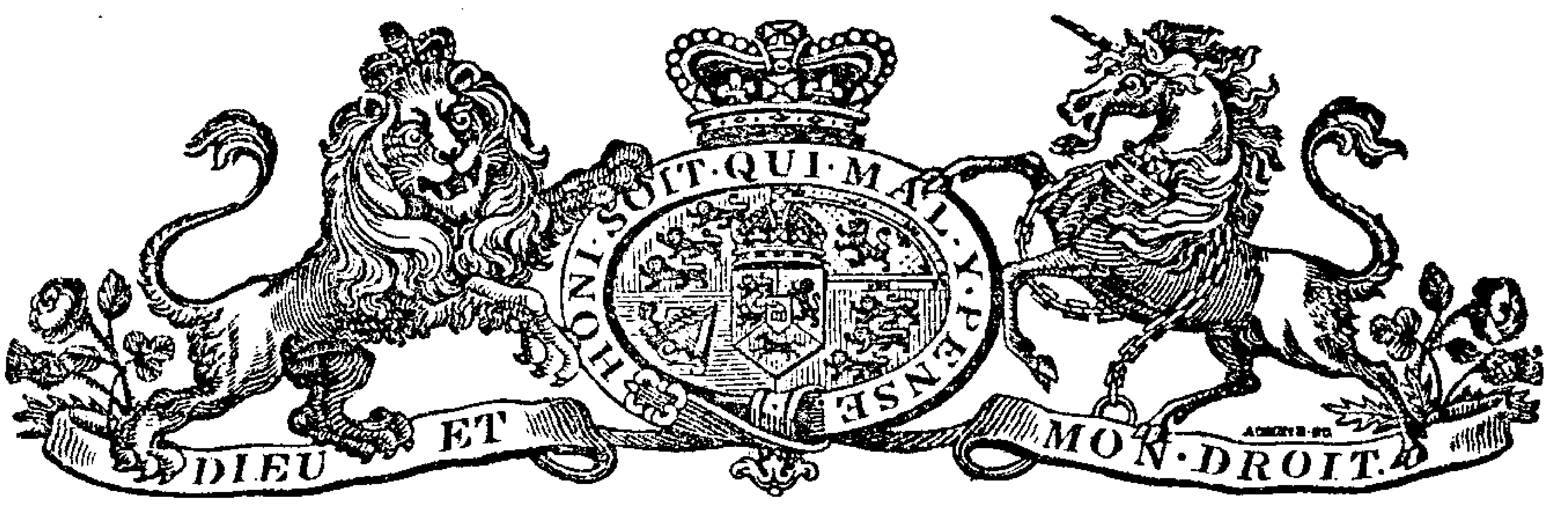


ANNO SEPTIMO

GULIELMI IV. REGIS.

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Cap. x.

An Act for better paving, cleansing, lighting, watching, and improving the Town of *Whitby* in the North Riding of the County of *York*.

[21st *April* 1837.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Third, intituled *An Act for paving, repairing, cleansing, lighting, watching, widening, and regulating the Streets, Lanes, Alleys, and public Passages within the Town of* Whitby *in the County of* York; *for preventing Encroachments, Nuisances, and Annoyances therein; for regulating the Carriages, Cartmen, and Porters there; and for making convenient Approaches to the Bridge over the River* Esk *within the said Town:* And whereas the Powers and Provisions of the said Act have been found insufficient for the Purposes thereby intended, and it is expedient that the same should be repealed, and that more effectual Powers should be granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the Third *Tuesday* next after the passing of this Act the said recited Act of the Twenty-ninth Year of the Reign of King *George* the Third shall be and the same is hereby repealed, save only and except so far as the said recited

29 G. 3. c. 12.

Recited Act repealed, except, &c.

Meaning of certain words in this Act.

IV. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, and all Buildings and Erections thereon; and the Word "Person" shall extend to any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole, as well as an Individual; and the Word "Owner" shall be understood to mean the Person receiving or legally authorized or empowered to receive and collect, or receiving, collecting, or claiming to be entitled to receive and collect, the Rent of any House or Building, Land, Tenement, Hereditaments, or Premises from the actual Occupier thereof, either on his own Account or as Agent of any other Person, or as the Mortgagee thereof; and the Word "Vessel" shall be understood to mean any Ship, Lighter, Keel, Barge, Boat, Raft, or Craft, and any other Kind of Vessel whatsoever; and the Word "Master" (when used in relation to any Vessel) shall be understood to mean any Person, whether the Owner, Part Owner, or Master, or other Person lawfully or wrongfully having or taking the Command, Charge, or Management of the Vessel for the Time being; and the Word "Owner" (when used in relation to any Coals, Coke, or Cinders, or other Articles or Goods on board any Vessel,) shall be understood to include any Consignee or Shipper of such Coals, Coke, Cinders, Goods, or Articles, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and whenever the Day herein appointed for the Performance of any Act shall happen to be *Sunday* or *Good Friday*, such Act shall be performed on the *Monday* next following the Day so appointed; and whenever such Day shall happen to be *Christmas Day*, such Act shall be performed on the Day next following, except such *Christmas Day* shall happen to be *Friday* or *Saturday*, and in such Case then on the *Monday* next following.

Duties, &c. due under former Act may be recovered by the Commissioners for executing this Act.

V. And be it further enacted, That notwithstanding the Repeal of the said recited Act all Duties which before the Commencement of this Act shall have become payable, and all Fines and Penalties which shall have been incurred, and all Bonds, Contracts, and Agreements which shall have been given or entered into under or by virtue of the said recited Act, and all Monies due to the Trustees acting in the Execution of the said recited Act, and which shall respectively remain uncollected or unpaid, or be in existence or unperformed at the Time of the Commencement of this Act, shall and may be collected, recovered, and enforced by the Commissioners acting in the Execution of this Act, in the same Manner and by the same Ways and Means as if such Duties had been imposed or become due, and as if such Fines and Penalties had been incurred, and as if such Bonds, Contracts, and Agreements had been entered into under or by virtue of this Act; and all Encroachments, Nuisances, and other Offences made or committed

mitted previously to the Time of the Commencement of this Act may be abated or prosecuted in the same Manner as if this Act had not been passed; and all Treasurers, Clerks, Collectors, Officers, and other Persons who at the Time of the Commencement of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or other Effects belonging to the Trustees acting in the Execution of the said recited Act shall be liable to account for and deliver up all such Money, Books, Documents, Papers, Writings, and Effects to the Commissioners acting in the Execution of this Act, in the same Manner, and subject to the same Process and Penalties for Refusal or Neglect, as if such Treasurers, Clerks, Collectors, Officers, or other Persons had been appointed by the Commissioners acting in the Execution of this Act; and all other Persons who at the Time of the Commencement of this Act shall owe any Money to the Trustees acting in the Execution of the said recited Act for or in respect of any Matter or Thing affecting or relating to such Act shall be liable to the Payment of such Money to the Commissioners acting in the Execution of this Act, and in case of Refusal or Neglect to pay the same shall be subject to the Provisions of this Act for the Recovery thereof, as if such Money had become due under or by virtue of this Act.

Securities under former Act declared valid.

VI. And be it further enacted, That all Annuities, Mortgages, Assignments, Grants, and other Securities, and all Conveyances and Leases entered into, made, or granted to or by any Person by virtue or under the Authority of the said recited Act, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if such Act had not been repealed.

This Act made liable to Debts created under former Act.

VII. And be it further enacted, That the Duties by this Act granted, and the Rates and Assessments by this Act authorized to be made by the Commissioners acting under the Authority thereof, and all Duties to be recovered under the said recited Act, and all Monies which at the Time of the Commencement of this Act shall be in hand from the Receipt of Duties under the said recited Act, shall be and the same respectively are hereby made liable or applicable to the Payment of all Monies which at the Time of the Commencement of this Act are or shall be due and owing on the Credit or under the Authority of the said recited Act, and of all Interest due and to grow due thereon, and to the Payment of all Annuities charged thereon or granted by the said Trustees under the Authority of the said recited Act, as fully and effectually to all Intents and Purposes as if such Monies had become due or such Annuities had been granted on the Credit or under the Authority of this Act.

Books under former Act to be Evidence.

VIII. And be it further enacted, That all Books kept for registering Mortgages, Annuities, Assignments, or other Securities, or for the Transfers of the same respectively, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees acting in the Execution of the said recited Act, shall be admitted in Evidence,

dence, under and for the Purposes of this Act, in all Courts and by all Judges, Justices, and others.

Officers appointed under former Act to be continued in Office unless removed by Commissioners.

IX. And be it further enacted, That the Clerk and Treasurer (if appointed consistently with the Provisions of this Act in reference to the Offices of Clerk and Treasurer), and all other Officers appointed under the said recited Act, or in the Employment of the Trustees acting in the Execution of such Act at the Time of the Commencement of this Act, shall hold and enjoy their respective Offices and Employments until removed therefrom by the Commissioners for executing this Act; and all such Officers and Persons respectively shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and they and their respective Sureties shall be liable to the same Penalties, Obligations, Restrictions, and Regulations in every respect as if they had respectively been appointed under or by virtue of this Act.

Commissioners appointed.

X. And be it further enacted, That all His Majesty's Justices of the Peace for the North Riding of the County of *York* for the Time being residing within the Borough of *Whitby*, and the Lord for the Time being of the Manor of *Whitby*, together with *William Benson*, *John Campion Coates*, *Abel Chapman*, *William Chapman*, *Robert Campion*, *Harrison Chilton* the elder, *Harrison Chilton* the younger, *Robert Clark*, *Wakefield Simpson Chapman*, *Thomas Fishburn*, *Benjamin Gowland*, *John Holt*, *Thomas Hunter*, *Richard Moorsom*, *Christopher Richardson* (of *Field House*), *Joseph Sanders*, *Thomas Simpson*, *Henry Simpson*, and their Successors, to be appointed under the Provisions herein-after contained, shall be and they are hereby appointed Commissioners for carrying this Act into execution, and shall be called "The Commissioners for the Improvement of the Town of *Whitby*;" and the several Persons herein-before named (with the Exception of His Majesty's Justices of the Peace herein-before mentioned, and the Lord for the Time being of the said Manor of *Whitby*, who are at all Times to be and continue Commissioners,) shall, so soon as new Commissioners shall have been elected in manner herein-after mentioned, go out of Office and cease to be Commissioners: Provided always, that it shall not be lawful for the said Commissioners, during the Time they shall so continue in Office until the first Election of such new Commissioners, to exercise any of the Powers of levying Rates or purchasing Property by this Act granted to or vested in the Commissioners for the Time being acting in the Execution thereof: Provided also, that no such Person herein-before named (excepting His Majesty's Justices of the Peace) shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Declaration next herein-after mentioned, which Declaration may be administered by any of the said Commissioners,) until he shall, at some Meeting of the Commissioners to be held under the Authority of this Act, have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Declaration to be made and sub-

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and impartially, according to the best of my Judgment, exercise the

'Powers

'Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], and I make this solemn Declaration conscientiously believing the same to be true.'

scribed by Commissioners named in the Act.

Qualification of Commissioners.

XI. And be it further enacted, That no Person (excepting His Majesty's Justices of the Peace herein-before mentioned, and the Lord for the Time being of the said Manor of *Whitby*, and also excepting the Commissioners herein-before appointed until the Election of new Commissioners,) shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Declaration next herein-after mentioned, which Declaration may be administered by any of the said Commissioners,) unless he shall reside within the said Borough of *Whitby*, and be rated to an Assessment for the Time being for the Relief of the Poor in respect of Property situate within the Limits of this Act, and shall be, either in his own Right or in Right of his Wife, in the actual Possession of or in the Receipt or Enjoyment of the Rents and Profits of Freehold or of Copyhold or Customary Lands held for a Life or Lives or some greater Estate, of the clear yearly Value of Fifty Pounds at least above Reprises, or shall be possessed of Personal Estate of the Value of Seven hundred and fifty Pounds at least, or of Real and Personal Estate together of the Value of Seven hundred and fifty Pounds at least above Reprises, or shall occupy some Dwelling House within the Limits of this Act of the clear yearly Value of Twenty Pounds, or shall occupy some Dwelling House, together with any Shop, Warehouse, Counting-house, Building, or other rated Property within the said Limits, of the clear yearly Value of Twenty Pounds, and until he shall, at some Meeting of the Commissioners to be held under the Authority of this Act, have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Form of Declaration of Qualification.

'I *A. B.* do solemnly and sincerely declare, That I do reside within the Borough of *Whitby*, and that I am rated to an Assessment for the Relief of the Poor in respect of Property situate within the Limits of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], and that I am really and *bonâ fide* in my own Right [*or* in Right of my Wife] in the actual Possession of [*or* in the Receipt and Enjoyment of] the Rents of Freehold [*or* of Copyhold or Customary] Lands held for a Life [*or* Lives, *or some greater Estate*,] of the clear yearly Value of Fifty Pounds above Reprises, [*or* am possessed of Personal Estate, *or* of Real and Personal Estate together, of the Value of Seven hundred and fifty Pounds above Reprises, *or* am really and *bonâ fide* in the actual Occupation of some Dwelling House within the Limits of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], of the clear yearly Value of Twenty Pounds, *or* [*as the Case may be*] of some Dwelling House which, together with a Shop, Warehouse, Counting-house, or other rated Property within the Limits of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of*

'*this*

'*this Act*], is of the clear yearly Value of Twenty Pounds], and that 'I will faithfully and impartially, according to the best of my Judgment, 'execute the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of 'King *William* the Fourth, intituled [*here set forth the Title of this* '*Act*], and I make this solemn Declaration conscientiously believing 'the same to be true.'

And an Entry or Minute of the making and subscribing such Declaration, and of the Time at which the same shall be made and subscribed, shall be written in the Book of Proceedings of the Commissioners herein-after mentioned.

Penalty on Persons making a false Declaration.

XII. And be it further enacted, That any Person who shall wilfully and corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Certain Persons disqualified from acting as Commissioners.

XIII. And be it further enacted, That no Person (although otherwise qualified) shall be capable of acting as a Commissioner in the Execution of this Act during the Time that he shall hold or enjoy any Office or Place of Trust or Profit under this Act, or be concerned or interested in any Contract made or entered into under or by virtue of this Act, or in any Case where he shall be personally or beneficially interested in the Matter in question, (except as a Creditor under the said recited Act or this Act, or as a Shareholder, Director, or Officer in any Company consisting of Six or more Members,) nor shall any Commissioner be capable of taking any Contract whilst he shall be such Commissioner: Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Commissioner under this Act.

Penalty on Commissioners acting not being qualified.

XIV. And be it further enacted, That if any Person (except as aforesaid) shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or without having made and subscribed the Declaration last herein-before mentioned, or shall take any Contract whilst he shall be a Commissioner under this Act, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by any Person who shall sue for the same by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was qualified or (as the Case may be) that he was not disqualified at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that no Act or Proceeding which shall have been done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned

Proceedings of the Commissioners

tioned shall be thereby impeached or rendered nugatory, but every such Act and Proceeding shall be as valid and effectual as if such Person had been duly qualified, or had not been disqualified, as herein-before mentioned. valid, although not qualified.

XV. And be it further enacted, That every Owner of rated Property within the Limits of this Act who shall have complied with the Directions herein-after contained for the giving of Votes, and also every Occupier of rated Property within the said Limits who shall have been assessed to the Poor Rate in any Township within the Limits of this Act for One whole Year immediately preceding the Day of Election, and shall have paid the Parochial Rates and Assessments made on him for One whole Year, as well as those due from him at the Time of such Election (except such as shall have been made or become due within the Six Calendar Months immediately preceding such Election), shall be entitled to vote in the Election of Commissioners for carrying this Act into execution; and every such Owner and Occupier shall be entitled to the same Number and Proportion of Votes respectively on the Election of such Commissioners as is provided for Inhabitants and other Persons entitled to vote under and by virtue of an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and under and by virtue of an Act to amend the same, passed in the Fifty-ninth Year of His said late Majesty; (that is to say,) if the aggregate Amount of the Assessment to the Poor Rate for the Time being of any Property belonging to such Owner within the said Limits, or on any Person or Persons in respect of the same, or the Aggregate Amount of the Assessment on such Occupier shall respectively, not amount to the Sum of Fifty Pounds, such Owner and Occupier respectively shall be entitled to One Vote, and for every additional Twenty-five Pounds of Rental such Owner and Occupier respectively shall be entitled to an additional Vote; and where any such Owner shall be the *bonâ fide* Occupier of any such Property he shall be entitled to vote in respect of his Occupation as well as of his being such Owner, but so nevertheless that no such Owner or Occupier shall have or be entitled to more than Six Votes in respect of his Ownership and Six Votes in respect of his Occupation respectively; and for the Purpose of ascertaining the Number of Votes to which each such Owner shall be entitled the aggregate Amount of the Assessment or Assessments for the Time being of any Property belonging to such Owner within the Limits of this Act, or on any Person or Persons in respect of the same, to the Poor Rates within such Limits, shall be deemed to be and be taken as the annual Value of such Property to such Owner: Provided always, that in case of Property belonging to any Corporation Aggregate, or to any Joint Stock or other Company, no Member of such Corporation, or Proprietor of or interested in such Joint Stock or other Company, shall be entitled to vote as such Owner in respect thereof; but any Officer of such Corporation, Joint Stock, or other Company, whose Name shall be entered by the Direction of the governing Body of such Corporation or Company as the Owner of such Property, shall be entitled to vote in respect of such Property in the same Manner as if he were the Owner thereof. Qualification of Electors and Scale of Votes. 58 G. 3. c. 69.

Owners claiming to vote in Election of Commissioners to deliver Statements of their Claims before Day of Election.

XVI. And be it further enacted, That every Person who shall claim to be entitled, as an Owner of rated Property within the Limits of this Act, to vote in the Election of Commissioners for carrying this Act into execution, shall, on some Day previous to the Day on which he shall claim to vote, deliver at the Office of the Clerk for the Time being to the said Commissioners a Statement in Writing of his Name and Address, and the Description of the Property within the said Limits as Owner whereof he so claims to vote; and every such Statement may be in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (A.)

Owners may appoint Proxies.

XVII. And be it further enacted, That it shall be lawful for any Owner of Property entitled to vote as aforesaid in the Election of Commissioners from Time to Time by Writing under his Hand to appoint any Person to vote as his Proxy, and every such Appointment shall remain in force until revoked or recalled by such Owner: Provided always, that no such Proxy shall be entitled to vote unless he shall, on some Day previous to the Day of Election, have delivered at the Office of the Clerk to the said Commissioners a Statement in Writing of the Name and Address of his Principal, and a Description of the Property within the said Limits as Proxy to the Owner whereof he claims to vote, and also the original or an attested Copy of the Writing appointing him such Proxy; and every such Appointment of Proxy and Statement of Claim may be in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (B 1.) and (B 2.)

Names and Addresses of Owners and Proxies sending Statements to be entered in a Book.

XVIII. And be it further enacted, That the Clerk for the Time being to the said Commissioners shall and he is hereby required to enter in a Book or Books to be from Time to Time provided and kept for that Purpose the Names and Addresses of the Owners and their Proxies who shall send such Statements, and the Assessment of the Rate for the Relief of the Poor on the Property in respect whereof they respectively claim to vote as aforesaid; and every such Book may be in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (C.)

First Election of Commissioners.

XIX. And be it further enacted, That the First Election of Commissioners shall take place on the Sixth *Tuesday* next after the passing of this Act, or as soon thereafter as conveniently may be, and the Number of Commissioners to be then elected shall be Thirty-six, (exclusive of His Majesty's Justices of the Peace herein-before mentioned, and the Lord for the Time being of the said Manor of *Whitby*): Provided always, that the Clerk to the said Commissioners shall and he is hereby required to fill up and sign, and also, Thirteen clear Days at least before the Day on which such Election is to take place, to affix on the principal Door of every Church and Chapel within the Limits of this Act, or in some other conspicuous Situation within the said Limits, a Notice in Writing of the first Election of Commissioners; and every such Notice may be in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (D.)

XX. And

Annual Election of Commissioners.

XX. And be it further enacted, That the annual Election of Commissioners shall take place on the First *Tuesday* in the Month of *May* in every Year, and the Number of Commissioners to be then elected shall be Twelve, or such other Number as shall be necessary to supply the Places of those who shall then go out of Office, or who shall have neglected to qualify for the Period herein-after mentioned, or shall have died, resigned, or refused to act, or become disqualified or incapable of acting as herein-after mentioned, since the then last preceding Election; and the Clerk to the said Commissioners shall and he is hereby required from Year to Year to give Thirteen clear Days Notice of every such Election (stating in such Notice the Number of Commissioners to be elected at such Meeting), in like Manner as is herein-before directed for giving Notice of the First Election of Commissioners; and every such Notice may be in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (E.)

Mode of proposing Commissioners.

XXI. And be it further enacted, That it shall be lawful for any Owner or Occupier of rated Property, being entitled to vote as herein-before mentioned, to propose as a Commissioner or Commissioners any Person or Persons, not exceeding the Number to be then elected, having the Qualification by this Act prescribed for that Office: Provided always, that it shall be lawful for any Person having such Qualification to propose himself for that Office; and further, that in either of such Cases the Proposer shall and he is hereby required, Six clear Days at least before the Day of Election, to deliver at the Office of the Clerk to the said Commissioners a Nomination in Writing in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (F.)

