'BE it remembered, That on the Day of in the Year of the Reign of His Majeſty King *George* the Third, One thouſand eight hundred and is [*or*, are] convicted before me [*or*, us, *as the Caſe ſhall be*] One [*or*, Two, *as the Caſe ſhall be*] of His Majeſty's Juſtices of the Peace for the Borough of *Scarbrough*, in the County of *York*, or for the North Riding of the County of *York*, [*as the Caſe may be*] by virtue of an Act, paſſed in the Forty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here inſert the Title of this Act*] of [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*] or contrary to a certain Bye Law made on the Day of One thouſand eight hundred and purſuant to the ſaid Act, for which Offence I [*or*, we, *as the Caſe ſhall be*] have adjudged the ſaid to have forfeited the Sum of [*but if mitigated*], which I [*or*, we, *as the Caſe ſhall be*] mitigate to the Sum of Given under my Hand and Seal [*or*, our, *as the Caſe ſhall be*, Hands and Seals] the Day and Year firſt above written."

Diſtreſs not to be deemed unlawful for Want of Form.

LXXXVI. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant, Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining

diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done or committed by the Party or Parties diſtraining; but the Perſon or Perſons aggreived by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irreguiarity or other Proceedings, unleſs Notice in Writing ſhall be given to the Clerk for the Time being to the ſaid Commiſſioners Twenty-one Days before ſuch Action ſhall be brought or commenced, of ſuch intended Action for ſuch Irregularity, by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of Action; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties, who ſhall have committed or cauſed to be committed any ſuch Irregularity or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action by Leave of the Court where ſuch Action ſhall depend, at any Time before iſſue joined, to pay into ſuch Court ſuch Sum of Money as he, ſhe, or they ſhall ſee fit, whereupon ſuch Proceedings or Orders and Judgements ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quaſhed for Want of Form.

LXXXVII. And be it further enacted, That no Proceedings to be had and taken in purſuance of this Act, ſhall be made void, quaſhed, or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; any Law or Statute to the contrary thereof notwithſtanding.

Limitation of Actions.

LXXXVIII. And be it further enacted, That no Action, Suit, or Information, ſhall be commenced againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or of the Orders and Directions herein-before given and granted, or in Execution of the Powers and Authorities hereof, until Twenty-one Days Notice thereof ſhall be firſt given in Writing to the Clerk to the ſaid Commiſſioners for the Time being, ſigned by the intended Plaintiff or Plaintiffs, of the Cauſe and Intention of and for commencing ſuch Action or Suit, nor at any Time whatſoever after ſufficient Satisfaction or Tender thereof ſhall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be brought; and in caſe there ſhall be a Continuation of Damages, then not after Six Calendar Months next after the doing or committing ſuch Damage ſhall ceaſe and not otherwiſe; and all ſuch Actions and Suits ſhall be laid and tried in the County of *York*, and not in any other County or Place; and that the Defendant or Defendants in every ſuch Action or Suit may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act, or of ſome Rule, Order, or Bye Law made in purſuance thereof; and if the ſame Matter or Thing ſhall appear to have been ſo done, or if it ſhall happen that ſuch Action or Suit was brought before Twenty-one Days Notice thereof given as aforeſaid

or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time hereinbefore for that Purpoſe limited, or ſhall be laid or brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants therein; and alſo if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions or Judgement, after the Defendant or Defendants ſhall have appeared thereto, or if Judgement ſhall be given for the Defendant or Defendants therein, or if any Verdict ſhall paſs upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or may have for his, her, or their Coſts in any other Caſes by Law.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Aſſeſſment to be laid or aſſeſſed, or by any other Order or Judgement made or given, or any other Thing done in purſuance of this Act, or of any Rule or Bye Law to be made in virtue thereof, ſuch Perſon or Perſons ſhall and may, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, under or from any Act or Acts made or done by the ſaid Commiſſioners, or of any Juſtice or Juſtices of the Peace, appeal to the Juſtices of the Peace at their General Quarter Seſſions of the Peace to be holden in and for the North Riding of the County of *York*, ſuch Appellant in either Caſe firſt giving or cauſing to be given Twenty-one Days Notice at the leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk for the Time being to the ſaid Commiſſioners, in Caſe ſuch Appeal is from any Act or Acts made or done by the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace, and to the Perſon or Perſons who is or are intereſted, or may be affected by any ſuch Appeal, and within Twenty-one Days after Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid North Riding of the County of *York*, with Two ſufficient Sureties, (which Recognizance ſuch Juſtice is hereby authorized and required to take), conditioned to try ſuch Appeal, and to abide ſuch Order as ſhall be made, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions, or at any Adjournment thereof; any ſuch Juſtice of the Peace for the ſaid North Riding of the County of *York*, ſhall and may thereupon ſummon the Witneſſes both on the Part of the Appellant and Reſpondent to appear at ſuch Seſſions; and upon due Proof of Notice having been given, and of entering into Recognizance as aforeſaid, ſuch Juſtices ſhall hear and finally determine the Cauſes and Matters of every ſuch Appeal in a ſummary Way, and ſhall award ſuch Reſtitution, Damages, and Coſts, to the Party or Parties ſo appealing or appealed againſt, and with or without the Whole or any Part of the Coſts, Charges, and Expences of proſecuting or defending ſuch Appeal, as the ſaid Juſtices ſhall think proper; and their Determination ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Perſon appealing to have a Copy of his

XC. And be it further enacted, That when any Perſon ſhall appeal from and againſt any Determination or Conviction as aforeſaid, the Juſtice or Juſtices, making ſuch Determination or Conviction, ſhall, upon the Requeſt

Conviction delivered to him.

Request of the Person appealing, deliver or cause to be delivered to such Person, his or her Attorney or Agent, a Copy of such Determination or Conviction, at least Twelve Days before such Appeal is to be tried, for which Copy the Persons applying for the same shall pay to the said Justice or Justices, his or their Clerk or Clerks, the Sum of Two Shillings and Sixpence, and no more; but if it shall happen that the said Justice or Justices, cannot conveniently cause the said Determination or Conviction to be drawn up so as to be delivered Twelve Days before such Appeal is to be tried, then the said Determination or Conviction shall be returned to and filed at the next Quarter Sessions of the Peace to be holden in and for the said North Riding of the County of *York*; and in that case the Hearing of the said Appeal shall stand over and be adjourned to the then next Quarter Sessions, when and where the same shall be finally determined in Manner aforesaid.

This Act not to prejudice the Rights of the Lords of the Manor or reputed Manor of Scarbrough

XCI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, Property, Power, Privilege, Franchise, or Authority of the Bailiffs and Burgesses of *Scarbrough*, as Lords of the Manor or reputed Manor of *Scarbrough* aforesaid, or as Lords of the Fairs and Markets within the said Town; but all and every such Rights, Interests, Properties, Powers, Privileges, Franchises, and Authorities, may be exercised and enjoyed in as full and ample Manner, to all Intents and Purposes, as the same were exercised and enjoyed before the passing of this Act.

Publick Act.

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

SCHEDULE

SCHEDULE to which the foregoing Act refers.

Without Newbrough Gates:

All or Part of
Twelve Stables, belonging to and occupied by John Houſon.

At the Corner leading from a Street called Harding's Walk to the Sands:

The like of
Certain Outbuildings belonging to and occupied by Dorothy Feather-ſtonhaugh, Widow.

In Newbrough, or the Market Place:

The like of
A Dwelling Houſe, Shop, and Yard, belonging to Joſeph Wilſon and Mary his Wife, occupied by John Jefferſon and Robert Morley.

At the Corner of Newbrough Street adjoining thereto, and on Longroom Street, alſo upon the laſt-mentioned Dwelling Houſe:

The like of
A Dwelling Houſe and Shop belonging to the ſaid Joſeph Wilſon and Mary his Wife, occupied by Matthew Todd.

In Longroom Street aforeſaid, adjoining on the laſt-mentioned Premiſes:

The like of
Four Dwelling Houſes and Shops, with the Yard on the Backſide thereof, belonging to John Iſaac Skelton, Eſther Johnſon the Wife of Thomas Johnſon, Mary Andrew the Wife of Robert Andrew, Kitty Thompſon the Wife of the Reverend Jonas Thompſon, and Frances Etherington the Wife of John Etherington, now occupied by Joſeph Bell, William Winter, Hugh M'Kean, and James Brown.