Mode of Election.

XXII. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required, within Two Days next after the last Day upon which the Names of the Persons proposed as Candidates could be delivered in, to examine the Nomination Papers which shall have been delivered to him as aforesaid: Provided always, that if any Person who shall have been put in Nomination for the Office of Commissioner shall by Writing under his Hand, delivered at the Office of the Clerk to the said Commissioners, declare his Refusal to execute that Office, he shall not be considered to be a Candidate for the same: Provided also, that if the Number of Candidates duly qualified and duly proposed as aforesaid shall not exceed the Number to be then elected, the Candidates so proposed shall be declared duly elected; but if the Number of Candidates so duly qualified and proposed as aforesaid shall exceed the Number to be then elected, the Clerk to the said Commissioners or his Assistants shall prepare a sufficient Number of Voting Papers (in the Form or to the Effect mentioned in the Second Schedule to this Act annexed marked (G.), and shall, Two Days at least before the Day fixed for such Election, deliver (between the Hours of Nine of the Clock in the Forenoon and Five of the Clock in the Afternoon) such Voting Papers at the Houses of those Persons and Proxies who are entitled to vote in the Election of Commissioners, and are resident within the Limits of this Act; and on the Day of Election the said Clerk or his Assistants

Assistants shall within the Hours aforesaid call for and collect the said Voting Papers which shall have been so delivered; and all Persons and Proxies who are entitled to vote, but are not resident within the Limits of this Act, and all Persons who shall entitle themselves to vote on or after the Day on which such Voting Papers are delivered, either by delivering such Statement as before mentioned or by paying up Arrears of Rate or otherwise, shall on the Day of Election apply (between the Hours aforesaid) for Voting Papers at the Place appointed by the Clerk to the said Commissioners for that Purpose (who is hereby required to furnish the same), and having filled up such Voting Papers shall deliver them to the said Clerk, or the Person or Persons employed by him to collect such Voting Papers, between the Hours aforesaid on the Day of Election; and before Five of the Clock in the Afternoon of the Day next following the Day of Election the Clerk to the said Commissioners, or his Deputy to be appointed in manner herein-after mentioned, shall add up the Votes given in the Form prescribed, and the Candidates having the Majority of Votes shall be declared duly elected: Provided always, that in such Calculation of Votes every Person who shall not vote, or shall not comply with the Directions herein contained for the giving and returning of Votes, shall be omitted, and shall be considered as having had no Vote on the Question whereon he might have voted: Provided also, that in case at any such Election there shall be an Equality of Votes in favour of any Two or more Candidates, a Ballot of the said Commissioners shall be taken to determine which of such Candidates shall be elected a Commissioner or Commissioners.

Penalty on Persons improperly influencing Votes.

XXIII. And be it further enacted, That no Person who shall be employed in distributing or collecting the Voting Papers herein-before mentioned shall canvass the Voters for any Candidate, or do any thing by which the Return of any Candidate or of any Class of Candidates may be unduly influenced, under a Penalty of any Sum not exceeding Five Pounds for every such Offence.

Notice of the Appointment and Return of Commissioners.

XXIV. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required forthwith to notify to each of the Commissioners elected the Fact of his Election by a Letter or Communication in Writing signed by him in the Form or to the Effect in the Second Schedule to this Act annexed marked (H.), and shall also affix on the principal Door of every Church and Chapel within the Limits of this Act, or on some other conspicuous Situation within the said Limits, a Notice of the Commissioners elected, in the Form or to the Effect in the said Second Schedule to this Act annexed marked (I.), and shall also make to the first Meeting of Commissioners to be held next after such Election a Return in Writing, in the Form or to the Effect in the said Second Schedule to this Act annexed marked (J.), of the Commissioners so elected.

Twelve Commissioners to go out of Office annually.

XXV. And be it further enacted, That on the Second *Tuesday* in the Month of *May* in the Year One thousand eight hundred and thirty-eight, and in every succeeding Year, Twelve of the Persons so appointed as aforesaid to be Commissioners for executing this Act

shall go out of Office; and in the said Year One thousand eight hundred and thirty-eight those who shall go out of Office shall be the Commissioners who were elected, under the Provisions of this Act, by the smallest Number of Votes in this present Year; and in the next Year, One thousand eight hundred and thirty-nine, those who shall so go out of Office shall be the Commissioners who were elected, under the Provisions of this Act, by the next smallest Number of Votes in this present Year (the Majority of the Commissioners present at some Meeting to be called for that Purpose determining, when the Votes for any such Persons shall have been equal, who shall be the Persons so to go out of Office); and thereafter those who shall so go out of Office shall always be the Commissioners who have been for the longest Time in Office without Re-election: Provided always, that in case there shall have been no Contest at such first Election, then, in order to determine which of the said Commissioners shall go out of Office for the Two first Years next after the passing of this Act, a Ballot shall be taken at a Meeting of the Commissioners to be held for that Purpose Twenty-one Days at the least before the Day for electing Commissioners to supply the Places of those who shall go out of Office in each Year, and the Clerk to the said Commissioners shall forthwith give public Notice of the Names of the said Commissioners who by virtue of the said Ballot shall in that Year go out of Office, in the Manner by this Act directed for giving Notice of the Names of Persons who may have been elected Commissioners under or by virtue of this Act.

Commissioners going out of Office competent to be re-elected.

XXVI. Provided always, and be it further enacted, That every Person who shall go out of Office in manner by this Act directed shall be capable of being immediately or at any Time afterwards re-elected a Commissioner for the Purposes of this Act.

For supplying occasional Vacancies.

XXVII. And be it further enacted, That if any Commissioner to be elected under or by virtue of this Act shall for the Space of Six Calendar Months next after his Appointment neglect to make and subscribe the Declaration herein-before required to be taken by such Commissioner, or shall die, or resign, or refuse to act, or become disqualified or incapable of acting in the Execution of this Act, the Owners and Occupiers entitled to vote in the Election of Commissioners under this Act shall, on a Day to be fixed by the Clerk for the Time being to the said Commissioners (such Day not to be later than Twenty-one Days after such Vacancy), elect some Person or Persons duly qualified as aforesaid to supply such Vacancy; and such Election shall accordingly be held, and the voting and other Proceedings, in case of a Contest, shall be conducted in the same Manner and subject to the same Provisions as are herein-before contained with respect to the Election of Commissioners as aforesaid; and every Person so elected shall hold such Office until the Time at which the Person in Room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but shall be capable of immediate Re-election if then qualified as herein provided: Provided always, that no such new Election of Commissioners shall be made by reason of any such occasional Vacancy unless the whole

Number of Commissioners remaining after any such Vacancy shall not exceed Twenty-five.

Regulations for the Meetings and Proceedings of the Commissioners.

XXVIII. And be it further enacted, That the Commissioners herein-before appointed until the Election of new Commissioners shall assemble and hold their First Meeting at the Town Hall in *Whitby*, or at some other convenient Place in the Town of *Whitby*, on the Third *Tuesday* next after the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Five of the Clock in the Afternoon, and shall then proceed to carry this Act into execution; and a Quarterly Meeting of the Commissioners for executing this Act shall be held on the First *Tuesday* in the Months of *February*, *May*, *August*, and *November* in every Year at the Place and within the Hours aforesaid, unless some other Place or some other Time shall from Time to Time be appointed by the said Commissioners, and the Commissioners present at such First or any subsequent Meeting may from Time to Time adjourn themselves to the same or to any other Place within the Town of *Whitby*, and to any Day or Hour, as to them may seem expedient; and if at any such Meeting there shall not be Seven or more Commissioners then and there present within One Hour from the Time appointed for such Meeting, then such Meeting shall be deemed to be adjourned to the same Day in the following Week at the same Place and at the same Hour, and so (*toties quoties*) until a sufficient Number of the said Commissioners shall attend at such Meeting, and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be executed by the Majority of the said Commissioners present at any Meeting to be held as aforesaid, the Number of Commissioners present at such Meeting not being less than Seven (except only where any greater Number is appointed by this Act); and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same, and in case of an Equality of Votes in favour of any Two Persons proposed as Chairman a Ballot of the said Commissioners shall be taken to determine which of such Persons shall be the Chairman; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have a second or casting Vote; and the said Commissioners shall defray their own Expences at every such Meeting (except for the Use of the Room where such Meeting shall be held): Provided nevertheless, that it shall be lawful for the said Commissioners and they are hereby authorized from Time to Time to hold any Special Meeting, so that such Meeting be required by Five at least of the said Commissioners, and Notice thereof in Writing, stating the Purpose for which such Meeting is required to be called, be given to or left at the House or usual Place of transacting Business of the Clerk to the said Commissioners, who shall thereupon give Three Days Notice at the least (exclusive of the Day of giving such Notice and of the Day of holding such Meeting) of such Special Meeting, and of the Time, Place, and general Purposes thereof, to each of the said Commissioners, by delivering such Notice or sending the same by

the Post or otherwise to his usual or last known Place of Abode or Business: Provided also, that if at any Period within One Hour from the Time appointed for any such Quarterly or Special Meeting there shall be Seven or more Commissioners present, it shall be lawful for the Commissioners present at any subsequent Period of such Meeting (not being less in Number than Five) to carry on and determine the Business to be transacted at such Meeting.

Restrictions as to revoking Orders.

XXIX. And be it further enacted, That no Order, Rule, Regulation, Act, or Proceeding made or done at any Meeting held in pursuance of this Act shall be revoked, altered, or suspended at any subsequent Meeting, unless Notice signed by Five of the Commissioners, specifying the Intention of proposing the Revocation, Alteration, or Suspension of such Order, Rule, Regulation, Act, or Proceeding, shall have been given to or left at the House or usual Place of transacting Business of the Clerk to the said Commissioners, who shall thereupon send a Copy of such Notice, or an Abstract or Summary thereof, to each of the said Commissioners, in the Manner herein-before directed, Three Days at least (exclusive of the Day of giving such Notice and of the Day of holding such Meeting) before the Day on which the Meeting at which such Revocation, Alteration, or Suspension is intended to be proposed shall be held, nor unless the same or a greater Number of Commissioners shall attend and vote at such Meeting than were present at the Meeting when such Order, Rule, Regulation, Act, or Proceeding was made; any thing in this Act contained to the contrary notwithstanding.

Proceedings to be entered.

XXX. And be it further enacted, That fair and regular Entries shall be made in a proper Book or Books to be provided and kept for that Purpose of the Names of the Commissioners who shall attend the respective Meetings hereby authorized to be held under this Act, and of all the Acts, Resolutions, Orders, and Proceedings of the said Commissioners at every such Meeting; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at such Meeting, and such Book or Books shall be deposited with and remain in the Custody of the Clerk to the said Commissioners, and shall be at all seasonable Times open to the Inspection of the said Commissioners or any of them; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence, as well on behalf of the Commissioners as otherwise, in all Courts, and before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making such Orders or Proceedings being Commissioners, or that the Person who subscribed the said Book or Books was Chairman of the Meeting at which such Order was made or Proceeding took place, or that he signed the said Book or Books.

Accounts to be kept of Receipts and

XXXI. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Books to be kept by the Treasurer

Disbursements, which shall be open to Inspection.

Treasurer of the said Commissioners, who shall enter in such Books true and regular Accounts of all Sums of Money received and expended for or on account of the Purposes of this Act, and of the several Articles and Things for which such Sums of Money shall have been expended; and such Accounts shall be made up annually between the Fifth Day of *July* and the Tenth Day of *October*, and a Statement of such Accounts shall forthwith, after the same shall have been so made up, be printed and circulated through the said Town of *Whitby*; and a Copy or Duplicate of such Accounts, signed by Five or more of the said Commissioners, shall be deposited with the Clerk to the said Commissioners, and shall, together with all Books of Account, at all seasonable Times be open to the Inspection of the said Commissioners or any of them without Fee or Reward, and of the Creditors on the Duties, Rates, or Assessments hereby granted, and of all Persons liable to the Payment of any Duty imposed or any Rate made by virtue of this Act, upon Payment of the Sum of One Shilling for every such Inspection; and such Creditors and Persons respectively may take or make or have Copies made of or Extracts from the said Books and Accounts or any Part thereof respectively, paying for such Copies or Extracts after the Rate of Sixpence for every One hundred Words or Figures, such Creditors or Persons respectively having first given One Day's Notice to the Person having the Custody of such Books or Accounts of their Desire to inspect the same, (stating in such Notice the Hour at which such Persons respectively propose to attend for that Purpose,) or to take or make or have made such Copies or Extracts; and in case the said Treasurer or Clerk respectively shall refuse to permit or shall not permit the said Commissioners or Creditors or Persons, or any of them, to inspect such Books or Accounts, or to take or make such Copies or Extracts as aforesaid, or shall refuse or neglect to give such Copies of or Extracts from the same within a reasonable Time after such Copies or Extracts shall be required, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

For appointing Officers.

XXXII. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time at any of their Meetings to elect a Treasurer, Clerk, Surveyor, Collector, Receiver, Beadle, and all such other Officers as they shall think proper for carrying this Act into execution, and also from Time to Time to suspend or displace such Officers or any of them, and to appoint others in the Room of such of them as shall die, or resign, or be suspended or displaced from their respective Offices, and to pay such Salaries or Allowances to the said Officers respectively as the said Commissioners shall think reasonable;

Treasurer and Collector to give Security.

and the said Commissioners shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, and from every Collector, Receiver, or other Officer of the said Commissioners who shall have the Custody or Control of any Money to be received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

XXXIII. And

For Appointment of Depnty Clerk.

XXXIII. And be it further enacted, That in case the Clerk for the Time being to the said Commissioners shall be prevented by Illness, Absence, or other unavoidable Cause from discharging the Duties of his Office, it shall be lawful for the said Commissioners to appoint a Deputy Clerk for such Period as the said Commissioners shall think fit, and such Deputy Clerk so appointed shall have and exercise the same Powers in all respects as by this Act are given to or vested in the Clerk for the Time being to the said Commissioners.

Penalty on Officers taking any Fee or Reward.

XXXIV. Provided always, and be it further enacted, That if any Treasurer, Clerk, Collector, Receiver, Beadle, or other Officer employed by the said Commissioners for the Purposes of this Act, shall demand or accept any Fee or Reward whatsoever in the Execution of his Office (other than such Salary or Allowance as shall be appointed by the said Commissioners or by this Act, and the usual professional Charges for Law Business transacted for or by the Direction of the said Commissioners,) for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners (except as aforesaid), or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, (unless with the Consent of the said Commissioners, or as a Creditor on the said Duties, Rates, or Assessments, or as a Shareholder, Director, or Officer in any Company consisting of Six or more Members,) every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners for any of the Purposes of this Act, and shall forfeit and pay any Sum not exceeding One hundred Pounds for every such Offence.

Same Person not to act as Clerk and Treasurer.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employment of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employment of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or a Clerk or other Person in the Service or Employment of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or a Clerk or other Person in the Service or Employment of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as the Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds to any Person who shall sue for the same, to

be recovered, 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, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to account.

XXXVI. And be it further enacted, That every Treasurer, Clerk, and other Officer and Person who shall be appointed or employed by or under the said Commissioners by virtue of this Act, shall, under his Hand, and at such Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall authorize for that Purpose, a true Account in Writing of all Matters committed to his Charge by virtue of this Act, and also of all Monies which shall have been received by him by virtue or for the Purposes of this Act, and how much thereof shall have been paid and disbursed, and for what Purpose, together with proper Vouchers for such Payments; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being to the said Commissioners, or to such Person as they shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, in his Custody or Power, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners or to such Person as they shall authorize, within Ten Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners or to such other Person as aforesaid respecting the same, then and in every such Case, upon Complaint made on behalf of the said Commissioners by such Person as they shall authorize for that Purpose of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the North Riding of the County of *York*, or other Jurisdiction wherein such Officer so refusing shall be or reside, such Justice is hereby authorized and required by Summons or Warrant under his Hand and Seal to cause such Offender to appear before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account, if produced, in the same Manner as the said Commissioners might have done; and if it shall appear to such Justice that any Monies remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Monies to be levied by Distress and Sale of the Goods of such Officer, and if sufficient Goods shall not be found to satisfy the said Monies and the Charges of the Distress, or if it shall appear to such Justice that such Officer has refused or wilfully neglected to deliver such Account or the Vouchers relating thereto in his Custody or Power, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction for the County, Borough, Riding, or Jurisdiction where such Offender shall be or reside, there to remain without Bail until he

Summary Remedy against Officers for not accounting.

shall have paid such Monies as aforesaid, or shall have compounded with the said Commissioners for such Monies, or shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered a true Account as aforesaid, together with such Vouchers as aforesaid, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof to the said Commissioners or to such other Person as aforesaid (as the Case may be): Provided always, that no Person so committed shall be detained in Prison, for Want of sufficient Distress only for a longer Space of Time than Six Calendar Months: Provided also, that nothing in this Act contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid, or against any Surety for such Offender, but such Officer shall not be sued by Action and also proceeded against in a summary Manner by virtue of this Act for the same Cause: Provided further, that it shall be lawful for such Justice, if he think fit, before committing such Offender, to issue his Warrant to search for such Vouchers, Books, Papers, or Writings so withheld by any such Treasurer, Clerk, or Officer or other Servant of the said Commissioners, under which Warrant the Officers thereby authorized shall enter into and search the Dwelling House or other Premises of such Treasurer, Clerk, Officer, or other Servant, or such other Place or Places as the said Justice shall authorize to be entered or searched, and take away and deliver to the said Commissioners any of the said Vouchers, Books, and Papers that may be found there.

Remedy by Action.

XXXVII. And be it further enacted, That in case of the Death of any such Treasurer, Clerk, Officer, or other Person, or of his becoming bankrupt or insolvent, before he shall have delivered up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act, the Executors or Administrators of such Treasurer, Clerk, Officer, or Person, or the Assignees of his Estate and Effects, or other Person possessing the same, or in whom the same have or had been vested, shall, upon Demand, deliver up to the said Commissioners or to any Person appointed by them all such Books, Papers, Writings and other Things as shall be in their Custody or Power; and in case of the Nondelivery thereof for the Space of Five Days next after the same shall have been demanded it shall be lawful for the said Commissioners to proceed in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators or Assignees, or other Persons possessing the Estate and Effects which did belong to such deceased or bankrupt or insolvent Officer or Person, for Recovery of such Books, Papers, Writings, and Things, or for the Damage for the Non Delivery thereof, together with full Costs of Suit in each Case.

For recovering Books from the Executors or Assignees of Officers.

XXXVIII. 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, or of any One of the said Commissioners; and no Action or Proceeding which may be brought or instituted by or against the said Commissioners by virtue of or on account of this Act or of the said

Commissioners may sue and be sued in the Name of their Clerk.

said recited Act shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death of such Commissioner, or by any Act or Default of such Clerk or Commissioner done or suffered without the Direction or Consent of the said Commissioners, but such Clerk or Commissioner shall always be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of Actions or Proceedings prosecuted between the said Commissioners and their Clerk for the Time being: Provided always, that in all Cases in which the Clerk for the Time being of the said Commissioners or any Commissioner as aforesaid shall be Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk or Commissioner as aforesaid, such Clerk or Commissioner as aforesaid may, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or Commissioner (as the Case may be), notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every Clerk or Commissioner as aforesaid in whose Name any Action or Proceeding may be instituted or defended, as herein-before mentioned, shall always be reimbursed out of the Monies arising by virtue of this Act all such Costs and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or have been instituted or defended without the Direction or Consent of the said Commissioners.

Commissioners may contract.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract or agree with any Person for the Performance of any of the Works by this Act authorized to be done, or for the Supply of any Materials, Implements, Labour, or other necessary Matters or Things for the Purposes of this Act: Provided always, that every such Contract shall specify the several Works to be done, and the Materials to be supplied, and the Prices to be paid for the same respectively, and the Periods within which such Works are to be completed and such Materials supplied, and the Penalties (if any) to be suffered in case of Nonperformance there of; and such Contracts respectively shall besigned by the Clerk to the said Commissioners, and shall also be signed by the Person or be sealed with the Seal of the Corporation contracting with the said Commissioners, and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; and the said Commissioners so contracting shall, if they see fit, take Security from every such Contractor for the due Performance of his Contract, and in case the same shall not be duly performed according to the true Intent and Meaning of such Contract, the said Commissioners shall and may bring an Action at Law or Suit in Equity against the Party so neglecting or refusing to perform such Contract for any Injury sustained on account of the Nonperformance thereof, and upon the proving the signing of the said Contract and the Non-

performance

performance thereof the said Commissioners shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Commissioners may compound for Breach of Contract.

XL. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to compound and agree with any Person who shall have entered into any Contract with the said Commissioners, and shall not have performed or shall be unable to perform the same, or with the Surety or Sureties of any such Person, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, for such Sum of Money or other Recompence as the said Commissioners shall think proper.

Commissioners exempt from personal responsibility in Contracts.

XLI. And be it further enacted, That nothing in this Act, or in any Contract or other Instrument hereby authorized to be entered into or made by the said Commissioners, shall extend to charge the Person of any of the said Commissioner or their Clerk executing such Contract or other Instrument, or the Heirs, Executors, or Administrators, or the Lands, Tenements, Goods, or Chattels of such Commissioners or their Clerk, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in any such Contract or other Instrument contained on the Part of such Commissioners or Clerk; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Action at Law or Suit in Equity, or otherwise, against the said Commissioners or Clerk, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Contract or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners or their Clerk shall pay or be put to or which shall be occasioned by reason of any such Contract, Agreement, or other Instrument, or any Action or Suit to be brought or prosecuted thereupon, or by reason of any other Matter or Thing arising in the Execution of this Act, shall respectively be paid and discharged by and out of the Monies to be raised by virtue of this Act.

For vesting Pavements, Lamps, &c. in Commissioners.

XLII. And be it further enacted, That all the present and future Pavements, Flagstones, Curbstones, Stone, Gravel, and all other Materials of the several present and future public Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other public Places within the Limits of this Act, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks within the said Limits, and all the Land, Ground, and Buildings purchased, erected, or held by the said Trustees or Commissioners under the Authority of the said recited Act or of this Act, and all Gasometers, Apparatus, Machinery, Mains, Pipes, Lamps, Lamp Irons, Watchboxes, Posts, and other Things thereto belonging, already purchased or hereafter to be purchased or provided by the said Trustees or Commissioners for the Purpose of lighting and watching all and every or any of the Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and Places within the said Limits, and also all Fire Engines, and all Buckets, Materials, Implements, and other Things belonging to such Engines, and all Horses, Carts, Carriages, Tools, Arms, and Implements, Materials and other Things whatsoever, already

purchased or hereafter to be purchased or provided by or by Order of the said Trustees or Commissioners for the Watchmen, Scavengers, Firemen, or other Persons employed under the Authority of this Act for any of the Purposes hereof, and also all Dust, Dirt, Dung, Ashes, and other Filth to be swept, gathered, and collected under the Authority of this Act, shall severally and respectively be held and deemed to belong to and be the Property of and the same are hereby vested in the said Commissioners for the Time being (subject nevertheless to any Conditions or Regulations contained in any Contract with the said Trustees or Commissioners); and the said Commissioners shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred (as the Case may require), against any Person who shall deface, damage, injure, or destroy, detain, steal, take, or carry away, any of such Property so vested in them as aforesaid; and in any such Action or Bill of Indictment it shall be sufficient to state generally that the Article, Matter, or Thing for or in respect of which such Action shall be brought or Indictment preferred is the Property of "The Commissioners for the Improvement of the Town of *Whitby*," without stating or specifying the Names of all or any of the said Commissioners.

Power to sell Articles vested in the Commissioners.

XLIII. And be it further enacted, That the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any Part of the said Articles and Things, and all other Articles and Things which shall at any Time hereafter be purchased or provided by them for the Purposes of this Act, and which shall become useless or which may not be wanted for the Purposes of this Act, to such Person and in such Manner as the said Commissioners shall think proper, and the Monies arising therefrom shall be applied to the Purposes of this Act.

Forproviding Lamps and lighting the Streets.

XLIV. 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 and at any Time or Times hereafter, to purchase and provide such and so many Gas or other Lamps of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, with all requisite Materials for the same respectively, as they shall judge necessary, and to direct the same to be affixed or set up in all or any of the Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and public Places within the Limits of this Act, and upon or against the Posts, Rails, Palisadoes, or Walls of all or any of the several Houses or Buildings, or upon or against any other Walls or Posts, Rails or Palisadoes, or such other Places within the said Limits, and to be altered, taken down, or renewed in such Manner as they shall think fit, doing as little Damage as may be, and not interfering with or preventing any Person from erecting Buildings on any Land or Ground, and also to cause such Lamps or any of them to be lighted, either with Gas, Oil, or otherwise, at such Times and Seasons of the Year, and on such Mornings and Evenings, and during such Hours in the Morning and Evening, and to be kept burning for so many Hours, and to use the same in such Manner as to them shall seem necessary or proper for the well and sufficiently lighting all and every or any of the said Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other

other public Places: Provided always, that it shall not be lawful for the said Commissioners to affix or set up any Lamp Iron or Lamp Post against or on any Dwelling House or private Building where it shall be practicable to place any such Lamp Iron or Lamp Post in any other Situation.

Ship-yards to be lighted with a regular Succession of Lamps.

XLV. And be it further enacted, That the Ship-yards in the Township of *Ruswarp*, commencing at and including those belonging to *Robert Barry* and *Henry Barrick*, and extending thence along the West Side of the Property of the *Whitby* and *Pickering* Railway Company to *Boghall*, and thence as far as the said Stone Quay belonging to and in the Occupation of the said *John Bolton*, shall be lighted with a regular Succession of Lamps, and the said Commissioners shall and they are hereby required to light the same accordingly.

Power for Commissioners to extend the District to be lighted.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, at any of their Quarterly Meetings, or at any Adjournment thereof, or at any Special Meeting, from Time to Time to appoint and declare what additional Parts or Portions beyond the Limits defined by this Act shall be lighted by the said Commissioners, and shall be added to the Limits of this Act, and the said Parts or Portions which shall be so appointed to be lighted as aforesaid shall for ever thereafter be comprised within the Limits of this Act: Provided always, that it shall not be lawful for the said Commissioners to extend the lighting into any such District without the Consent in Writing of a Majority of the Owners of the Property comprised within such District, and of a Majority of the whole Body of the said Commissioners for the Time being first obtained for that Purpose.

Power to contract for lighting.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company now or hereafter to be established within the Town of *Whitby* aforesaid or in the Neighbourhood thereof, or with any other Person or Corporation, for lighting the said Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other public Places within the Limits of this Act, with Gas, Oil, or otherwise, for any Number of Years or other Time, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper, and to provide and set up Lamps, Lamp Posts, Lamp Irons, and other Works necessary for such Purposes within the said Limits.

Commissioners may erect Apparatus to make Gas themselves.

XLVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners (if they shall think fit) to set up and establish a Manufactory of Gas for the Use of the said Town of *Whitby* and the Neighbourhood thereof, with all necessary Boilers, Gasometers, Retorts, Receivers, Works, and Apparatus, and to purchase or rent from any Person who shall be willing to sell or let the same any Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Town or the Neighbourhood thereof for the Purpose of erecting and making suitable and necessary Erections, Buildings, Works

Works, and Apparatus for the manufacturing or preparing of Gas for the Purpose therewith of lighting the said Town and the Neighbourhood thereof.

Power to break up Pavements, &c. for laying down Pipes.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, whether contracting with any Gas Company or other Person for lighting the said Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other public Places within the Limits of this Act, or lighting the said Town and the Neighbourhood thereof, by virtue of the Power hereby granted to them for that Purpose, when and from Time to Time as often as the same may be necessary, to break or take up the Soil and Pavement of all or any of the Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other public Places within the Limits of this Act (and also of any private Ways or Passages within the same Limits, with such Consent as herein-after mentioned); and also to make and construct any Culverts, Tunnels, Soughs, or Drains, and to lay Main, Branch, and other Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes from the Gasometers or other Works in, under, across, and along such public and private Places aforesaid, or within or through any such Culverts, Tunnels, Soughs, or Drains which may at any Time hereafter be made, in such Manner as the said Commissioners shall from Time to Time think necessary for the Purpose of well and effectually lighting the said Town and the Neighbourhood thereof, and from Time to Time to alter the Position of, and to repair, relay, and maintain, such Pipes, Stopcocks, Syphons, Plugs, or Branches; and also to carry, fit up, and furnish any Pipes, Cocks, Branches, or other necessary Apparatus from any Main or Branch Pipe laid in any Street, Road, Lane, Highway, Bridge, Passage, Footpath, or other Place, public or private, into, through, or against any Dwelling Houses, Manufactories, public or private Buildings or Grounds, for the Purpose of lighting the same, or any public or private Lamp, from any of such Main or other Pipes; and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed or which shall be injured or damaged in such Dwelling Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Commissioners shall from Time to Time think necessary for completing, amending, repairing, improving, supplying, and using the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to carry or lay any Pipe or Pipes through or into any Dwelling House, Manufactory, public or private Building, or so to continue the same, for the Purpose of lighting any other Dwelling House, Manufactory, public or private Building, without the Consent in Writing of the Owner and Occupier for the Time being of every such Dwelling House, Manufactory, public or private Building, nor to enable the said Commissioners to enter into or upon any private Ways or Passages, without the Consent in Writing of the Owner and Occupier for the Time

Pipes not to be carried or continued in private Property without Consent.

Time being of such private Ways or Passages for that Purpose first had and obtained.

For carrying Pipes across the River Esk and the Harbour of Whitby.

L. And be it further enacted, That it shall be lawful for the said Commissioners to cause or authorize Mains or Pipes for the Conveyance of Gas to be carried across the River *Esk* or the Harbour of *Whitby*, and in the Soil or Bed thereof, but so as in nowise to injure or interrupt or interfere with the Navigation of the said River: Provided also, that any Pipe or Apparatus which may be laid down for the Conveyance of such Gas over or across the said River or Harbour shall be laid down under the Direction and Superintendence of the Commissioners for the Time being acting in the Execution of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual repairing, maintaining, and improving the Piers and Harbour of the Town and Port of* Whitby *in the County of* York, or of their Surveyor or Engineer for the Time being.

7 & 8 G. 4. c. 78.

Acknowledgment to be made to Lord of Manor in respect of Privilege of breaking up Soil, &c.

LI. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to pay to the Lord for the Time being of the Manor of *Whitby* and *Whitby Strand* the Sum of Twenty-one Shillings yearly, as and by way of Acknowledgment for the Privilege hereby granted to them of breaking up the Soil of the said Streets, Roads, Lanes, Highways, Bridges, Passages, and other public Places within the Limits of this Act belonging to the Lord of the said Manor, and of carrying Pipes across the said Harbour of *Whitby*.

Lights, &c. to be affixed during the Night where Pavements are broken up.

LII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, until the Soil or Pavement of any of the said Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and public Places which may have been so broken or taken up as aforesaid shall be reinstated and made good, to fence and guard and affix Lights during the Night at or near the Place where any such Soil or Pavement shall have been broken or taken up as aforesaid, in such Manner as to prevent Accidents, Damage, or Inconvenience to Passengers, Cattle, and Carriages.

Pipes to be removed from Dwelling Houses on Notice.

LIII. Provided also, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, or of any Company or other Person contracting to light or lighting as aforesaid, into or through any private Dwelling House, Manufactory, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Building, Yard, or Ground into or through which such Pipe, Cock, or Branch shall pass or be laid shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his Desire shall give Notice in Writing to the said Commissioners or Company or other Person as aforesaid, then and in every

such Case the said Commissioners, Company, or other Person shall, within Seven Days after the Receipt of such Notice, alter or remove and take away all or any of such Pipes, Cocks, and Branches as shall have been so introduced and laid therein from any such Main of the said Commissioners, Company, or other Person as aforesaid; and in default thereof it shall be lawful for such Owner, Occupier, or any other Person acting under his Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require, and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Company, or other Person as aforesaid, on Complaint before a Justice of the Peace for the said North Riding of the County of *York*, in such and the same Manner as any Penalty is recoverable under this Act, if the same be not paid on Demand, by such Commissioners, Company, or other Person as aforesaid.

Commissioners empowered to let out Gas Lights in case they light the Streets themselves.

LIV. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Town of *Whitby* and the Neighbourhood thereof with Gas, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting the Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and Places, whether public or private, within the Limits of this Act, to let out or grant to any Person whomsoever who shall be willing to take the same any Light or Argand, Cockspur, Batswing, or any other Kind of Burner, and to supply the same with Gas upon such Terms and Conditions, and at such annual and other Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Monies to proceed therefrom or arise thereby, or by the Sale of any Coke, Tar, or other Product of Coal, shall be, in the first place, applied to defray the Expence of the Gas Apparatus and other Things connected therewith, and of maintaining the same, and of the Manufactory of Gas, and if there shall be any Surplus then the same shall be applied to the general Purposes of this Act.

Recovery of Rents.

LV. And be it further enacted, That in case any Person who shall contract with the said Commissioners, or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas, in his private Dwelling, Shop, Inn, Tavern, or other Building or Manufactory, Grounds or Premises, shall for the Space of Ten Days after personal Demand made by the Collector or other Person appointed by the said Commissioners to collect and receive the Gas Rents, or Demand in Writing under the Hand of such Collector or other Person left at the usual or last known Place of Abode or Business of such Person, or on the Premises in respect of which any such Gas Rent shall be due, refuse or neglect to pay the Sum then due for the same to the said Commissioners according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners to recover the same by Distress and Sale of the Goods and Chattels of such Person in the same Manner as Rents reserved upon common Demises may by Law be recovered.

LVI. And

Pavements to be made good where Pipes are laid.

LVI. And be it further enacted, That in case the said Commissioners shall enter into any Contract with any Company or Person for lighting the said Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other public Places within the said Limits or any Part thereof with Gas, the said Company or Person so contracting to light as aforesaid shall, in the supplying of such Gas, or in the laying or repairing of such Mains, Pipes, Plugs, or other Apparatus, do as little Damage as may be to the Soil or Pavement of the Carriageways and Footpaths which it may be necessary to break or take up, and shall and they are hereby required immediately after to fill in the Trenches, and to reinstate and make good such Carriageways and Footpaths (to the Satisfaction of the said Commissioners), and shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby at their own Costs and Charges, and shall during the Performance of such Works sufficiently fence and guard and affix Lights during the Night at or near the Places where any Ground shall be opened, in such Manner as to prevent Accidents or Inconvenience to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Company or Person, or any of their respective Agents or Servants, in filling in such Ground, or removing such Rubbish, or making good such Soil or Pavement, or in case the Ground so opened shall not be sufficiently guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners or their Surveyor to fill in such Ground and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence and guard any such Trench or Excavation, and provide necessary Lights at Night; and the Expences attending the same respectively shall be paid by the said Company or Person to the said Commissioners, and in default of Payment thereof for Ten next after Demand made in Writing, all such Expences, together with a Penalty not exceeding Ten Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company or Person so contracting to light as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said North Riding of the County of *York*, who, upon due Proof of such Default, is hereby empowered to grant the same.

Service Pipes to be kept fully charged with Gas.

LVII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and other Places, whether public or private, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

No Pipes of Communication to be laid without the Consent of the Commissioners or Gas Company.

LVIII. And be it further enacted, That no Person shall lay any Pipe to communicate with any Main or other Pipe, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Commissioners, or to any Company of Proprietors, or other Person so contracting to light as aforesaid, without their Consent in Writing first had and obtained, on pain of forfeiting to the said Commissioners or

or Company of Proprietors, or Person as aforesaid, the Sum of Forty Shillings *per* Day for every Day such Pipe shall so remain, or such Fittings remain unaltered.

Penalty for conveying Washings into any Stream, &c.

LIX. And be it further enacted, That if the said Commissioners, or any Company or Person making, furnishing, or supplying Gas to be used or consumed within the said Town or the Neighbourhood thereof, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other Waste Liquid, Substance, or Thing whatsoever which may arise or be produced in the making of such Gas, into any Reservoir, Aqueduct, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or shall do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such Reservoir, Aqueduct, Pond, Springhead, or Well, or Drain, Sewer, or Ditch, whereby such Water or any Part thereof shall or may be fouled or corrupted, then and in every such Case the said Commissioners, or such Company or Person as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed, and the whole of such Penalty shall be paid to the Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months next after the Time at which such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not have been sued for and recovered), in case any of the said Washings or other Waste Liquid, or other noisome or offensive Liquid, Substance, or Thing, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any Reservoir, Aqueduct, Pond, or Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Commissioners, or to the said Company, or to such Person as aforesaid, and the said Commissioners or such Company or Person shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent such Washings, Waste Liquid, or noisome or offensive Liquid, Substance, or Thing, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done, then the said Commissioners or such Company or Person shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, Waste Liquid, or noisome or offensive Liquid, Substance, or Thing, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be done as aforesaid; and such last-mentioned Penalty shall and may

be recovered and levied in like Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer or to the Person who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed as aforesaid.

Penalty for allowing the Escape of Gas.

LX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Person making, furnishing, or supplying any Gas to be used, burned, or consumed within the said Town or the Neighbourhood thereof, the said Commissioners or such Company or Person shall at their own Expence, immediately after receiving Notice in Writing of any such Escape of Gas by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case the said Commissioners or such Company or Person aforesaid shall not, within Twenty-four Hours next after such Notice being given, effectually prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, then and in every such Case the said Commissioners or such Company or Person shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be recovered in a summary Way, on the Oath of some credible Witness, by Information to be laid before some Justice of the Peace for the said North Riding of the County of *York*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners or such Company or Person, by the Warrant of any Justice of the Peace, as herein directed.

Gas Pipes to be laid Four Feet from Water Pipes, &c. in a particular Manner.

LXI. And be it further enacted, That all the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Company or Person, for the Conveyance of Gas within the said Town or the Neighbourhood thereof, shall be so laid at the greatest practicable Distance, and (wherever the Width of the Carriage or other Way will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water, except in Cases where it shall be impracticable to lay the same at such Distance, in which Case the same shall be laid at the greatest practicable Distance therefrom, or where it shall be unavoidably necessary to lay the said Gas Pipes across any such Water Pipes, in which Cases the Gas Pipes shall be laid over the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, and so that no Joint of the said Gas Pipes may be nearer to any Part of the said Water Pipes than Four Feet; and in laying down the said Gas Pipes the said Commissioners, or such Company or Person as aforesaid, shall in no Case join Four or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be

in its Place in the Trench, and shall then in such Trench properly form and complete with good and sufficient Materials the joining with the other Pipes to be connected therewith, and shall also make and keep Air-tight all such Pipes, and all Pipes to be connected therewith, and all the Screws, Joints, Inlets, Apertures, and Openings therein respectively, and in all respects prevent the said Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Default.

To prevent Escape of Gas and Contamination of Water.

LXII. And be it further enacted, That whenever the Water of any Owner or Proprietor of any Waterworks within the said Town or the Neighbourhood thereof, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person whomsoever within the said Town or the Neighbourhood thereof, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Person, the said Commissioners or such Company or Person shall forfeit and pay the Sum of Twenty Pounds for every such Offence, and the same shall be applied to the Use and Benefit of the Owner of such Waterworks, Well, Reservoir, or Pond, or the Party using any such Water and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, the said Commissioners, or such Company or Person so contracting to light as aforesaid, shall, within Twenty-four Hours after Notice thereof in Writing signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, or of such Company or Person, cause the most proper and effectual Measures to be taken to stop and prevent Gas from further escaping from their Mains, Works, or Pipes, and from contaminating such Water; and in case the said Commissioners or such Company or Person shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, the said Commissioners or such Company or Person shall forfeit and pay to the Party so interested in or using such Water and complaining as aforesaid, for the Use and Benefit of such Party (over and above the before-mentioned Penalty of Twenty Pounds), the further Sum of Ten Pounds for each Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid.

For ascertaining if the Water is contaminated.

LXIII. And whereas it may become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas; be it therefore further enacted, That in every such Case it shall be lawful for the Owner or Proprietor of any such Waterworks, or for any Person interested in such Well, Reservoir, or Pond, to dig to and about and search and examine the Pipes and other Apparatus of the said Commissioners, or of such Company or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated or affected by the Escape of such Gas, the Costs and Expences of the said digging, Search, and Examination, and also of the Repair of the Pavement or Ground,

Ground, or Street or Road, which shall have been taken up or disturbed, shall be paid by the said Commissioners, or such Company or Person aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the said North Riding of the County of *York*, and may be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the Owner or Proprietor of such Waterworks, or the Person interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Commissioners, or to such Company or Person as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of the said Commissioners or of such Company or Person in and by such Examination, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be done to the Pavement or Ground of the said Street or Road so broken up or disturbed in such Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or by any other Justice of the Peace as aforesaid.

Act not to prevent the Commissioners or Persons lighting with Gas from being indicted for a Nuisance.

LXIV. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend to protect the said Commissioners, or any Company or Person making, furnishing, or supplying any Gas to be used, burned, or consumed within the said Town or the Neighbourhood thereof, or any of the Servants, Officers, or Workmen of the said Commissioners, or any such Company or Person, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works or of the Means which shall be employed by them in making or using the said Gas, or in furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of such Gas, or from the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for wilfully injuring Lamps, &c.