In Longroom Street aforeſaid, adjoining the laſt-mentioned Premiſes:

The like of
Two Dwelling Houſes, Shops, and Yards, belonging to the ſaid John Iſaac Skelton, Kitty Thompſon, and Frances Etherington, occupied by Hannah Wood, Widow, George Dixon, and the ſaid John Iſaac Skelton.

In the Road leading from Blackfriar Gate otherwiſe Beaſtmarket, towards Whitby:

A Part of
A Croft or Parcel of Land, Ground, and Garden belonging to Anthony Thorpe, now unoccupied.

In

In Friars Entry:

The like of
A Close or Croft called The Green, the Property of Foord Newton a Minor, in the Occupation of William Medd,

Also, of another Croft or Parcel of Ground there, belonging to the said Foord Newton, in the Occupation of Sarah Holliday.

Also all or Part of
A Dwelling House and Shop, belonging to and in the Occupation of George Tinker.

At the North West Corner of Longwest Gate:

The like of
A Dwelling House and Garden, the Property of Thomas Newton a Minor, now occupied by Thomas Johnson.

In Longwest Gate aforesaid, adjoining the Garden last-mentioned:

The like of
Four Dwelling Houses and a Stable, with the Yards and Outbuildings on the Backside thereof, belonging to Edward Truman, occupied by himself, John Kirby, and James Fawcett.

At the Corner of Tollergate and in Longwest Gate:

Part of
A Garden adjoining the last-mentioned Premises, belonging to Allatson Burgh, in the Occupation of William Nordas.

At the South East Corner of Longwest Gate aforesaid or Highwest Gate:

All or Part of
A Tenement or Dwelling House belonging to Bromley Widow, and occupied by William Huetson.

At the North East Corner of Longwest Gate or Highwest Gate aforesaid:

All or Part of
Two Tenements or Dwelling Houses, originally built for the Poor, and a small Yard adjoining, occupied by Rachael Morfitt and Hannah Bidlington.

On the West Side of Bland's Cliff, leading to the Sands:

The like of
A Dwelling House belonging to and in the Occupation of John Chapman.

Also of
A Dwelling House in Three Tenements, adjoining the last-mentioned Dwelling House, belonging to the said John Chapman, and occupied by Thomas Hill, John Chambers, and John Kimmins.

Also of
A Dwelling House belonging to Joseph Westerman, in his own Occupation.

Alſo of
A Dwelling Houſe called the Blue Bell Inn, belonging to Robert Marſhitt, in the Occupations of John Caſs the elder, John Caſs the younger, William Harriſon, and John Harriſon.

Alſo of
A Piece of Ground on the South of the ſaid Blue Bell Inn belonging to Bland Widow, and her Sons, occupied by the ſaid William Harriſon and John Harriſon.

Alſo of
A Piece of Ground or Cliff, and Timber Yard, with the Warehouſes adjoining, belonging to and in the Occupation of Stephen Wharton.

Alſo of
A Timber Yard, the Property of William Chambers, occupied by himſelf and Samuel Staveley.

Alſo of
A Piece of Ground adjoining the Sea Shore, the Property of Edward Donner, occupied by himſelf and William Newham.

On the Eaſt Side of Blands Cliff:

All or Part of
Ten Dwelling Houſes or Tenements, belonging to the ſaid Bland Widow, and her Sons, in the ſeveral Occupations of Thomas Barrett, Headley Widow, Samuel Stavely, Hebden, Owſton Widow, Spark, Poſtgate, Allanſon Widow, John Rowntree, and the ſaid Bland Widow.

At the Bottom of Newbrough Street, or the Market Place, the Corner of Croſs Street and Carrgate:

The like of
A Shop belonging to John Bland, in the Occupation of William Medd.

At the Bottom of Carrgate:

The like of
A Dwelling Houſe known by the Sign of The Laſt, belonging to Elizabeth Wood Spinſter, and Ann Lakin Widow, in the Occupation of Joſeph Goodbairn.

At the Corner of Carrgate leading to Merchants Row, and oppoſite the laſt-mentioned Dwelling Houſe.

The like of
A Dwelling Houſe and Shop belonging to and occupied by John Caſs.

At the Lower Corner of Carrgate on Leadenpoſt Street, leading to Merchants Row.

The like of
A Dwelling Houſe and Shop belonging to the ſaid Elizabeth Wood and Ann Lakin, in the Occupation of John Armſtrong.

On the North Side of Merchants Row or Palace Hill:

The like of
A Staith, belonging to the Heirs of Henry Preiſtman deceaſed, in the Occupations of Jonathan Flounders, William Boſs, and Matthew Webſter.

Alſo of
Two Tenements or Dwelling Houſes, belonging to James Fox, occupied by Eleanor Jarratt, William Lawſon, William Abram, and George Taylor.

Alſo of
Two Warehouſes, belonging to John Taylor, occupied by himſelf and Robert Garnett.

Alſo of
A Staith, belonging to Darley Spinſter, in the Occupation of Tomlinſon Shaw Spinſter.

Alſo of
One Warehouſe and a Staith, belonging to John Fox the younger, in the Occupations of James Walker and John Daviſon.

Alſo of
A Warehouſe, belonging to and in the Occupation of Hannah Palmer Spinſter.

Alſo of
A Dwelling Houſe, belonging to Samuel Stavely, occupied by William Stockdale.

Alſo of
Two Tenements or Dwelling Houſes, belonging to Hodgſon Stonehouſe, occupied by Sarah Appleby and Thomas Woodall.

Alſo of
A Tenement or Dwelling Houſe, belonging to Sarah Arnell Spinſter, occupied by Elizabeth Trott and Henry Broadrick.

Alſo Part of
A Piece of Ground, belonging to the Diſſenting Meeting Houſe.

The like of
A Dwelling Houſe, belonging to Sir Charles Hotham Baronet, occupied by John Bell, Thomas Taylor, and Simeon Stockdale.

In Sawden Entry, adjoining the North Side of Palace Hill:

All or Part of
Three Tenements or Dwelling Houſes, belonging to the Heirs of Parkin Widow, deceaſed, in the Occupation of Charles Rowbottom, Thomas Kitching, and Henry Broadrick.

On the South Side of Merchants Row:

All or Part of
A Tenement or Dwelling Houſe, belonging to and occupied by Mary Harriſon.

Alſo

Alſo of
Two Tenements or Dwelling Houſes, belonging to William Henry, in the Occupations of Daniel Walker and William Davy.

Alſo of
A Tenement or Dwelling Houſe, belonging to and occupied by Eleanor Holmes ſpinſter.

On the Weſt Side of Sandgate:

All or Part of
A Dwelling Houſe, belonging to Temple Widow, in the Occupation of Henry Brown.

Alſo of
A Dwelling Houſe, belonging to Owſton Widow, and Popplewell, in the Occupations of Frances Carnill Widow, and William Laycock.

On the Eaſt Side of Weſt Sandgate:

All or Part of
A Dwelling Houſe or Tenement, belonging to the Heirs of the ſaid Parkin, in the Occupation of Thomas Sleightholm.

Alſo of
A Gateway or Piece of Ground, belonging to the Heirs of the ſaid Parkin now unoccupied.

Alſo of
A Dwelling Houſe or Tenement, belonging to to the Heirs of the ſaid Parkin, occupied by Fox Lancaſter.

Alſo of
A Dwelling Houſe and Shop, belonging to Thomas Adamſon, in the Occupations of Roger Crompton and John Sleightholm.

On the Weſt Side of the Street leading from Weſt Sandgate to Princes Street:

All or Part of
A Dwelling Houſe, belonging to and occupied by Thomas Pearſon.

At the Corner of Saint Sepulchre Street:

All or Part of
A Dwelling Houſe, belonging to and in the Occupation of Elizabeth Hayes.

In the ſame Street:

The like of
Three Tenements or Dwelling Houſes, and Neceſſaries, belonging to the Truſtees of the Quakers Meeting Houſe, in the Occupations of John Jennings, John Cairns, and Robert Foſter,

In Saint Mary's Street:

All or Part of
A Dwelling Houſe, at the Southweſt Corner thereof, belonging to Lieut. Colonel George Dodſworth, occupied by Thomas Thornton.

At the South East Corner of Princes Street;

The like of
A Dwelling House, belonging to Esther Henderson Spinster, occupied by Frances Henderson.

In Dumple, at the Corner of Batty Alley:

The like of
A Dwelling House, occupied by Joseph Hague and Richard Megginson.

At the Corner of Cook's Row or Crooked Row:

The like of
A Dwelling House, belonging to John Owston, occupied by John Dousland.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1805.