LXV. And be it further enacted, That if any Person shall wilfully break, throw down, or injure any Main, Pipe, or Lamp, or the Irons, Posts, or other Furniture thereof, set up under the Powers of the said recited Act or of this Act by Order of the said Trustees or Commissioners, or in pursuance of any Contract or Agreement made by the said Trustees or Commissioners, or by any Person at his own Expence, for the Purpose of lighting the said Town or any Part thereof or the Neighbourhood thereof, or shall wilfully extinguish the Light of any such Lamp, or relight any such Lamp after the same shall have been extinguished by the Lamplighter, or shall prevent any such Lamplighter either from lighting or extinguishing any such Lamp, or shall in any other Manner molest him in the Execution of his Duty, it shall be lawful for any Justice of the Peace for the said North Riding of the County of *York*, and he is hereby

hereby required, upon Oath made of the Commission of such Offence, to issue a Warrant for apprehending the Party accused, or it shall be lawful for any Person who shall see such Offence committed to apprehend, and for any other Person to assist in apprehending the Offender, and by the Authority of this Act and without any other Warrant to deliver him to the Custody of a Peace Officer, in order to his being conveyed before some Justice of the Peace for the said Riding, and upon the Party accused being brought before such Justice such Justice shall proceed to examine upon Oath any Witness who shall appear to give Evidence touching such Offence; and if the Party so accused shall be convicted of such Offence (either upon Confession or upon such Evidence as aforesaid) he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, and shall also make full Satisfaction (to be ascertained by such Justice) to the said Commissioners or other the Person injured for the Damage so done; and in case such Offender shall not upon such Conviction pay the said Penalty and make such Satisfaction as aforesaid, the Justice before whom he shall be convicted is hereby empowered and required to commit him to the Common Gaol or House of Correction for the said North Riding of the County of *York*, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months: Provided always, that no Person shall be disqualified from being a competent Witness, or from being admitted to give Evidence of any such Offence, by reason of his being the Lamplighter or other Officer or Person employed by the said Commissioners, or any Gas Company or other Person with whom the said Commissioners may so contract as aforesaid.

Persons accidentally damaging Lamps to make good the same.

LXVI. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or injure any Lamp set up as aforesaid, or the Irons, Posts, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the said North Riding of the County of *York*, upon Complaint made by any credible Person, to summon before such Justice the Party complained of, and upon hearing the Allegations and Proofs on both Sides, or on the Confession or on the Nonappearance of the Party complained of, to award such Sum of Money as the Damage proved shall amount to, and in case of Refusal or Neglect to pay the Money so awarded within Five Days next after Demand, to cause the same to be recovered in such Manner as Penalties or Forfeitures are by this Act directed to be recovered.

Owners of private Grounds may alter Position of Pipes.

LXVII. Provided also, and be it further enacted, That in case the said Commissioners or any Company or Person shall at any Time break up the Soil or Pavement of any private Road or Way for the Purpose of laying any Main or Pipe along, under, or across the same with such Consent as aforesaid, and after the same shall have been so laid and placed the Owner or Occupier of such private Road or Way shall be desirous of having the same removed, it shall be lawful for such Owner or Occupier, at his own Costs and Charges, to alter and vary the Position of such Pipe or Main, and to relay the same, so that no Damage be done thereby to the said Commissioners or to such

Company or Person, and so that they be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

Defective Pipes to be repaired.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, whenever they shall suspect that any Pipe belonging to any Company or Person supplying Gas or Water to be used or consumed within the said Town or the Neighbourhood thereof is out of repair or defective, to adopt such Steps as they shall think proper to ascertain whether the same be out of repair or defective, and if such Pipe shall be found to be out of repair or defective forthwith to amend and repair or renew the same, or cause the same to be amended and repaired or renewed, as Occasion shall require; and all Costs and Expences attending the same shall be repaid to the said Commissioners by the Company or Person to whom such Pipes shall belong, and shall and may be recovered by the said Commissioners in such Way as Penalties and Forfeitures are by this Act directed to be recovered.

Justices may appoint Constables and Assistant Constables.

LXIX. And be it further enacted, That it shall be lawful for Two or more Justices of the Peace acting in and for the Division of *Whitby Strand* in the said North Riding of the County of *York* from Time to Time to appoint such fit and proper Persons as shall be nominated to them by the said Commissioners for the Time being for that Purpose (provided such Persons shall be approved of by such Justices) to be Constables for all Places within the Limits of this Act for promoting good Order within such Limits, and also from Time to Time to appoint such fit and proper Persons as shall be in like Manner nominated to them by the said Commissioners for that Purpose to be Assistant Constables for all Places within such Limits, for keeping the Peace therein, and for executing all such Warrants, Precepts, and Orders as the Justices of the Peace for the said North Riding of the County of *York* shall from Time to Time direct to them to be executed within the said Limits; and it shall be lawful for the said Commissioners from Time to Time to discharge such Constables and Assistant Constables or any of them, and to make other Nominations in manner herein-before mentioned, and to pay such Salaries for the due Execution of the Duty they are required to perform, and to make such Orders and Rules for the better Government and Regulation of the said Constables and Assistant Constables as they shall see fit: Provided always, that the Power hereby granted to the said Justices of appointing Constables and Assistant Constables within the Limits of his Act shall not in any way diminish, prejudice, or interfere with the Right of the Lord for the Time being of the Manor of *Whitby* and *Whitby Strand* aforesaid to appoint Constables, Bailiffs, or other Civil Officers at any Court Leet of the said Manor by virtue of any Charter or Grant from the Crown or otherwise.

Watchmen to be sworn in as Constables.

LXX. And be it further enacted, That the said Constables and Assistant Constables, and all Watchmen, Patroles, and Beadles to be appointed by virtue of this Act, shall be sworn in as Constables before some Justice of the Peace for the said North Riding of the County of *York*, and shall afterwards act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested

with and shall have and enjoy the like Powers, Authorities, Privileges, and Immunities as any Constable is invested with, or has or enjoys by Law, and shall be subject to the like Responsibilities, Penalties, Pains, and Forfeitures as Constables are by Law subject to.

Constables may take Recognizances.

LXXI. And be it further enacted, That, for better Administration of the Police within the Limits of this Act, it shall be lawful for the said Constables or Assistant Constables, on having an Appointment in Writing from the said Commissioners for that Purpose, to take Recognizances, without any Fee or Reward, from any Person who shall be brought before them or any of them in the Night-time upon any Charge not amounting to Felony, and who shall be willing to enter into such Recognizance for the Appearance of such Person before any Justice of the Peace for the said North Riding of the County of *York*, within the Space of Seven Days then next ensuing, for further Examination, and such Recognizances so to be taken as aforesaid shall be of equal Obligation to the Parties entering into the same, and render them liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and every such Constable or Assistant Constable as aforesaid shall enter in a Book to be kept for that Purpose the Names, Residences, and Occupations of the Parties and their Sureties (if any) entering into such Recognizances, together with the Conditions thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Parties are required to appear; and if the Parties do not appear at the Time and Place required, or within an Hour after, the Justice shall cause a Record of the Recognizance to be drawn up to be signed by such Constable or Assistant Constable as aforesaid, and shall return the same to the next General or Quarter Sessions, or the Adjournment thereof, for the North Riding of the County of *York*, with a Certificate at the Back thereof, signed by such Justice, that the Parties have not complied with the Obligation therein contained; and the Clerk of the Peace for the said North Riding of the County of *York*, or his Deputy, shall make the like Extracts and Schedules of every such Recognizance as of Recognizances in the Sessions of the Peace; and if the Parties not appearing shall apply by any Person on their Behalf to postpone the Hearing of the Charge against them, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizances to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint, or by binding the Parties over to answer the Matter thereof at the Sessions, or otherwise, the Recognizances for the Appearance of the Parties before a Justice shall be discharged without a Fee.

Power to erect Watch-houses and employ Watchmen.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time when and as often as they shall think it expedient, to provide, erect, and set up, and afterwards keep in good Repair and Condition, such and so many Watch-houses and Watchboxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Roads, Lanes, High-ways, Bridges, Passages, Footpaths, or other public Places within the Limits of this Act, and to appoint and employ such and so many Watchmen

Watchmen and Night Patroles, and such and so many Superintendents to such Watchmen and Night Patroles, and such and so many Beadles, as well for the Day as Night, as they shall judge expedient and necessary for affording Security and preserving good Order within such Limits, and such Watchmen, Night Patroles, and Beadles respectively from Time to Time to remove and displace, and to appoint others in their Stead, and also to order and direct how many of the said Watchmen, Night Patroles, and Beadles shall attend nightly within the said Limits, or in any Street, Road, Lane, Highway, Bridge, Passage, Footpath, or public Place therein, and how such Watchmen, Night Patroles, and Beadles respectively shall be armed, and at what Station they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds, and to make such further Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patroles, and Beadles respectively, and to pay them such Salaries as they shall think proper.

Duties of Watchmen, &c.

LXXIII. And be it further enacted, That the said Constables, Assistant Constables, Watchmen, Night Patroles, and Beadles respectively shall in their several Courses of Service use their utmost Endeavours, not only to prevent Fires, but also to keep Watch and Ward within the Limits of this Act, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace, and to that End the said Constables, Assistant Constables, Watchmen, Night Patroles, and Beadles respectively shall and may and they are hereby empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons, Prostitutes, and Nightwalkers, who shall be found misbehaving or wandering within such Limits, and to lodge them in any Place of Security within the said Limits which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law.

Duties of Beadles, &c.

LXXIV. And be it further enacted, That the said Constables, Assistant Constables, Beadles, and Superintendents shall and they are hereby required, as often in every Night as shall be ordered by the said Commissioners, to go about their respective Districts and Rounds, and observe and take notice whether all the Watchmen and Night Patroles perform their Duty in their several Stations according to such Orders and Regulations as shall be made and provided by the said Commissioners; and in case any Watchman or Night Patrole shall be found misbehaving himself or neglecting his Duty, the said Constables, Assistant Constables, Superintendents, and Beadles respectively shall as soon as conveniently may be give Notice thereof to the said Commissioners; and the said Constables, Assistant Constables, and Beadles respectively shall also patrol the several Streets within the Limits of this Act in the Daytime during such Hours and Times as the said Commissioners shall appoint, and apprehend and secure all drunken, riotous, or disorderly Persons, and Persons found begging, within the said Limits, and Persons who shall insult any Female by using

using obscene Language or by indecent Exposure of the Person, or Persons found loitering in Groups in the Market Place, or in any of the Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, or other public Places within the said Limits, to the Annoyance or Obstruction of Passengers or Inhabitants within the said Limits, or in anywise wilfully obstructing or hindering the free Passage of the said Market Place, or of any of the said Streets, Roads, Lanes, Highways, Bridges, Passages, Foothpaths, or other public Places, Persons setting any Dogs to fight, or abetting or encouraging any Dog-fight, or by any other Means disturbing good Order and public Peace within the said Limits, and convey all such Persons either before some Justice of the Peace, or to convey such Persons to and lodge them in any Place of Security within the said Limits which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely detained and kept until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law.

Penalty on Watchmen, &c. for Neglect of Duty.

LXXV. And be it further enacted, That if any of the said Constables, Assistant Constables, Superintendents, Watchmen, Night Patroles, or Beadles, or any of their Substitutes, shall at any Time wilfully neglect or omit to observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct or Government respectively, or shall in any Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and shall be dismissed from his said Employment if the said Commissioners shall think proper so to do.

Punishment of Watchmen, &c. guilty of Misconduct.

LXXVI. And be it further enacted, That if any Constable, Assistant Constable, Superintendent, Watchmen, Night Patrole, or Beadle to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any Justice of the Peace for the said North Riding of the County of *York*, upon Complaint against any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle of any such Misconduct, to commit him to the Common Gaol or House of Correction for the said Riding, there to remain for any Term not exceeding Three Calendar Months.

Punishing Publicans for harbouring Watchmen, &c. during the Time they shall be on Duty.

LXXVII. And be it further enacted, That if any Innkeeper, Victualler, or Keeper of any Public House, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain or wilfully suffer to remain in his Inn, Public House, Shop, Room, or other Place any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle as aforesaid, during any Part of the Time appointed for his being on Duty, every such Innkeeper, Victualler, or Keeper shall, on Conviction thereof, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to reward disablee Watchmen.

LXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Monev to any of the

said Constables, Assistant Constables, Superintendents, Watchmen, Night Patroles, and Beadles respectively who may conduct himself with any particular Merit, or may be disabled or wounded in the Execution of his Office, as they the said Commissioners shall think reasonable, out of the Monies to be raised by virtue of this Act.

Penalty on Persons assaulting Watchmen.

LXXIX. And be it further enacted, That if any Person shall obstruct or assault any Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle to be appointed or employed by virtue of this Act whilst in the Execution of his Duty, or shall aid or incite any Person so to obstruct or assault any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle, every Person so offending, upon being convicted thereof before any Justice of the Peace of the said North Riding of the County of *York*, shall forfeit and pay any Sum not exceeding Five Pounds; or such Justice may, at his Discretion, commit such Person either for Trial at the Quarter Sessions, or to the House of Correction for the said Riding for any Time not exceeding Two Calendar Months, and to be kept to hard Labour, if the Justice shall think fit.

Commissioners to provide Fire Engines.

LXXX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to provide and maintain in good Repair and Condition One or more Fire Engine or Fire Engines, together with all such Pipes, Buckets, and other Articles and Things as may be necessary for working and using the same, and also from Time to Time to provide and maintain proper and convenient Houses or other Places within the Limits of this Act for the keeping of such Engines, and to pay and defray all Costs and Expences attending the same respectively out of the Money to be raised by virtue of this Act, and also to provide Firemen, and pay them such Wages and Rewards for their Services as the said Commissioners shall think fit.

Commissioners to repair the Streets, &c.

LXXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, when and so often and in such Manner as they shall think fit, to cause the several Streets, Roads, Lanes, Highways, Bridges, Passages, Footpaths, and public Places within the Limits of this Act to be altered, widened, diverted, turned, or extended, paved, flagged, or otherwise constructed, improved, soughed, repaired, and amended, supported and kept in good Order and Condition, with such Materials as the said Commissioners shall think proper, and also from Time to Time to cause the Pavements, Flagging, and other Materials thereof to be taken up and relaid and removed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper, (the said Commissioners making Compensation to the Owners and Occupiers of any Houses or Premises for any Injury which they may sustain by the raising, lowering, or altering of the Ground or Soil of any of such Streets, Roads, Lanes, Highways, Bridges, Footpaths, Passages, and public Places,) and also from Time to Time to cause proper and con-

venient Sewers, Gutters, Drains, or Watercourses to be made along or under the said several Streets, Roads, Lanes, Highways, Bridges, Footpaths, Passages, or other public Places, for carrying off Water, Mud, or Filth from the same, and to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper.

Market Place to be paved and cleansed by Lord of Manor as heretofore.

LXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to exonerate or release the Lord of the Manor of *Whitby* aforesaid for the Time being, or his Lessee or Farmer of the Tolls and Profits of the Market there kept, from his or their Liability to pave, repair, sweep, and cleanse the Place or Street in the said Town of *Whitby* called the "New Market Place," but the same shall be from Time to Time paved, repaired, swept, and cleansed by him or them as heretofore: Provided also, that nothing in this Act contained shall extend to exonerate or release the Owners or Proprietors of any private Roads or public Footpaths within the Limits of this Act from any Liability to which at the Time of the passing of this Act they are or may be subject to repair and maintain such Roads and Footpaths respectively, but all such Roads and Footpaths respectively shall continue to be repaired and maintained by such Owners and Proprietors respectively as heretofore.

Owners, &c. of private Roads and public Footpaths to continue liable to repair the same.

Providing for future Repair of public Roads, &c. along which Boundary Line extends.

LXXXIII. Provided also, and be it further enacted, That whenever the Boundary Line herein-before laid down shall extend or be carried along any public Road or Highway, such public Road or Highway shall, for the Distance along which such Boundary Line shall so extend or be carried, be thenceforth repaired and maintained as to One Half thereof by the said Commissioners, and as to the Remainder thereof by the Surveyors of the Highways for the Township in which such public Road or Highway shall be situate.

Justices may divide public Roads, &c. along which Boundary Line extends.

LXXXIV. And be it further enacted, That for the Purpose of preventing any Disputes between the said Commissioners and the Surveyors of the Highways as to the Portions of the public Roads or Highways which they respectively may be liable to repair and maintain pursuant to the Provision last herein-before contained, it shall be lawful for any Two Justices of the Peace for the said North Riding of the County of *York*, and they are hereby required, on Application made to them for that Purpose either by the said Commissioners or the said Surveyors of Highways, to divide any of the said public Roads or Highways, and thenceforth the same shall be repaired and maintained by the said Commissioners and the Surveyors of Highways respectively in entire Moieties according to the Division so made by the said Justices.

Paviors and Workmen to be appointed, and Materials, &c. purchased.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint such and so many Paviors, Workmen, Labourers, and others, and also to purchase or hire such and so many Horses, Carts, Tools, Implements, or Materials, and to do all and every such other Acts and Things as the said Commissioners

missioners shall judge necessary for the Purpose of carrying this Act into execution.

Penalty for damaging Pavement, &c.

LXXXVI. And be it further enacted, That if any Person shall wilfully or maliciously or by Negligence break up, injure, destroy, or otherwise damage any of the Flagging or Pavement or the Footways or Carriageways of the said Streets, Roads, Lanes, Highways, Bridges, Passages, and public Places, or any of the Sewers or Gratings, or any of the Posts, Rails, or Fences, or any of the Works done by the said Commissioners in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Power to stop up Streets under Repair.

LXXXVII. And be it further enacted, That it shall be lawful for the said Commissioners or their Surveyor, during such Time as any of the said Streets, Roads, Lanes, Highways, Bridges, Passages, or public Places within the Limits of this Act shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to order the necessary Materials to be lodged in that or in any of the adjoining Streets, Roads, Lanes, Highways, Bridges, Passages, or public Places within the said Limits, and to cause so many Bars, Posts, Rails, Chains, or other Obstructions to be fixed, set up, and placed across or in any of the said Streets, Roads, Lanes, Highways, Passages, or Places, to prevent the Passage of Carriages, Horses, and Cattle while such Works or Repairs are in progress, as to the said Commissioners shall seem proper; and if any Person shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, Chains, or other Obstructions, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Commissioners may rent or purchaseGround or Buildings.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to purchase or rent from any Person who may be willing to treat for the same any Land, Building, or Premises for depositing the several Materials necessary for the Purposes of this Act, and for Stables for Horses, and for Standings for Carts purchased, hired, used, or employed by the said Commissioners, or for a Meeting or Committee Room or Office, or, if they shall think proper, to erect any Building for any of the Purposes of this Act on any Land to be purchased by virtue hereof; and the Purchase Money or Rent for the same, or the Expence of erecting the same respectively, and of keeping the same respectively in repair, shall be paid out of the Monies to be raised by virtue of this Act, and the Property thereof is hereby vested in the said Commissioners for the Purposes of this Act.

Penalty for Injury to Buildings, &c.

LXXXIX. And be it further enacted, That it shall not be lawful for any Person at any Time to take up, remove, or alter the Pavements, Flags, or other Materials, or the Footways or Carriageways of any public Streets, Roads, Lanes, Highways, Bridges, Passages, and other public Places within the Limits of this Act, or any Part thereof, on any Pretence whatsoever, without the previous Consent of the said Commissioners in Writing signed by their Clerk; and if any Person

Person shall, without the Leave of the said Commissioners so given as aforesaid, take up, alter, or remove the said Pavements, Flags, or other Materials, or the Footways or Carriageways, or any Part thereof, or if any Person shall, without the Leave of the said Commissioners, take away, remove, displace, destroy, deface, damage, injure, or pull up any Erection, Building, Fountain, Cistern, Wall, Fence, Pier, Pillar, Lamp, Lamp Iron, Board, Post, Rail, Pump, Pipe, Plug, Apparatus, Pavement, Material, Matter or Thing hereby vested in the said Commissioners, every Person so offending shall forfeit and pay to the said Commissioners for every such Offence such Sum of Money not exceeding Five Pounds as any Justice of the Peace for the said North Riding of the County of *York* shall in that Behalf direct, and also such further Sum of Money as a Compensation for the Damage and Costs which shall have been occasioned by such Offence as such Justice shall in that Behalf award, to be recovered in such Manner as by this Act is provided for the Recovery of Penalties.

Commissioners to appoint or contract with Scavengers.

XC. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time to appoint and employ any Persons to be and act as Scavengers, and to purchase or hire any Carts, Carriages, and Horses, and Utensils for cleansing the Streets, Roads, Lanes, Highways, Bridges, Passages, and other public Places within the Limits of this Act, and for carrying away all Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, and to direct on what Days and Times particular Streets, Roads, Lanes, Highways, Bridges, Passages, and Places shall be cleansed, and the Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to such Scavengers as shall appear necessary to the said Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract or agree with any Person for all or any of the Purposes aforesaid at such Times and in such Manner as shall appear expedient to the said Commissioners.

Scavengers Duty.

XCI. And be it further enacted, That the Persons employed by or contracting with the said Commissioners as such Scavengers as aforesaid shall, on such Days and Times and in such Manner as the said Commissioners shall appoint, cause to be swept or collected together, and also removed and carried away, all Dirt, Dust, Dung, Cinders, Ashes, Filth, and Soil found in the several Streets, Roads, Lanes, Highways, Passages, and other public Places within the Limits of this Act, or in the Cesspool of the public Gratings therein, and where practicable shall also bring or cause to be brought therein a Cart or other proper Carriage, and at their Approach therewith, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants in such Streets, Roads, Lanes, and Highways, and also in every Court or Passage wherein such Cart or Carriage cannot pass, of their coming, and such Persons shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Filth, and Soil (except Filth from any Privy or Necessary House) from the respective Premises in such

Streets, Roads, Lanes, Highways, Passages, and Places, and by means of the said Cart or Carriage immediately or as soon as may be remove the same to the Place appointed by the said Commissioners for that Purpose, upon pain of forfeiting any Sum not exceeding Five Pounds for every Neglect therein; and the Person so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters in the Front or on some conspicuous Part of every Cart or Carriage used for that Purpose as aforesaid, on pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on Contractors for cleansing not fulfilling their Agreement.

XCII. And be it further enacted, That if any Person entering into or engaging in any Contract or Agreement for cleansing the said Streets, Roads, Lanes, Highways, Passages, and other public Places within the Limits of this Act shall in any Manner omit or neglect to fulfil the Conditions of his Contract or Engagement according to the true Intent and Meaning thereof, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Omission or Neglect, but nothing herein contained shall hinder the said Commissioners from commencing or prosecuting any Action at Law against such Person and his Sureties (if any) for or in respect of any such Omission or Neglect.

Penalty on Persons casting Rubbish into Streets, &c.

XCIII. And be it further enacted, That if any Person shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth or Substance whatsoever, into or upon any Street, Road, Lane, Highway, Passage, or other public Place within the Limits of this Act, (with the Exception of such Ashes or Gravel as may be laid upon any Foot Pavement or any other Place within any of the said Streets, Roads, Lanes, Highways, Passages, and public Places in the Time of Frost for the Prevention of Accidents, and of such Straw, Stable Litter, or Sand as may be deposited in front of any House in consequence of the Illness of any Person therein,) or shall throw or cast or suffer to drain any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal or Carcass, or any noxious or offensive Materials or Ingredients, or any other Substance whatever, into any private Well, Pump, Canal, Pond, Pool, or Reservoir for Water within the said Limits, every such Person shall forfeit and pay any Sum not exceeding Sixty Shillings for every such Offence: Provided always, that nothing herein contained shall extend to subject any Person whomsoever to any Penalty for or on account of any Dirt or Rubbish being laid or placed in any such Street, Road, Lane, Highway, Passage, or public Place as aforesaid in the course of erecting, pulling down, altering, or repairing any Building, so as there be sufficient Space left in or at the Side of the Street, Road, Lane, Highway, Passage, or Place where such Dirt or Rubbish shall lie or be placed for Carriages to pass and repass, and sufficient Way be kept clear for Foot Passengers, and so as a sufficient Light be kept, at the Expence of the Person laying or causing to be laid or placed such Dirt or Rubbish, at the Place where the same shall be laid or placed, from Sunset to Sunrise, to prevent Accidents, and so as such Dirt or Rubbish be inclosed and be removed at the Expence of the Person laying or causing the same to be laid, in such

Manner and within such Time as shall be ordered by the said Commissioners or their Surveyor.

No Ashes to be taken away from Streets, &c. except by Scavengers.

XCIV. And be it further enacted, That if any Person shall take away any Dust, Dirt, Dung, Offal, Rubbish, Cinders, or Ashes (other than any Ashes laid upon the Pavement in Time of Frost for the Prevention of Accidents, or any Straw, Stable Litter, or Sand deposited in front of any House in case of Illness, and also except any Dirt or Rubbish occasioned by building as aforesaid, or any Stable Manure which may have been sold by the Owner thereof,) from any Street, Road, Lane, Highway, Passage, or public Place within the Limits of this Act, except the Person appointed by the said Commissioners, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Inhabitants may use their own Ashes.

XCV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any Person from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or be made within his own Premises, or from making use of the same for Manure or otherwise, so as the same be not suffered to remain there so as to become a Nuisance to any Inhabitant, and so as the same be not laid down or placed in any Street, Road, Lane, Highway, Passage, or other public Place within the Limits of this Act, and suffered to remain there for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person so reserving such Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth shall keep the same in such Streets or Places for a longer Space of Time than shall be appointed by the said Commissioners before the same shall be removed and carried away, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Hour that such Nuisance shall be permitted to remain after the Time aforesaid.

Commissioners to cause Footpaths and Pavements to be swept and cleansed.

XCVI. And be it further enacted, That it shall be lawful for the said Commissioners to cause the several Footpaths or Pavements in front of any Houses, Buildings, Churches, Chapels, Meeting Houses, or Places of public Worship, Hospitals, Schools, Theatres, or other public Buildings, dead Walls, Fences, or vacant Pieces of Ground, situate or being next adjoining any Street, Road, Lane, Highway, Passage, or public Place within the Limits of this Act, to be well and sufficiently swept and cleansed on such Days and at such Hours as the said Commissioners shall from Time to Time by any Bye Law, Rule, or Order direct; and it shall be lawful for the said Commissioners to defray the Expence of sweeping and cleansing such Footpaths and Pavements respectively out of the Money to be raised by virtue of this Act.

Commissioners to cause Snow to be removed, &c.

XCVII. And be it further enacted, That if any Impediment or Obstruction shall arise in any Street, Road, Lane, Highway, Passage, or public Place within the Limits of this Act from Accumulation of Snow or from any other like Cause, the said Commissioners shall and they are hereby required from Time to Time, and within Twenty-four Hours after Notice thereof from any Justice of the Peace for the said

North Riding of the County of *York*, to cause the same to be removed.

Water from Buildings to be conveyed into Drains.

XCVIII. And be it further enacted, That no Water shall be permitted to drain from any Building upon any Street, Road, Lane, Highway, Passage, or public Place within the Limits of this Act, but all such Water shall be conveyed from Buildings in such Manner as the said Commissioners shall from Time to Time by any Bye Law, Rule, or Order direct, nor shall any Water be pumped up or discharged from any Building upon any such Street, Road, Lane, Highway, Passage, or public Place, but the same shall be conveyed alongside or under the Footpath or Pavement by Spouts or Trunks to the Drain or Channel of the Street where any such exist, nor shall any Smoke be discharged from the Front, Side, or End of any Building into any such Street, Road, Lane, Highway, Passage, or public Place, under the Penalty of any Sum not exceeding Forty Shillings for each Offence.

How Pipes for the Conveyance of Water shall be laid.

XCIX. And be it further enacted, That for the Purpose of forming such Pipes, Tunnels, or Channels as aforesaid it shall be lawful for the Proprietors of any Buildings, at their own Expence and with the Consent of the said Commissioners or their Surveyor, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite, and the said Pipes, Tunnels, or Channels shall be laid and formed under the Direction of the said Commissioners or their Surveyor, and all Damage which may thereby be occasioned to the Pavement or Flagging of any such Footpath or Carriageway shall be made good and shall be paid by the said Proprietors of Buildings to the said Commissioners or their Surveyor; and in the event of any Neglect or Refusal to make good or pay the Amount of such Damage such Amount shall and may be recovered as any Penalties, Rates, or Assessments are by this Act authorized to be recovered.

Water from Roofs of Houses or Buildings to be carried off by Trunks or Pipes.

C. And be it further enacted, That the Owner, Tenant, or Occupier for the Time being of every House or Building within the Limits of this Act shall, when thereunto required by the said Commissioners, within Ten Days after receiving Notice in Writing signed by the Clerk of the said Commissioners, put up and place, and keep in repair and good Condition, a Gutter, Spout, or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed at the Front or Side of such House or Building from the Roof down to the Ground to carry off or convey all the Water from the Roof of such House or Building, in such Manner that such Water shall pass from the said Roof down to and under the Flagging of the Foot Pavement or Footway through or into the Common Channel, or in such other Manner that the same may not fall or drip from the Eaves of such House or Building upon or incommode any Person passing such House or Building, or passing over or along any Footpath; and every Tenant or Occupier of any such House or Building who shall put up or place any such Gutter, Spout, Trough, Pipe, or Trunk shall be entitled to deduct and retain out of the Rent payable by him to the Owner, Lessor, or Landlord of such House or Building so much Money as such Tenant or Occupier shall have expended in

putting

putting up or placing any such Gutter, Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him for so much of his Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him by the Owner, Lessor, or Landlord of such House or Building out of such Rent; and if any such Owner, Tenant, or Occupier shall, for the Space of Ten Days after such Notice to be given as aforesaid, neglect to prevent the Water from dripping from the Eaves of such House or Building as aforesaid, it shall be lawful for the said Commissioners to do the same in such Manner as they shall think proper, and the Costs and Expences attending the same shall be recovered from the Owner of such House or Building in like Manner as Penalties or Forfeitures, or Rates or Assessments, are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer of the said Commissioners, to be applied for the Purposes of this Act: Provided always, that nothing herein contained shall extend to affect or prejudice any Agreement made between any Owner or Landlord, Occupier or Tenant.

Cellar Windows and Grates to be secured.

CI. And be it further enacted, That if any Cellar Door, Trap-door, Hatchway, or Flap Window leading into, or giving Light or Air to, or placed over any Cellar, Area, Vault, or Office, or any other Place under Ground, within the Limits of this Act, or if any Grate or other Covering placed over any Opening in the Flagging or Pavement, and used for putting Coals or other Articles into any Cellar or Place under Ground, or for any other Purpose, shall be left open, or not well and effectually made and fastened down so as to prevent Accidents, the Occupier of such Cellar, Area, Vault, Office, or other Place shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; and in case the Occupier of such Cellar, Area, Vault, Office, or other Place shall not, after Twenty-four Hours Notice in Writing from the said Commissioners signed by their Clerk or Surveyor, well and effectually secure, fasten down, and repair the same, so as to prevent Accidents, he shall, in addition to the said Penalty of Forty Shillings, forfeit and pay the Sum of Twenty Shillings for each Day during which such Cellar, Area, Vault, Office, or other Place as aforesaid shall so remain open or unsecured or not in repair as aforesaid.

Regulating Slaughter-houses.

CII. And be it further enacted, That it shall be lawful for the said Commissioners, or some Person to be by them appointed as an Inspector for that Purpose, from Time to Time, and they are hereby empowered at all Times in the Day or Night, with or without any Servants or Assistants, to enter into and inspect any House or Place kept or used for the slaughtering or killing, storing or preserving of Cattle, Swine, or Beasts of any Kind, or any Fish, within the Limits of this Act, and also any Building, Shed, Yard, or Place belonging thereto, and then and there to examine whether any Cattle, Swine, or other Beast, or the Carcass or any Part of the Carcass of any such, or any Fish, is or are deposited, or has or have been brought there; and in case such Inspector shall find any Cattle, Swine, or other Beast, or the Carcass or any Part of the Carcass of any such,

or

or any Fish which shall appear to be unsound or unwholesome, or not fit for the Food of Man, it shall be lawful for such Inspector to seize and carry away the same for the Purpose of being further examined by competent Persons; and if the same shall be proved to the Satisfaction of any Two Justices of the Peace for the said North Riding of the County of *York* (after the Owner or Occupier of such House or Place shall have been summoned to appear before such Justices) to be unsound and unwholesome, the same shall be immediately burnt or destroyed; and if the Owner or Occupier of any such House or Place kept for the slaughtering or killing, or storing or preserving of Cattle, Swine, or other Beasts or Fish, or of any Building, Shed, Yard, or Place belonging thereto, or any other Person, shall obstruct such Inspector as aforesaid from entering into and inspecting the same, and examining, seizing, carrying away, or destroying any Carcass or Fish which shall appear to be and which shall be declared to be unsound and unwholesome, or unfit for the Food of Man, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Hogstyes, &c. may be removed.

CIII. And be it further enacted, That in case any Slaughter-house, Hogstye, Necessary House, or Manure Heap, Dung Heap, Cesspool, or any other noisome Matter whatsoever in or near any of the Streets within the Limits of this Act, shall be complained of by any Inhabitant as a Nuisance or Annoyance, it shall be lawful for the said Commissioners, on such Complaint being made to them, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk or Surveyor, to order such Nuisance or Annoyance to be abated or removed within Fourteen Days next after such Notice given to the Person who ought to remove or abate the same, or for or on whose Behalf the same is carried on, or left at his last or usual Place of Abode or Business, or on the Premises where such Nuisance shall be occasioned; and in case the same be not abated or removed as aforesaid within the Time mentioned in such Notice, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every Day the same shall continue unabated or unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal as hereinafter mentioned shall be prosecuted with Effect against the Order of the said Commissioners, and in case Notice of such Appeal shall be given the said Penalty shall not be inflicted until after the Determination of such Appeal.

Hoards or Fences to be made round Buildings under Repair or erecting.

CIV. And be it further enacted, That all Persons who at the Time of the passing of this Act shall have begun to take down, repair, alter, or erect, or who shall at any Time hereafter take down, repair, alter, or erect, any Buildings whatsoever within the Limits of this Act, shall cause a proper and sufficient Hoard or Fence (in case the said Commissioners or their Surveyor shall require it) to be erected or set up to guard all such Buildings and the Ground whereon the same stood, in such Manner as the said Commissioners or their Surveyor shall require, either before or after such Buildings shall be begun to be taken down, repaired, altered, or erected, and shall

continue such Hoard or Fence in good Condition during the Time such Repairs, Alterations, or Building shall be going on; and if any Person shall refuse or neglect to erect such Hoard or Fence as aforesaid, or to continue the same in good Condition as aforesaid, or to take down the same when thereunto required by the said Commissioners or their Surveyor, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings *per* Day; and in case of such Refusal or Neglect it shall be lawful for the said Commissioners or their Surveyor to cause such House or Garden to be well and sufficiently fenced, or the Hoard or Fence set up to be well and sufficiently repaired and continued as aforesaid, or taken down (as the Case may require); and the Person neglecting or refusing shall, over and above the aforesaid Penalty, pay all the Charges and Expences of such fencing and repairing, upon Demand made by the said Commissioners or their Clerk or Surveyor.

Regulations relative to rebuilding Houses.

CV. And be it further enacted, That when any House or Building, the Front, Foundation, or any Part of which now stands or projects beyond the regular Line of the Street or Place in which the same shall be situate, or beyond the Front of any of the Houses or Buildings on each or either Side thereof, in any of the Streets or public Places within the Limits of this Act, shall be taken down or be rebuilt, or where any House or Building shall be erected on any vacant Space of Ground within the said Limits not already built upon, the same shall be set back to the Line of the Street or Place aforesaid, or to the Line of the adjoining House or Building, or in such Manner as the said Commissioners or their Surveyor shall direct; and where the next House or Building shall not adjoin the House or Building so to be taken down or rebuilt, but shall be separated therefrom by any Street, Way, or Ground, then the same shall be set back to the Line of such Street or Place, or of such House or Building on either Side thereof, or as the said Commissioners or their Surveyor shall direct; and every Person who shall be desirous to erect or rebuild any such House or Building shall, before he shall commence the same, give Fourteen Days Notice to the said Commissioners of his Intention so to do; and every Person who shall act contrary to the Directions of the said Commissioners or their Surveyor herein, or shall neglect to give such Notice as aforesaid, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence; and it shall be lawful for the said Commissioners or their Surveyor to order and cause any House or Building which shall be erected contrary to the Provisions of this Act to be taken down and altered at the Expence of the Owner or Proprietor thereof, to be recovered in manner herein directed for the Recovery of Damages and Expences: Provided always, that the said Commissioners shall and they are hereby required to make Compensation to the Owner or Occupier of every such House or Building for any Damage or Injury which he may sustain by the setting back of such House or Building.

Buildings may be advanced so as to improve Streets.

CVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners or their Surveyor to admit any Building hereafter to be erected within the Limits of this Act to be advanced and brought forward, for the Purpose of improving and

conforming to the general Line of the Street or Place in which such Building shall be situate, or of the Buildings adjacent thereto.

For Removal of existing Projections.

CVII. And be it further enacted, That, notwithstanding any thing herein-after contained to the contrary, it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Penthouses, Porches, Sheds, Projecting Windows, Palisadoes, Rails, Posts, Steps, Scrapers, Areas, Cellar Holes, Windows, Cellar Doors, Hatchways, and all other Obstructions and Projections whatsoever not herein specified, which at the Time of the passing of this Act are erected, fixed, set up, laid down, or exist against or in front of any House or other Buildings in any of the Streets, Roads, Lanes, Highways, Passages, or other public Places within the Limits of this Act, and which in the Judgment of the said Commissioners are public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the said Streets, Roads, Lanes, Highways, Passages, or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, as shall be thought proper and expedient by the said Commissioners, first causing Thirty Days Notice in Writing under the Hand of the Clerk or Surveyor for the Time being of the said Commissioners to be given to the respective Owners and Occupiers of such Houses and Buildings of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and the said Commissioners shall defray the whole Costs and Charges of executing the same.

For Removal of future Projections.

CVIII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Roads, Lanes, Highways, Passages, and other public Places within the Limits of this Act are hereby required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by their Clerk or Surveyor for the Time being, to cause all and every of the Penthouses, Porches, Sheds, projecting Windows, Palisadoes, Rails, Posts, Steps, Scrapers, Areas, Cellar Holes, Windows, Cellar Doors, Hatchways, and all other Obstructions and Projections whatsoever which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the Streets, Roads, Lanes, Highways, Passages, or other public Places within the Limits of this Act, to be so taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners or their Surveyor; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisado, Rail, Post, Step, Scraper, Area, Cellar Hole, Window, Cellar Door, Hatchway, or other Obstruction or Projection, to be taken down, filled up, removed, and carried away, or otherwise altered and reformed, within such Time and in such Manner as in such Notice

shall

shall be directed, then and in every such Case it shall be lawful for the said Commissioners or their Surveyor to cause the same to be forthwith done; and the Costs and Charges attending the same, having been ascertained by some Justice of the Peace, shall and may be recovered from the Occupier of such House or other Building in like Manner as any Penalties are by this Act authorized to be recovered; and it shall be lawful for the Occupier of such House or other Building, having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount out of his Rent, and the Landlord of every such House or other Building is hereby required to allow the same accordingly, except only in such Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been erected by such Occupier, in which Case he shall bear the Expence of altering or removing the same.

Directions for removing Signs, &c.

CIX. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings in the said Streets, Roads, Lanes, Highways, Passages, and public Places within the Limits of this Act are hereby required, at their own respective Costs and Charges, (within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by their Clerk or Surveyor for the Time being,) to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Dyers Poles, Stalls, Blocks, Bulks, Showboards, Butchers Hooks, Spouts, Water Pipes, and other Projections which now are or hereafter shall be fixed or set up against or in front of their respective Houses or Buildings, and which in the Judgment of the said Commissioners shall be public Annoyances or Nuisances by reason of their projecting into, encroaching upon, or otherwise annoying or endangering the public Passage along any of such Streets, Roads, Lanes, Highways, Passages, and public Places, to be taken down, removed, and carried away or altered; and in case any Occupier of any such House or Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Dyer's Pole, Stall, Block, Bulk, Showboard, Butcher's Hook, Spout, Water Pipe, or other Projection to be taken down, removed, and carried away or altered within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done; and the Costs and Charges attending the same, having been ascertained by some Justice of the Peace for the said North Riding of the County of *York*, shall be recovered from the Occupier in like Manner as any Penalties are by this Act authorized to be recovered, and the same shall be paid to the Treasurer of the said Commissioners, to be applied to the Purposes of this Act; and it shall be lawful for such Occupier, having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his Rent, and the Landlord of every such House or other Building is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, or Annoyance shall have been occasioned by such Occupier, in which Case he shall bear the Expence of altering or removing the same.

CX. And

Cattle straying in the Streets to be impounded.

CX. And be it further enacted, That if any Horse, Mule, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal shall at any Time be found at large, without some Person therewith claiming the same, in any of the Streets, Roads, Lanes, Highways, Passages, or other public Places now made or hereafter to be made within the Limits of this Act, it shall be lawful for any Officer appointed by the said Commissioners, or for any other Person whomsoever, to seize and impound such Horse, Mule, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal in the Common Pound (if any) of the Town of *Whitby* aforesaid, or in such other Place as the said Commissioners shall provide for that Purpose, (and which they are hereby empowered to provide and maintain within the Limits of this Act for common Use by the Inhabitants thereof,) and to detain the same therein until the Owner thereof shall for every Beast or Animal so impounded have paid any Sum not exceeding Five Shillings to the Treasurer for the Time being to the said Commissioners for the Purposes of this Act, and also any Sum not exceeding One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the said Commissioners, to sell or cause such Beast or Animal to be sold; but previous to such Sale Two Days Notice at least shall be given to or left at the Place of Abode of the Owner of such Beast or Animal so impounded of such intended Sale if the Owner thereof shall be known, or if not known then Notice of such intended Sale shall be given by Handbills circulated within the Limits of this Act Two Days at least before the Day appointed for such Sale; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Beast or Animal so impounded, shall, on Demand, be paid to the Owner of such Beast or Animal so sold; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising by such Sale, over and above the said Penalty, Charges, and Expences, within Seven Days after such Sale shall have taken place, the said Money shall, after deducting the said Penalty, Charges and Expences, be paid to the Treasurer to the said Commissioners, and be applied to the Purposes of this Act.

For punishing Persons guilty of Pound-breach.

CXI. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Mule, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal which shall have been seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be impounded, or shall pull down, damage, or destroy such Pound or Place, or any Part thereof, or any Lock, Bolt, or other Fastening belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Mule, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, he shall, on Conviction thereof before any

any of His Majesty's Justices of the Peace for the said North Riding of the County of *York*, either upon the Confession of the Party offending or upon the Oath of some credible Witness, forfeit and pay any Sum not exceeding Five Pounds, or in default of such Payment shall be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction for the said North Riding of the County of *York*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Power to set up Posts for guarding Footways and to remove the same.

CXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up in such Parts of the said Streets, Roads, Lanes, Highways, Passages, and other public Places as they may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fences, either permanent or temporary, for the Purpose of preserving any of the Footways within the Limits of this Act clear from Annoyance by Horses, Cows, Swine, or other Cattle, and for the Purpose of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents, and also to paint, repair, and replace any such Posts, Pillars, Stones, Rails, Bars, Chains, or other Fences from Time to Time whenever it shall appear to be requisite, and also from Time to Time to order and cause the Removal of all or any Posts, Pillars, Stones, Rails, Bars, Chains, and Fences which are or shall be in any of the said Streets, Roads, Lanes, Highways, Passages, or public Places, and which shall in the Opinion of the said Commissioners be useless, or an Obstruction to the free Passage along the same.

Commissioners to erect Direction Posts, and set up Stones to mark the Limits of the Act.

CXIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause Direction Posts to be erected or fixed in such Places as they may think necessary within the Limits of this Act, and also to cause to be set up Stones or Posts on such Parts of the Boundary Lines herein-before mentioned as they shall think fit to mark the Limits of this Act; and it shall be lawful for the said Commissioners to defray all the Costs and Expences to which they may be put in providing and erecting such Direction Posts, Stones, and Posts, and in keeping the same in repair, out of the Monies to be raised by virtue of this Act.

For regulating Standcocks during Frost.

CXIV. And be it further enacted, That if any Person supplying Water whose Mains or Pipes shall be laid beneath the Surface of the said Streets, Roads, Lanes, Highways, Passages, or public Places, or any Part thereof, shall place or set up any Standcock or Pump, or other Instrument, Machine, or Thing for the Supply of Water, in the Time of Frost or otherwise, in any of the said Streets, Roads, Lanes, Highways, Passages, and public Places, which shall be furnished with any other than a Metal Cock and Spout, to the Satisfaction of the said Commissioners or their Surveyor, such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

For preventing Nuisances.

CXV. And be it further enacted, That if any Person shall, in any of the present or future Streets, Roads, Lanes, Highways, Passages, or other

other public Places within the Limits of this Act, expose for Sale or for Hire any Horse, Mule, or Ass, or expose for Sale any Swine, Pig, Sheep, Ox, Bull, Cow, or other Cattle or Beast (except in the public Market Place on Market Days, and in such other Places as shall be appointed by the said Commissioners for that Purpose); or, without the Consent of the Commissioners, exhibit or place for Exhibition in any Place within the Limits of this Act (save and except in the new Market Place, with the Consent of the Lord of the Manor of *Whitby* for the Time being,) any Caravan or other Carriage containing any Animal, or other public Show, or in any other Manner exhibit any public Show, and which Show or Caravan the said Commissioners are hereby empowered and required, on Complaint being made to them by any of the Rate-payers within the Limits of this Act, to forthwith remove and expel out of the said Limits (except during the Time of any Fair or Fairs); or exhibit or show any Stallion or Bull (except in such Places as shall be appointed for those Purposes respectively), or shoe, bleed, or farry any Horse, or other Cattle or Beast (except in Cases of Accident), or clean, dress, or exercise any Horse, or other Cattle or Beast, or drive any Carriage for the Purpose of breaking, exercising, or trying any Horse, or other Cattle or Beast; or turn loose or suffer to be at large any Horse, or other Cattle or Beast, or any Bull-dog, Mastiff, or other ferocious Dog, not being muzzled, or permit any Dog whatsoever to go at large after any public Notice given by the said Commissioners during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Canine Madness (and which Dogs so at large after such Notice the said Commissioners by their Servants are hereby authorized to destroy); or shall ride upon any Waggon, Dray, Cart, Sledge, or other Carriage, or on any of the Horses, Asses, or other Cattle or Beasts drawing the same, without holding the Reins of such Horses, Asses, or other Cattle or Beasts, or shall be at such a Distance from the same as not to possess the complete Direction and Management of the Horses, Asses, or other Cattle or Beasts drawing the same, or (whether holding the Reins or not) shall ride upon the Shafts of any Waggon, Dray, Cart, Sledge, or other such like Carriage, or when driving any Waggon, Dray, Cart, Sledge, or other such like Carriage, shall refuse or neglect to turn the same aside and make way for any Coach, Chaise, or loaded Carriage of any Description, or when driving any Waggon, Dray, Cart, Sledge, or other Carriage, shall not, on meeting or being passed by Horses, or other Cattle or Beasts, or Carriages, promptly turn out of the Way, so as to keep as nearly as may be on his Left Side of the Street, Road, Lane, Highway, Passage, or Place, and so as to leave proper and sufficient Quarter for such Horses, Cattle, Beasts, and Carriages; or when drawing or driving any Sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the Street, Road, Lane, Highway, Passage, or Place; or being the hindermost of Two or more Coaches, Waggons, Carts, or other Carriages travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or Carriage, or any of them, so as to impede or obstruct the Passage of any Coach, Waggon, Cart, or Carriage, or any Horse or Horses, coming from the opposite Direction, and being on their proper or Left Side of the Street, Road, Lane, Highway, Passage, or Place, or shall

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in any Manner wilfully prevent any other Person from passing him or any Carriage under his Care, or by Negligence or Misbehaviour shall prevent or interrupt the free Passage of any Carriage or of any of His Majesty's Subjects within any such Street, Road, Lane, Highway, Passage, or Place; or when riding any Horse or Beast, or when driving any Carriage of any Kind, shall ride or drive the same furiously, or so as to endanger or excite a reasonable Apprehension of Danger to the Person of any one, or shall drive the same against and injure or damage any Curbstone or Foot Pavement or Causeway, or the Hedges, Posts, Rails, or Fences thereof, or any public or private Property; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Commissioners; or suffer any Waggon, Dray, Cart, Sledge, Wheelbarrow, or other Carriage to remain with or without Horses longer than may be necessary for the loading or unloading thereof, or suffer the same during such Time of loading or unloading to be placed or remain so as to interrupt the public Passage more than shall be absolutely necessary; or shall suffer any Stage Coach, Fly, Post Chaise, or other Carriage let to Hire to remain longer than may be absolutely necessary for the taking up or setting down of any Passenger, or for loading or unloading the Baggage; or shall draw any Timber, Stone, Metal, or other heavy Material (except the same be wholly in or upon some Carriage with Wheels); or shall wash or clean, or make or repair, any Carriage (except such Carriages as may want immediate Repair from any sudden Accident upon the Spot, and which cannot conveniently be removed for that Purpose); or shall discharge any Fire-arms (except in Cases of Necessity for Self-defence), or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Firework; or play at Football, or throw any Snow-ball to the Annoyance of any Inhabitant or Passenger, or slide or skate during Frost on any Pavement or Footway; or wilfully break any Glass Panes or Windows, or abet or assist in breaking the same; or burn, dress, scald, or hoop any Cask or Tub; or being the Owner or Occupier of a Blacksmith's, Whitesmith's, or Nail-maker's Shop situate in or near any of the said Streets, Roads, Lanes, Highways, Passages, or public Places within the Limits of this Act, and having a Window or Windows or Door or Doors opening in or fronting the same, shall not, by good and close Shutters or otherwise, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Streets, Roads, Lanes, Highways, Passages, or Places; or if any Person shall in any of such Streets, Roads, Lanes, Highways, Passages, or Places hew, bore, saw, or cut any Timber, Wood, or Stone, or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance, (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building or repairing, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any Mischief happening to Passengers,) or any Dust, Dirt, Manure, Filth, Carrion, Blood, or any Sort of Rubbish, or throw any such Matters or Things into any public or private Well, Pump, Canal, Watercourse, or Reservoir for Water within the said Limits; or shall within any such Streets, Roads, Lanes, Highways, Passages, or public Places, sell by Auction or

public Sale any Goods, Wares, Merchandize, or other Property or Effects whatsoever, without the Leave of the said Commissioners for that Purpose first obtained; or hang up, place, or expose for Sale the Carcass of any Calf, Sheep, Swine, Cattle, or Beast, or any Fish, or any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, in or upon any Footway, or hang up or place any Article, Matter, or Thing, either for Sale or for any other Purpose, at the Outside of any House or Shop, or of any Door, Window, or Balcony, or fix or tie up any Line, Chain, Rope, or Cord for any of such last-mentioned Purposes, so as to project over or upon any Footway, or beyond the Line of the House or Shop at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person or Carriage; or (except as herein-after mentioned) shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle within the said Market, or shall kill or slaughter, or singe, scald, or dress, any Horse, Ass, Swine, or Calf, Sheep, or other Cattle or Beast, either wholly or in part, in any such Street, Road, Lane, Highway, Passage, or public Place, (except in the Case of any over-driven Beast or Beasts which may have met with any Accident, and which it may be impossible to get to a Slaughter-house, and which the Public Safety or other Circumstances may require to be killed upon the Spot,) or in any Shop or other Place adjoining exposed to any such Street, Road, Lane, Highway, Passage, or public Place; or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter-house, Shamble, Butcher's Shop, Hogstye, or Dunghill into any such Street, Road, Lane, Highway, Passage, or public Place; or kill or slaughter or dress, within the Limits of this Act, any unsound Swine, or Cow, Calf, Sheep, Lamb, or other Beast or Cattle, and which shall be unwholesome Meat, or sell or offer or expose for Sale any unwholesome Meat or Fish; or, being a Licensed Publican or Victualler within the Limits of this Act, shall not erect or construct, in some convenient and proper Situation near or about his Premises, other than to the Front of any principal Street or Place, (provided any other convenient Place can be found for that Purpose, and if not, then to the Front of such Street or Place,) a Recess or Convenience (together with proper Drains therefrom) for making water, so as to prevent any unnecessary or indecent Exposure of the Person; or if any Person shall, in any of the said Streets, Roads, Lanes, Highways, Passages, or public Places, sift, slack, or mix any Lime, or shall fix up any Flower Pot or other Pot at any Window without sufficiently guarding the same so as to prevent its being blown or thrown down; or shall leave open (after Sunset) the Door, Window, or other Covering giving Light or Air to any Cellar or Office or other underground Room or Apartment, or of any Area, without having placed a sufficient Light to warn or prevent Persons from falling into such Cellar, Offices, or other underground Room or Apartment; or shall leave open or not effectually secure any Grate, Board, or other Covering over any Opening in the Pavement, and used for putting Coals or other Articles into any Cellar or other Place under Ground; or shall not well and effectually guard and secure his Reservoir, Pond, or Dam of Water, so as effectually to prevent Accidents to Persons or Cattle by reason of any such Reservoir, Pond, or

Dam being left open or uncovered; or shall set up or throw at any Cock or Fowl in the Manner called Cock-throwing; or bait any Bull, Bear, or other Animal within the Limits of this Act; or draw, drive, or push any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or other Carriage whatsoever, or any Ladder or Building Pole, or any long Piece of Iron, Timber, or Stone, upon any Footway or Causeway, or carry any Basket or other Thing thereupon, so as to incommode or obstruct the Passage of any Person (except only for the Purpose of crossing such Footway or Causeway), or drag thereon any Timber, Stone, or Metal, or roll thereon any Cask or Tub (other than for the necessary loading or unloading thereof into or out of any Carriage), or place thereon any Goods, Wares, or Merchandize, or any Cask, Tub or Barrel, Box, Pail, Stall, Bench, or Stool, or place any Blind, Shade, Covering, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any Way to cause an Obstruction or Impediment in any such Footway or Causeway; or if any Person shall annoy, insult, or jostle any Passenger or Person travelling, passing, or going on the said Footway or Causeway; or shall insult any Female, or shall use any obscene or indecent Language, or in any Manner obstruct or incommode, hinder, prevent, or impede, the free Passage of any such Footway or Causeway; or lay or sift any Ashes, Gravel, or Sand thereon (except in Time of Frost only to prevent Accidents, or any Straw, Stable Litter, or Sand deposited in front of any House in case of Illness), or wilfully lead or drive thereon any Horse, Ass, Ox, Swine, or other Cattle or Beast of any Kind whatever; or wilfully permit or suffer any Horse, Ass, Ox, Swine, or other Cattle or Beast which any Person may be riding, driving, or leading through any of the said Streets, Roads, Lanes, Highways, Passages, or public Places, to go on such Footway or Causeway; or tie or fasten any Horse, Ass, Ox, or other Cattle or Beast to any Door, Wall, Post, or other Thing whatsoever, so that such Horse, Ass, Ox, or other Cattle or Beast can go or stand across or upon any Footway or Causeway; or shall indecently expose his Person, or write or describe any obscene or indecent Language or Figure on any House, Wall, Door, or Place, or distribute any indecent or obscene Book, Handbill, Notice, or Placard, or expose to Sale any indecent or obscene Book, Print, or Pamphlet, or write upon or otherwise deface or mark any Dwelling House, Wall, or Building by means of Chalk, Paint, or otherwise howsoever, or fix up any Handbill or other Paper or Notice (other than such Notices as may be directed by Parliament or other lawful Authority) against any Church or Chapel or other Place licensed for Public Worship, or against any School or public Building, or any Dwelling House, or against the Walls, Doors, or Inclosures thereof respectively, or of any Garden or Pleasure Ground thereunto respectively belonging, or of any Churchyard or Burial Ground, or play at Ball or Fives, or at any other Game, upon or against the same, or shall deposit any Filth or commit any other Nuisance upon, in, about, or against the same; or if any Person shall, within the Distance of Four hundred Yards from any Dwelling House within the said Limits, burn any Rags or Bones or other offensive Substance for any Purposes of Trade, Manufacture, or Commerce, or place or keep any Nightsoil, or the Filth taken from any Privy, Drain, or Cesspool, or the Refuse or Filth of any

Slaughter-house, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the aforesaid Distance from any such Dwelling House as aforesaid, otherwise than during the Time of the same being removed, or shall begin to empty any Privy, or take or carry away any Nightsoil or the Refuse of any Slaughter-house, or bring or place any Carts for removing the same from any House, Building, or Place within the Limits of this Act, except between the Hours of Twelve of the Clock at Night and Seven of the Clock in the Morning from the First Day of *March* to the First Day of *October* in every Year, and between Twelve of the Clock at Night and Eight of the Clock in the Morning from the First Day of *October* to the First Day of *March* in every Year, or shall in removing any Nightsoil wilfully or negligently suffer the same to be spilled from the Cart; every Person so offending, or the Owner or Proprietor of any such Horse, Ass, Ox, Swine, Sheep, Beast, or other Cattle, Carriage, Goods, Articles, Matters, or Things as aforesaid (in any Case where the Person actually offending cannot be found or discovered), or the Person causing any such Offence to be committed, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided always, that nothing herein contained shall extend to render liable to the Penalty hereby imposed any Butcher or other Person who at the Time of the passing of this Act shall occupy any Shop or Building within the said Market, or within, adjoining, or exposed to any Street, Road, Lane, Highway, Passage, or other public Place within the Limits of this Act, which Shop or Building shall then be used as a Slaughter-house, for or by reason of his killing, slaughtering, singsing, scalding, or dressing therein any Calf, Sheep, Horse, Ass, Swine, or any other Beast or Cattle, in the same Manner as heretofore.

Butchers, &c. now having Slaughter-houses in Market, &c., not to be liable to Penalty for using same.

CXVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to cause the Name and Residence of the Surveyor to the said Commissioners for the Time being, and also of the Turncock of any Gas or Water Company within the Limits of this Act, to be placed in some conspicuous Places within the said Limits for the Information of Parties there, and to cause the several Houses and other Buildings in the said several Streets, Roads, Lanes, Highways, Passages, and public Places to be numbered, and also to cause to be affixed or painted on a conspicuous Part of some House or Building or Place at or near each End, Corner, or Entrance thereof respectively, the Names by which such Streets, Roads, Lanes, Highways, Passages, and public Places are respectively to be called or known; and if any Person shall wilfully or maliciously destroy, pull down, or deface any such Number or Name or any Part thereof, or shall fix or put up any Number or Name different to the Number or Name fixed or put up by Order of the said Commissioners, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; and if the Occupier of any such House or Building shall not restore such Number within Seven Days after Notice, signed by the Clerk or Surveyor to the said Commissioners, and left at the usual Place of Abode of such Person, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

Commissioners empowered to place up Names of Surveyors, &c.; to cause Houses to be numbered; and the Names of Streets to be put up at the End thereof.

CXVII. And

Dangerous Walls, &c. to be repaired or taken down.

CXVII. And be it further enacted, That whenever any Building or Erection, Chimney, Wall, or Fence, within the Limits of this Act, shall be in a dangerous State of Decay, or shall fall down, or shall impend over any Street, Road, Lane, Highway, Passage, Footpath, or other public Place, so as in either Case to become a Nuisance to the Public, it shall be lawful for the said Commissioners to order the Occupier or Owner of such Building or Erection, Chimney, Wall, or Fence, to repair or to pull down and rebuild the same; and in case any such Person shall neglect to repair or to pull down and rebuild such Building or Erection, Chimney, Wall, or Fence (as the Case may be), for the Space of Seven Days after having received Notice in Writing so to do from the said Commissioners or their Surveyor or Clerk, then it shall be lawful for the said Commissioners to cause the same to be repaired or pulled down and rebuilt (as the Case may require), and the Expences thereof shall be recovered from such Person in the same Manner as any Penalty is by this Act directed to be recovered: Provided always, that if any Person so required to repair, pull down, or rebuild any Building or Erection, Chimney, Wall, or Fence, who shall think himself aggrieved by the Order or Judgment of the said Commissioners touching the same, shall, within Seven Days next after he shall have been served with Notice to repair or pull down and rebuild the said Building or Erection, Chimney, Wall, or Fence, give Notice in Writing to the said Commissioners of his Intention to appeal to the then next General Quarter Sessions of the Peace for the said North Riding of the County of *York* against the Order and Judgment of the said Commissioners (such last-mentioned Notice to be served in the Manner prescribed by this Act), then and in every such Case the Penalty shall not be inflicted, nor shall any Proceedings be had or taken upon the said Order or Judgment, or upon the Notice of the said Commissioners, until after the final Determination of the said Appeal.

Commissioners to provide a Town Clock, and to erect and repair the public Pumps.

CXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to provide a Clock for the Use of the Inhabitants of the said Town of *Whitby*, to be placed in some convenient and conspicuous Situation within the said Town, and to cause the same to be well regulated and kept in proper and sufficient Repair, and also to support and repair the existing public Pumps in any of the Streets, Roads, Lanes, Highways, Passages, and public Places within the Limits of this Act, and to erect, and also to sink and make, and afterwards to support and repair, all such new and additional Wells and Pumps in any of such Streets, Roads, Lanes, Highways, Passages, and public Places within the said Limits, as they may think fit; and it shall be lawful for the said Commissioners to defray the Expence to which they may be put in providing such Clock, and in the Management and Repair thereof, and in the Erection, Support, or Repair of such public Pumps, out of the Money to be raised by virtue of this Act.

Power to purchase Buildings, &c.

CXIX. And be it further enacted, That for the Purpose of making and opening out a new Road or Communication, to commence at or near the Foot of a Place called *Downdinner Hill*, in the Township of *Ruswarp* aforesaid, and to lead to a certain Ropery and Rope-walk

walk in the said Township belonging to *Harrison Chilton*, and now in the Occupation of *Henry Goodwill*, and thence into the High Road leading from *Whitby* to *Guisbrough*, and also for the Purpose of widening and enlarging or otherwise improving the Approaches to the Bridge over the River *Esk*, and for otherwise improving the Town of *Whitby* aforesaid, and for all or any other of the Purposes of this Act, it shall be lawful for the said Commissioners from Time to Time to contract and agree with such Persons as shall be or be deemed the Owners of or interested in any Lands, Houses, Walls, Buildings, Erections, Projections, Encroachments, and Obstructions within the Limits of this Act, or specified in the First Schedule to this Act annexed, which they the said Commissioners shall deem expedient to be taken, used, or pulled down for making and opening such new Road or Communication, or for widening the Approaches to the said Bridge, or for such Improvements as aforesaid, or for other the Purposes of this Act, for the absolute Purchase thereof or of any Part thereof, or for any Damage thereto to be sustained by the Proprietors thereof in the Execution of this Act, and to treat or agree with such Persons relative to the Removal of any such Projections or other Obstructions, and to pay such Purchase or Composition Money out of the Monies to be raised by virtue of this Act, and to take down or alter all or any of such Houses, Buildings, Walls, Tenements, and Hereditaments so to be purchased, or any Part thereof, and to appropriate all or any Part of the same respectively, or any of the Land or Ground which may be cleared by the taking down of any such Houses, Buildings, Walls, Tenements, or Hereditaments, for all or any of the Purposes aforesaid, as the said Commissioners shall think fit: Provided always, that it shall not be lawful for the said Commissioners to make the said proposed new Road or Communication of a greater Width than Thirty Feet, nor to take or purchase any greater Quantity of Land than shall be sufficient to make it of such Width without the Consent in Writing of the respective Owners of such Lands: Provided also, that the said Commissioners shall and they are hereby required to make so much of the said Road or Communication as shall be carried over or through the Land of *Henry Walker Yeoman* Esquire in such Line or Course as shall be approved of by the said *Henry Walker Yeoman*, his Heirs or Assigns, such Approbation to be signified in Writing under his or their Hand or Hands: Provided also, that unless the said Commissioners shall within the Space of Three Years, to be computed from the Commencement of this Act, agree for or cause to be valued, and pay for, as herein-after mentioned, the Lands which they are by this Act empowered to take or use, or so much thereof as they shall deem necessary for the Purposes of this Act, then and from thenceforth all the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void.

Limiting the Period for taking Property compulsorily.

CXX. And be it further enacted, That the said Commissioners shall at their own Expence, after the said Road shall have been set out, forthwith make and erect such and so many convenient Gates in, upon, or adjoining the said Road, and also make and from Time to Time maintain such and so many Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of

Commissioners to erect Gates for the Protection of adjoining Lands.

or leading to or from the said Road, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said North Riding shall, in case the same shall not be settled by Agreement between the Parties (which Agreement all Persons and Corporations by this Act capacitated to convey are hereby empowered to enter into), judge necessary and appoint, for the Use of the Owners or Occupiers of the respective Lands through which such Road shall be made, and for the commodious Use and Occupation of the Lands on either Side of the same Road, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Road, or any other Matter or Thing to be done in pursuance of this Act; and all such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be maintained in sufficient Repair and Condition by the said Commissioners; and for the Purpose of enabling the said Commissioners to make and erect such Gates, and also to make and from Time to Time to maintain such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, the said Commissioners, their Agents and Workmen, are hereby authorized and empowered to enter into and upon the Lands adjoining the said Road, and to load and carry the Materials for making and erecting such Gates, and for making or repairing such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, in Carts and other Carriages, across or along such Lands, in such Manner as to do as little Damage as may be to the same; and in case the said Commissioners shall refuse or neglect to make or erect such Gates, or to make or maintain such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, as herein-before directed, or any of them, for the Space of Thirty Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to make and erect such Gates, or to make, or, as the Case may require, to maintain and repair such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, as the said Justices shall have before directed or appointed to be made and erected as aforesaid, so that in making and erecting such Gates, or in making, repairing, or maintaining such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the Works by this Act authorized shall not be obstructed for any longer Space of Time or be used in any other Manner than shall be unavoidably necessary; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices in case there shall be any Dispute about the same, shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected such Gates, or made, repaired, and maintained such Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Commissioners, within the Space of Fourteen Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Commissioners; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices are hereby required,

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by Warrant under their Hands and Seals to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Commissioners or their Treasurer, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Commissioners the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and the said Owners or Occupiers, upon Refusal or Neglect by the said Commissioners or their Treasurer to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in like Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made over or under the said Road or any Part thereof, at or in any Place or Manner at or in which the same would, if so erected or made, prevent or obstruct the using of the said Road.

Owners of Lands empowered to erect Gates, &c. in case of Insufficiency of those erected by the Commissioners.

CXXI. And be it further enacted, That if any of the Owners or Occupiers of any Lands through which the said Road shall be made shall at any Time apprehend that the Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages which the said Justices shall have so directed or appointed to be made or erected by the said Commissioners are insufficient, either in Number or Situation, for the commodious Use and Occupation of the respective Lands through which the said Road shall pass, it shall be lawful for any such Owner or Occupier, with the Consent of the said Commissioners upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent of the said Justices given after Summons to the said Commissioners and due Hearing of their Objection, to make and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company in, upon, or near, over, under, or by the Side of or leading to or from the said Road, in such Places as shall be found and adjudged most convenient, for the better Use, Cultivation, Improvement, or Occupation of such Lands; and such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages shall thenceforth be repaired and maintained by and at the Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers which shall have made or erected the same, so that the Passage to or upon the said Road be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than shall be unavoidably necessary.

The Commissioners to make sufficient Drains, &c. to carry Water off adjoining Lands.

CXXII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to make such Arches, Tunnels, Culverts, Drains, and other Passages over, under, or by the Side of the said Road and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands

Lands adjoining or lying near to the said Road as before making the said Road, without obstructing or impounding the same Water to the Prejudice of any of the said Lands, and also to make proper Watering Places for Cattle in all Cases where by means of the said Road the Cattle of any Person occupying Lands adjacent thereto shall be deprived of as easy and convenient Access as before to their ancient Watering Place, and to supply the same at all Times with Water from such Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if the said Road had not been made, or from any other Source or Feeder which can legally be obtained for that Purpose; and it shall be lawful for the said Commissioners and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of and along or under the said Road, in or through, over and across any Lands thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over and Tunnels under the same respectively, as any Two or more Justices of the Peace for the said North Riding shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of conveying Water to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by the said Commissioners; and if at any Time after Fourteen Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near the said Road to the said Commissioners that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or being made are not cleansed, maintained, and repaired according to the true Intent of this Act, and the said Commissioners shall not proceed to make, or cleanse, maintain, and repair (as the Case may be), such Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, it shall be lawful for any such Owner or Occupier, or any Person acting by his Authority, to apply for an Order in Writing to any Two or more Justices of the Peace for the said North Riding from Time to Time as often as there shall be Occasion, and the said Justices are hereby empowered at their Discretion to make and grant such Orders as aforesaid, enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly; and the reasonable Expences thereof, to be ascertained by such Justices, shall be defrayed by the said Commissioners; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days after Demand thereof made upon the Treasurer of the said Commissioners, such Expences may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners or their Treasurer, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Commissioners.

Bodies Politic empowered to sell.

CXXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any Term or Number of Years determinable on any Life or Lives, Tenants

for any Term or Number of Years, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for charitable or other Purposes, Trustees or Feoffees of Church or Parish Lands or Property, Executors, Administrators, and Committees, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever seised or possessed of or interested in any such Lands or Property within the Limits of this Act which the said Commissioners shall at any Time hereafter be desirous to purchase for any of the Purposes of this Act, to contract for, sell, and convey the same or any Part thereof unto the said Commissioners; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Commissioners, and shall be in the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance.

'I *A. B.* of in consideration of the Sum of to me paid by the Commissioners appointed under and by virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby convey to the said Commissioners, their Successors and Assigns, all [*here describe the Premises to be conveyed*], to hold to the said Commissioners and their Successors from henceforth for ever. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord .'

And all such Conveyances shall, without Enrolment, be valid and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party conveying, but also to convey all the Right, Estate, and Interest, Use, Trust, Property, Possession, Claim, and Demand whatsoever of his Cestuique Trust, and all Persons whomsoever claiming or having Title to claim by, from, through, under, or after him, and of all Persons entitled in Remainder or Reversion expectant on any particular Estate; and the same shall merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed or aliened, and shall bar and destroy the Dower of the Wife of the Party conveying, and all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same; and the Party so conveying shall be indemnified for all he shall do by virtue or in pursuance of this Act.

Power to purchase the Release of Lands wanted from Rents charged thereon.

CXXIV. And be it further enacted, That where any Lands or Property intended to be taken or used by the said Commissioners shall, solely or jointly with other Lands or Property not intended to be taken or used, be subject to any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the

the said Commissioners to agree for the Release of the Lands so purchased from such Rent, Payment, or Incumbrance, and also, where necessary, for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed on between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same (and which Agreement may be entered into by all Persons by this Act empowered to sell and convey Lands); and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to such Rent, Payment, or Incumbrance, as hereinbefore mentioned, according to the respective Values of the Lands intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Commissioners and any such Party as aforesaid respecting such Release (which may be in the like Form as is by this Act directed to be used in the Case of a Conveyance of Lands), shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where any of the Lands purchased by the said Commissioners shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Commissioners, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that where a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to indorse a Memorandum on such Instrument, which shall be signed by the Clerk to the said Commissioners, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

Mortgagees to convey to Commissioners.

CXXV. And be it further enacted, That all Persons who shall have any Mortgage on any Lands or Property to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Persons, in Possession thereof by virtue of such Mortgage or not) shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal

cipal Money, by the said Commissioners, immediately assign and transfer such mortgaged Premises to the said Commissioners or to such Person as they shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners (signed by their Clerk) that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on Payment of the Principal and Interest so due, together with any just Costs then due, such Mortgagees shall assign and transfer their respective Interests in the Premises to the said Commissioners, or as they shall direct; but in case such Mortgagees shall refuse to assign or transfer as aforesaid on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then upon due Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or (in lieu of such Notice and in addition to the said other Monies) of Six Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as by this Act is directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee and of all Persons in Trust for him shall vest in the said Commissioners, and the said Commissioners shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Commissioners and certain Mortgagees shall be settled.

CXXVI. And be it further enacted, That in all Cases in which any Lands or Property subject to any Mortgage shall be required for the Purposes of this Act, which Lands or Property shall be of less Value than the Principal Money, Interest, and Costs secured thereon, or in which a Part only of any Lands or Property subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands or Property to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands or Property, or (as the Case may be) of such Parts of the said Lands or Property as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands or Property on the one Part and the said Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference, and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, and such Mortgagee

gagee shall thereupon assign and transfer all his Interest in such mortgaged Lands or Property the Value whereof shall have been so agreed upon or determined as aforesaid, or in case of his neglecting or refusing to assign or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands or Property as shall be so taken or used from all Principal and Interest and other Money due and secured thereon, and thereupon such mortgaged Lands or Property shall become absolutely vested in the said Commissioners, and the said Commissioners shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling the Payment of their Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands or Property not required for the Purposes of this Act, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon and out of the Lands or Property originally comprised in such Mortgage: Provided also, that where a Part only of any Lands or Property subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands or Property so taken shall, on the Assignment thereof to the said Commissioners, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of the Amount so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners at their Expence to the Person entitled to the Equity of Redemption of the Lands or Property comprised in such Mortgage Deed.

Satisfaction to be made for Lands taken for Works.

CXXVII. And be it further enacted, That all Persons by this Act capacitated to sell and convey Lands, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands which may be required for the Purposes of this Act, may agree to accept and receive, and may (subject to such Restrictions as in this Act contained as to the Payment thereof) accept and receive, Satisfaction for the Value of such Lands or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for or on account of any Damage, Loss, or Inconvenience which may be sustained by such Persons by reason of any Alterations hereby directed or authorized, or of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respec-

tively

tively and the said Commissioners; and in case the said Commissioners and such Persons respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them concerning which they do not so agree shall be ascertained and settled by the Verdict of a Jury in manner by this Act directed.

In case Parties refuse or are incapable to treat, the Value to be settled by a Jury.

CXXVIII. And for settling all Differences which may arise between the said Commissioners and the several Owners or Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, affected, or prejudiced by the Execution of any of the Powers hereby granted; be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled and capacitated to sell, agree, or convey as aforesaid, shall not agree with the said Commissioners as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any of the Persons entitled to receive such Purchase Money, Satisfaction, or Compensation shall refuse to accept such Purchase Money, Satisfaction, or Compensation as shall be offered to them by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or Principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, served in manner by this Act directed, neglect or refuse to treat or shall not agree with the said Commissioners for the Sale and Conveyance of the Premises required for the Purposes of this Act, or of their respective Estates and Interests therein, or the respective Estates or Interests which they respectively are hereby capacitated to convey, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement or Conveyance as shall be necessary or expedient, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damage incurred in the Execution of any of the Powers of this Act cannot be made, then and in every such Case the said Commissioners shall and they are hereby required from Time to Time to issue a Warrant under the Hands and Seals of any Five or more of them, or under the Hand of their Clerk for the Time being, to the Sheriff of the County of *York*, or in case such Sheriff or his Under Sheriff shall be one of the said Commissioners, or enjoy any Office or Place of Trust or Profit under them, or shall be in any Way interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested as aforesaid, then to some Person then living in the said County who shall have filled the Office of Sheriff or Coroner in the said County, and be free from personal Disability, and not interested as aforesaid, (a Person having more recently served either Office being

always preferred,) commanding such Sheriff, Coroner, or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's Courts of Record at *Westminster;* and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some other Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service (being so 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, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby authorized and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question or dispute, and may authorize and order the said Jury, or any Six of them, to view the Place or Matter in controversy; and such Jury shall, upon their Oaths, (which Oaths, as well as the Oaths of all Persons who shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of right purchased by the said Commissioners from any other Person), and also the Sum of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damage which shall have been so done or sustained as aforesaid, and the Cause or Occasion of which shall be in part only obviated, removed, or repaired by the said Commissioners, and which cannot or will not be further obviated, removed, or repaired by them, (which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid,) the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by

the said Commissioners to the Party with whom any such Controversy shall arise, in manner by this Act directed: Provided also, that the Plaintiff in all such Cases shall be entitled to the same Advantages as Plaintiffs are entitled to in Actions tried in any of His Majesty's Courts of Record at *Westminster*.

Compensation Money may be apportioned.

CXXIX. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money, Satisfaction, or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant, Lessee, or other Person for any particular Estate, Term, or Interest which he may have in the Premises.

Verdicts to be recorded.

CXXX. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of every such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the North Riding of the County of *York* among the Records of the Quarter Sessions for such Riding, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make or to have made Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriffs, Jurors, or Witnesses making default.

CXXXI. And be it further enacted, That if any such Sheriff, Under Sheriff, Coroner, or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or to give his Verdict, or shall 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 as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn or give Evidence, every Person so offending, having no reasonable Excuse (such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, the Sum of Ten Pounds for every such Offence; all which Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said North Riding of the County of *York* by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus (if any) of the Money thereby produced, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

Juries to be under the same Regu-

CXXXII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations and

lations as those of the Courts at Westminster.

and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster;* and all Persons who, in any Examination to be taken by virtue of this Act upon their Oaths, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the Penalties and Punishment to which Persons guilty of wilful and corrupt Perjury are or may by Law be subject.

Expences of Jury how to be paid.

CXXXIII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands to be taken or used by them for the Purposes of this Act, or as a Satisfaction or Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers of this Act, all the Costs and Expences of taking such Inquisition and the Judgment thereon, and also of the Bond herein-after mentioned, shall be borne by the said Commissioners, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person; and if such Costs and Expences shall not be paid to the Party entitled to receive the same within Twenty-one Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels by this Act vested in the said Commissioners or of their Treasurer, and such Treasurer shall be at liberty to reimburse himself all such Costs and Expences if paid by him, and all Costs and Expences incurred by him by reason of any such Distress, out of any Monies received by him by virtue of this Act, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said North Riding of the County of *York*, not interested in the Matter in question, (which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences); but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on behalf of the said Commissioners, One Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Commissioners shall have such Dispute, and the Remainder shall be defrayed by the said Commissioners; and the former Moiety of such Costs and Expences (the same having been ascertained and settled in manner herein-before mentioned) shall and may be deducted out of the Money awarded to be paid to such other Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Money so awarded shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender in Satisfaction of the whole thereof; provided that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences as aforesaid shall be borne and paid by the said Commissioners.

CXXXIV. And

Persons requesting Juries to enter into Bonds.

CXXXIV. And be it further enacted, That all Parties with whom the said Commissioners shall have any such Dispute, and who shall require a Jury to be summoned as aforesaid, shall (before the said Commissioners shall be obliged to issue their Warrant for the summoning of such Jury) enter into a Bond to the Clerk or Treasurer of the said Commissioners in a Penalty of Two hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of obtaining such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Notice of Injury to be given to Commissioners before Complaint is made.

CXXXV. And be it further enacted, That the said Commissioners shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by or on behalf of the Party making such Complaint, stating the Particulars of such Loss or Injury and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Party to the said Commissioners Fourteen Days at least before the summoning of a Jury, and within Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof having ceased.

For settling Disputes as to Damages to a small Amount.

CXXXVI. And be it further enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Lands or Property to be taken or used for the Purposes of this Act as to the Amount or Value of any Damage done by the said Commissioners, their Agents or Workmen, to such Lands or Property in the Execution of any of the Powers of this Act, and such Difference cannot be settled between the said Parties, the same shall and may be ascertained and determined by some Two or more Justices of the Peace for the said North Riding of the County of *York*, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners, provided such Compensation do not exceed the Sum of Fifty Pounds; and the said Justices are hereby authorized and required, on Nonpayment of the said Damages for the Space of Ten Days after the same shall become due, to levy such Damages and all Costs and Charges attending the same by Distress and Sale of any Goods and Chattels by this Act vested in the said Commissioners, in the same Manner as by this Act is directed with respect to the Recovery of Satisfaction or Compensation for other Damages done by the said Commissioners.

Tenants at Will or from Year to Year to quit Lands, &c. after Notice.

CXXXVII. And be it further enacted, That all Persons in Possession of any Lands which shall be required or intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Premises to the said Commissioners or their Clerk, or to such Person

as the said Commissioners or their Clerk shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice shall have been given by the said Commissioners to or left at the last known Place of Abode of such respective Tenants or Lessees in Possession, or left upon the said Premises (whether such Notice be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Commissioners, or at such other Time after the Expiration of Six Calendar Months as in any such Notice they shall be respectively required); and in case any such Tenant or Lessee so in Possession as aforesaid shall refuse to deliver up such Possession as aforesaid it shall be lawful for the said Commissioners to issue their Precept to the Sheriff of the County of *York* to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue upon or by reason of the Issuing and Execution of such Precept on the Person so refusing to give Possession by Distress and Sale of his Goods and Chattels.

For protecting the Interests of such Tenants.

CXXXVIII. Provided always, and be it further enacted, That where any such Tenant or Lessee, who shall be required to deliver up Possession of any Premises so occupied by him before the Expiration of his Term or Interest therein, shall give the said Commissioners previous Notice in Writing thereof, the said Commissioners shall make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee as aforesaid, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, and for any Damage to be sustained by him; which Satisfaction or Compensation, in case of Difference, shall be ascertained and settled in the same Manner as any other Satisfaction or Compensation for any Lands taken or used by the said Commissioners is by this Act directed to be ascertained and determined.

Persons holding under Leases to produce same.

CXXXIX. Provided also, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands to be taken or used under the Authority of this Act, under or by virtue of any Lease, Agreement for a Lease, Demise, or Grant thereof, the said Commissioners are hereby authorized to require such Party to produce or show the Lease or Agreement for a Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Agreement for a Lease, Demise, or Grant shall not be produced or shown within Fourteen Days after Demand by the Clerk to the said Commissioners or any Person by him authorized, the Party claiming such Compensation or Satisfaction shall and may be considered and treated as a Tenant from Year to Year.

CXL. And

In case of disputed Titles, the Money to be paid into the Bank.

CXL. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under the Authority of this Act, or for Compensation or Satisfaction as aforesaid, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall be absent from *England*, or shall not be found, or if any Party entitled unto or authorized to convey any such Lands, or such Interests therein, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order such Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them so far as the said Commissioners can do so), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or any Part thereof upon Petition, is, hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court may seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

CXLI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act, or for or in respect of Compensation or Satisfaction as herein-before mentioned, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase or Damage, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands,

Lands, or to some Estate or Interest therein, when the said Court shall make such Orders respecting the said Capital, and the Dividends and Interest thereof, as the Circumstance of the Case may require.

Application of Compensation Money when amounting to Two hundred Pounds.

CXLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for any Compensation or Satisfaction for Damage in respect of any Lands, which any Corporation, or Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or otherwise capacitated to convey, such Money shall, in case the same shall amount to or exceed 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 Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners for the Improvement of the Town of *Whitby*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which Compensation or Satisfaction shall be payable 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 meantime and until such Purchase can be made the said Money may, by Order of the said Court 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, or in Government or Real Securities; and in the meantime, and until such

1 G. 4. c. 35.

Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

Application of Compensation Money when less than Two hundred Pounds and exceeding Twenty Pounds.

CXLIII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands to be taken or used for the Purposes of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for Compensation or Satisfaction as aforesaid in respect of any Lands belonging to any Corporation or to any Person 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 the same shall, at the Option of the respective Persons for the Time being entitled to the Rents and Profits of such Lands, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners signified in Writing under the Hands of any Five or more of them, be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid (at the like Option and with the like Approbation) to Two Trustees to be nominated by the respective Persons exercising such Option, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, but without being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when not exceeding Twenty Pounds.

CXLIV. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which Compensation or Satisfaction shall be payable under the Authority of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by

CXLV. And be it further enacted, That where, by reason of any Disability or Incapacity of any Corporation or Person entitled to any Lands to be purchased, taken, or used under the Authority of this Act, or from any other Cause, (except from the wilful Refusal of any Corporation or Person to convey such Lands, or accept the Purchase or Compensation Money in respect of the same,) the Purchase Money for

the Commissioners.

for any Lands, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Commissioners, and the said Commissioners shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Expences of Titles to be paid by the Commissioners.

CXLVI. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Commissioners for the Purposes of this Act, or any Terms or Interests therein, and of deducing, evidencing, and verifying such Title as the said Commissioners may require to the said Lands, or any Term or Interest therein, and of making out and furnishing such Abstract and such attested Copies as the said Commissioners may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased or taken: Provided always, that the said Commissioners shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill of their said Costs, Charges, and Expences to the said Commissioners.

How such Costs are to be ascertained.

CXLVII. And be it further enacted, That if the said Commissioners and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by

the Parties interested in such Lands, or if any such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or for such Satisfaction or Compensation as aforesaid, which any Person under Disability is hereby capacitated to convey, then upon Payment of such Money into the Bank of *England*, as in this Act is directed, to an Account *ex parte* "The Commissioners for the Improvement of the Town of *Whitby*," or in such other Manner as such Money is by this Act directed to be paid, it shall be lawful for the said Commissioners immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding and other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Commissioners or for any Person acting under their Authority to enter into or upon any such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Houses, Gardens, &c. not to be used unless specified in Schedule.

CXLIX. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Commissioners or any other Person to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected on or before the First Day of *January* One thousand eight hundred and thirty-seven, or any Land which was then set apart and used as and for a Garden or Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a Dwelling House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the First Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof.

Misnomer in Schedule not to prevent Execution of Act.

CL. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners to purchase any of the Lands mentioned in the Schedule hereto annexed, although the same, or the Name of any Owner, Leaseholder, or Occupier thereof, shall happen to be mis-stated or omitted or inaccurately described therein, in case it shall appear to any Two or more Justices of the Peace for the said North Riding of the County of *York*, and be certified by Writing under their Hands, that such Mis-statement, Omission, or inaccurate Description proceeded from Mistake only.

Power to sell Lands not wanted.

CLI. And whereas by means of the Purchases which the said Commissioners are empowered to make by virtue of this Act, they may happen to be seised of more Lands than will be necessary for effecting

the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Commissioners, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct that the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Commissioners to the Party from whom such Lands shall have been purchased or taken, shall be paid to the Party aforesaid, and the said Money so deposited as aforesaid shall be applied, under the Direction of the said Court, towards the Payment thereof, so far as the same will extend: Provided always, that the said Commissioners shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Commissioners shall have deposited the Sums claimed in respect of the same in the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners for the Improvement of the Town of *Whitby*," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth; which Sums shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Commissioners, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Commissioners out of the said Sum so deposited by them as aforesaid.

Power to enter Lands on Payment or Tender of Purchase Money.

CXLVIII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Lands, or by way of Satisfaction or Compensation for any Loss or Injury, as herein-before mentioned, to the respective Proprietors of such Lands, or other Persons respectively interested therein, or entitled to receive such Purchase Money, Satisfaction, or Compensation, within One Calendar Month after the same shall have been so agreed upon or awarded, or if the Parties so respectively entitled or interested as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands to the Satisfaction of the said Commissioners, or if any Party entitled to or hereby capacitated to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then upon Payment of such Money into the Bank of *England*, as herein-before directed, to the Credit of the

effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore further enacted, That it shall be lawful for the said Commissioners and they are hereby required, within Ten Years after the passing of this Act, to sell and to convey to the Purchasers thereof any Part of such Lands, or any Estate or Interest purchased by the said Commissioners in such Lands or any Part thereof, in such Manner as they shall deem most advantageous, and such Conveyances from the said Commissioners shall be valid and effectual to all Intents and Purposes: Provided always, that the said Commissioners, before they shall dispose of any such Lands, shall first offer to sell the same to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being in *England* and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire to the said Commissioners within Thirty Days after such Offer of Sale shall have been made; and in case such respective Persons shall decline to avail themselves of such Offer, or shall neglect so to signify their Desire to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer of Sale shall cease, and an Affidavit made and sworn to before a Master Extraordinary of the High Court of Chancery, or before any Justice of the Peace for the said North Riding of the County of *York*, by some Person not interested in such Lands, stating that the Person entitled to such Right of Pre-emption was not in *England*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Commissioners, and that such Offer was refused or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and in case such Person as aforesaid shall be desirous of purchasing any such Lands, and he and the said Commissioners shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Commissioners, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Commissioners (*mutatis mutandis*), and the Money produced by such Sale shall be applied to the Purposes of this Act.

Treasurer on Payment of Money to give Receipts.

CLII. And be it further enacted, That upon Payment of the Money which shall arise by the Sale of any Lands or of any Interest therein, belonging to the said Commissioners, which shall be sold by the said Commissioners under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being of the said Commissioners to sign and give

give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipts respectively shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or any Part thereof.

The Word "grant" in Conveyances from the Commissioners to amount to certain Covenants.

CLIII. And be it further enacted, That in all Conveyances to be made by the said Commissioners under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged, in all Courts of Judicature, to be express Covenants to and with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Nature or Quality of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Commissioners, for themselves and their Successors, that they the said Commissioners, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Commissioners and their Successors and all claiming under them, and be indemnified and saved harmless by the said Commissioners and their Successors from all Incumbrances committed by the said Commissioners, and also for further Assurance of such Lands by the said Commissioners or their Successors and all claiming under them, unless, except, and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Nature or Quality, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Coal Duty.

CLIV. 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 and at all Times to demand, recover, and receive for all Sorts of Coals, Coke, or Cinders which shall be brought into or imported, landed or delivered, within the Harbour or Town of *Whitby*, by way of Imposition thereon, (over and above all other Impositions and Duties due and payable for Coals, Coke, or Cinders by virtue of any Law or Statute now in force,) the Duty or Sum of One Shilling *per* Ton, and so in proportion for any less Quantity than a Ton; which said Duty shall attach and become payable (immediately on any Vessel in which such Coals, Coke, or Cinders shall be imported or delivered being reported at the Custom House of the Port of *Whitby*,) by the Master or other Person having the

Charge of such Vessel, or by the Owner of such Coals, Coke, or Cinders, to such Person as the said Commissioners shall from Time to Time appoint to collect or receive the same (and which Appointment they are hereby authorized to make accordingly), and at such Place within the said Town of *Whitby* as the said Commissioners shall appoint for that Purpose, whereupon the Party appointed to receive such Duty shall, without Delay, Fee, or Reward, if required, deliver a Receipt for the same to the Person who shall have paid such Duty, which Receipt shall be a sufficient Discharge for the Amount so paid: Provided always, that such Duty shall not attach, or be demanded or paid, in respect of any Vessel which shall enter the said Harbour, and shall not break Bulk or deliver any Part of her Cargo after entering the said Harbour, or shall deliver such Cargo for the Purpose solely of its being reshipped and forwarded in the same or any other Bottom or Bottoms to the Port of Destination.

Table of the Duties to be put up.

CLV. And be it further enacted, That the said Commissioners shall cause to be painted on Boards, in legible black Letters on a White Ground, and to be affixed and continued, and also to be renewed as often as the same shall be obliterated or defaced, on some conspicuous Part in or near the said Harbour of *Whitby*, the Amount of the Duties which shall from Time to Time be payable under and by virtue of this Act.

Every Master of any Vessel to produce Register, &c. to Collector when required.

CLVI. And be it further enacted, That the Master of every Vessel in which any Coals, Coke, or Cinders shall be imported or brought into the said Harbour of *Whitby* shall, whenever required by the Collector of the said Duties, or by the Person for the Time being appointed by the said Commissioners to receive the same, produce and show to such Collector or Persons the Register of such Vessel and all Documents relating to the Appointment of such Master, or to the Ownership of such Vessel, and also every Manifest, Bill of Lading, Invoice, or other Paper relating to the Lading thereof; and in case such Master shall upon such Request refuse or neglect to produce or show to such Collector or Person as aforesaid such Register and other Documents as aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Refusal or Neglect.

Vessels to be reported on arriving in the Harbour and to give an Account of Cargoes.

CLVII. And be it further enacted, That the Master of every Vessel which shall arrive in the said Harbour of *Whitby*, and who shall be liable to the Payment of the Duties by this Act granted in respect of any Coals, Coke, or Cinders imported in such Vessel, shall make his Report of the Cargo of Coals, Coke, or Cinders imported in such Vessel to the Collector of the Duties for the Time being, or to such other Person as the said Commissioners shall appoint for that Purpose, within Twenty-four Hours after the Arrival of such Vessel within the said Harbour; and such Master shall deliver in Writing to the said Collector of the Duties, or to such other Person as the said Commissioners shall appoint for the Receipt thereof, a true and particular Account, to the best of his Knowledge, of the Cargo of Coals, Coke, or Cinders imported in such Vessel, and the Names of the respective Persons to whom the same shall belong, and shall also (if

(if required) give due Notice in Writing of the Time appointed for the Delivery of such Coals, Coke, or Cinders, and shall before the Delivery thereof pay the Duties in respect thereof to such Collector or Receiver as aforesaid; and in case any such Master shall refuse or neglect to make such Report or to deliver such Account within the Time and in the Manner herein-before directed, or to give such Notice when required, or to pay the full Amount of such Duties before the Delivery of such Coals, Coke, or Cinders, or shall wilfully give a false Statement, or shall depart or attempt to depart from the said Harbour without having paid the said Duties, or do any other Act whereby the Payment of the full Amount of the said Duties shall be avoided or be attempted to be avoided, or if any such Master, or the Mariners belonging to or Crew of such Vessel, shall obstruct or hinder the said Commissioners or their Collector, or any Person to be appointed by the said Commissioners to collect the same, from levying and collecting the said Duties, or from entering on board any Vessel, or from taking an Account of or ascertaining the Amount of the Duties which may be payable by virtue of this Act, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds, over and above the Amount of Duties payable in respect of such Coals, Coke, or Cinders.

Officers of Customs may refuse to give a Cocquet for Clearance.

CLVIII. And be it further enacted, That it shall be lawful for the Collector or other proper Officer of His Majesty's Customs within the said Harbour of *Whitby*, with the Permission of the Commissioners of His Majesty's Customs, to refuse to receive any Entry, or to give or make any Cocquet or other Discharge or Clearance, or to take any Report Inwards or Outwards, for any Vessel in which any Coals, Coke, or Cinders shall have been imported, until the Duties by this Act granted in respect of such Coals, Coke, or Cinders shall have been paid to the Collector or other Person appointed to receive the same, and a Receipt under the Hand of the Collector or other Person shall have been produced to the said Collector or other proper Officer of His Majesty's Customs.

Power to Collector to weigh Coals, &c. in dispute.

CLIX. And be it further enacted, That if any Difference shall arise between any Collector of the said Duties, or other Officer appointed for that Purpose, and the Master of any Vessel within the said Harbour, concerning the Weight or Quantity of any Coals, Coke, or Cinders imported in such Vessel, it shall be lawful for such Collector or other Officer as aforesaid to detain any such Vessel, and to examine or weigh such Coals, Coke, or Cinders as shall be therein; and in case the same shall, upon such examining or weighing, appear to be of greater Weight or Quantity than shall be stated in the Account thereof given by the Master of such Vessel, then it shall be lawful for the said Collector or other Person as aforesaid to charge the Duties for such Coals, Coke, or Cinders according to the Weight or Quantity thereof found upon such examining or weighing, and the Master giving in such Account shall pay the Costs and Charges of such examining or weighing; all which Charges, upon Refusal or Neglect of Payment thereof on Demand, shall be recovered and levied in the same Manner as the Duties are by this Act authorized to be recovered and levied; but if such Coals, Coke, or Cinders shall

shall appear to be of the same Weight or Quantity or of less Weight or Quantity than shall be stated in such Account, then the said Commissioners shall pay the Costs and Charges of such examining or weighing, and shall also pay to the said Master such Damages as shall appear to any Justice of the Peace for the said North Riding of the County of *York*, on the Oath of any credible Witness, to have arisen from such Detention.

Collector may enter Vessels and take Account of Duties.

CLX. And be it further enacted, That it shall be lawful for the Collector of the Duties by this Act granted, or such other Person as shall be appointed by the said Commissioners to receive the same, to enter, either alone or with any other Person for his Assistance, into or on board any Vessel within the said Harbour of *Whitby*, and to demand, take account of, and ascertain by Inspection the Duties which by virtue of this Act may be payable in respect of any Coals, Coke, or Cinders on board such Vessel; and in case the Duties by this Act authorized to be demanded shall not be paid by the Master of such Vessel upon Demand thereof made by the said Collector, it shall be lawful for such Collector or other Person as aforesaid to seize and distrain any of the Tackle, Apparel, or Furniture of such Vessel, or any Part thereof, and all or any Part of the said Coals, Coke, or Cinders found in such Vessel, or any Goods or Articles on board such Vessel belonging to the Master or Owner thereof; and in case of Neglect in the Payment of the said Duties for which such Distress shall have been taken as aforesaid for the Space of Three Days next after such Distress, it shall be lawful for the said Collector or such other Person as aforesaid to sell the said Tackle, Apparel, and Furniture, Coals, Coke, and Cinders, and the Goods and Articles so distrained, or so much thereof as he shall deem necessary, and therewith to satisfy himself as well for the said Duties as for his reasonable Charges in taking, keeping, and selling such Distress, rendering the Overplus (if any), on Demand, to the Owner of the same or to his Agent.

Commissioners may examine Persons liable to Duties.

CLXI. And be it further enacted, That it shall be lawful for the said Commissioners or any Five of them (although not assembled at a Meeting held pursuant to this Act), whenever they shall see Occasion, to summon before them by Writing under their Hands or under the Hand of their Clerk, at any Time or Place within the said Town of *Whitby*, any Person being the Master of any Vessel in which Coals, Coke, or Cinders shall have been imported, or the Owner of such Coals, Coke, or Cinders, and to examine him concerning any Coals, Coke, or Cinders liable to the Payment of the said Duties, or otherwise concerning the Execution of this Act; and in case any Person so summoned before the said Commissioners or any Five of them shall not appear at the Time and Place in such Summons mentioned, or appearing shall refuse to make answer and discover what he knows concerning the Matters to be examined or inquired into, he shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence.

Allowing a Drawback in certain Cases.

CLXII. And whereas it is reasonable that a Drawback from the before-mentioned Duties should be allowed in respect of such Coals, Coke,

Coke, and Cinders imported or landed within the Harbour of *Whitby* as may be used or consumed at any Place beyond the Distance of Three Miles from the Centre of the Bridge across the River *Esk* in the Town of *Whitby* aforesaid; be it therefore further enacted, That upon the Production and Delivery to the Treasurer to the said Commissioners, or to the Collector of the said Duties, or other Person appointed by the said Commissioners for that Purpose, of an Account stating the Quantity of Coals, Coke, or Cinders which, having been imported or landed within the said Harbour of *Whitby*, shall have been used or consumed at any Place beyond the Distance of Three Miles from the Centre of the said Bridge, or shall have been taken or carried beyond the same Distance for that Purpose during the Three preceding Calendar Months, and also stating the Amount of the Duties paid for such Coals, Coke, or Cinders respectively by virtue of this Act, every such Account being verified on the Declaration of the Person to whom such Coals, Coke, or Cinders so used or consumed, or taken or carried beyond the Distance of Three Miles from the Centre of the said Bridge as aforesaid, shall belong, or (as the Case may be) of the Occupier, or the principal Agent or Person having the Care or Management of any Works beyond the said Distance, (which Declaration any Justice of the Peace for the said North Riding of the County of *York* is hereby empowered and required to administer without Fee or Reward,) and being also signed by the Person making such Declaration in the Presence of and attested by such Justice, such Treasurer, Collector, or other Person as aforesaid to whom such Account shall be so produced and delivered shall and he is hereby required to pay to the Person producing and delivering such Account the full Amount of the Duties which by such Account shall appear to have been paid for such Coals, Coke, or Cinders as aforesaid; and if any such Treasurer, Collector, or other Person shall neglect or refuse to pay such Money upon Demand made thereof, the same, together with all Charges and Expences attending the Recovery thereof, shall be recovered from such Treasurer, Collector, or other Person, in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered, and such Treasurer, Collector, or other Person shall be allowed such Payment in his Account with the said Commissioners: Provided always, that if any Person shall knowingly or wilfully produce and deliver a false Account of the Coals, Coke, or Cinders used or consumed, taken or carried beyond the Distance of Three Miles from the Centre of the said Bridge, or of the Duties paid for the same respectively, or shall include in such Account or Statement any Coals, Coke, or Cinders which shall not have been imported or landed within the said Harbour of *Whitby*, or shall knowingly or wilfully do any other Act to evade the Payment of the said Duties, contrary to the true Intent and Meaning of this Act, such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Boocks to be kept of Duties and Drawback.

CLXIII. And be it further enacted, That the said Commissioners shall provide One or more Book or Books wherein all Monies received on account of the said Rates or Duties, and all Monies paid on account of such Drawback, shall be duly and fairly entered; and such Books shall be kept by and remain in the Custody of such Person as the said Commissioners shall appoint, and shall be open to the Inspection

Inspection of the Creditors upon the Duties, Rates, or Assessments by this Act authorized to be made, and all other Persons interested therein, at all seasonable Hours, without Fee or Reward.

Rates for general Purposes.

CLXIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized from Time to Time, when and so often as they shall think necessary, to make a general Pound Rate or Assessment under the Name of "The *Whitby* Improvement Rate," to be signed by any Five or more of the said Commissioners, upon all the Tenants and Occupiers of the several Houses, Shops, Warehouses, and other Erections and Buildings of whatever Description already erected or which shall hereafter be erected, or be situate, standing, or being within the Limits of this Act, and upon all Gardens, Lands, Tenements, and Hereditaments of whatever Description within the said Limits, according to the annual Value thereof respectively, to be ascertained as herein-after mentioned, provided such Rate or Assessment do not exceed in any One Year the Sum of One Shilling and Sixpence in the Pound on such annual Value.

Arable Land &c. exempt from Rates.

CLXV. Provided always, and be it further enacted, That, notwithstanding any thing herein-before contained to the contrary, no Person shall be charged or rated in or by any Rate or Assessment made in pursuance of this Act for or on account of any Arable, Meadow, or Pasture Land within the Limits of this Act, or any Land, Yard, Barn, Stable, or Building used for the Purpose of Husbandry only.

Value how to be ascertained.

CLXVI. And be it further enacted, That the annual Value of all such Houses, Shops, Warehouses, and other Erections and Buildings, Gardens, Lands, Tenements, and Hereditaments, so to be respectively rated as herein-before is mentioned, may be settled and ascertained by the said Commissioners according to the next preceding annual or other Assessment for the Relief of the Poor within the several Townships comprised within the Limits of this Act.

Commissioners may inspect Poor Rates.

CLXVII. And be it further enacted, That it shall be lawful for the said Commissioners or any Person by them authorized from Time to Time at all seasonable Hours to inspect all and every or any of the Poor Rates for the several Townships within the Limits of this Act, and the Assessments by which the same are regulated and made, and to take Copies of or Extracts therefrom respectively, which the Overseer or other Person having the Custody thereof respectively is hereby required to permit and suffer to be made and taken without Fee or Reward, and on Refusal thereof he shall forfeit and pay for every Offence any Sum not exceeding Forty Shillings.

Rates to be paid to Collector.

CLXVIII. And be it further enacted, That the several Rates or Assessments by this Act authorized to be made, charged, or levied as aforesaid shall be assessed, levied, and raised by such yearly, half-yearly, quarterly, or other Payments as the said Commissioners shall think fit and direct, and the Money so to be rated or assessed shall be paid to, levied, and collected by the Collector or other Person appointed by the said Commissioners to levy, collect, or receive the same, and

and shall, when levied and collected, be paid by the Collector or other Person levying, collecting, or receiving the same to the Treasurer for the Time being to the said Commissioners, and shall be and the same are hereby vested in the said Commissioners.

Recovery of Rates from Persons removing.

CLXIX. And be it further enacted, That in case any Person shall quit or be about to quit his Premises before he shall have paid the Rates or Assessments then due in respect thereof, and shall refuse or neglect to pay the same on Demand, it shall be lawful for the said Collector, by Warrant under the Hand and Seal of any Justice of the Peace for the said North Riding of the County of *York*, (which Warrant such Justice is hereby empowered and required to grant upon Proof of any such Removal, or of a reasonable Suspicion of an intended Removal,) to seize the Goods and Chattels of any such Person wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner of such Goods and Chattels.

Rates to be recoverable by Distress or Action.

CLXX. And be it further enacted, That if any Person rated or assessed as aforesaid shall neglect or refuse to pay his Proportion of any of the said Rates or Assessments respectively for the Space of Fourteen Days after personal Demand thereof, or Demand in Writing left at the usual or last Place of Abode or Business of such Person, or on the Premises in respect of which such Rate shall be made, the same shall be recovered and levied by Distress and Sale of the Goods and Chattels of such Person by Warrant under the Hand and Seal of any Justice of the Peace acting for the said North Riding of the County of *York*, and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner of the Goods and Chattels so distrained and sold, after deducting all Charges attending such Distress and Sale: Provided always, that nothing herein contained shall prevent the said Commissioners from recovering any such Rates or Assessments, where the same amount to or exceed the Sum of Twenty Pounds, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

A Warrant may include One or more Person or Persons.

CLXXI. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rates or Assessments to be made under or by virtue of this Act may include One or more Person or Persons, and be in the Words or to the Effect following, *mutatis mutandis*; that is to say,)

Form of Warrant of Distress.

‘ } To the Collector of the Rates made by the Commissioners
‘ to wit. } for the Improvement of the Town of *Whitby*, and to all
‘ Constables, Beadles, and other Peace Officers within the
‘ said Town.

‘ WHEREAS the under-mentioned Persons, now or late Inhabitants,
‘ Tenants, or Occupiers of Premises within the Limits of an Act
‘ passed in the Year of the Reign of His Majesty King
‘ *William* the Fourth, intituled [*here set forth the Title of this Act*],

‘ have

‘ have been duly rated and assessed and are liable to the Payment of the ‘ Sums set opposite to their respective Names hereunder written by ‘ virtue of a Rate or Rates duly made under and by the Authority of ‘ the said Act: And whereas it duly appears upon Oath unto me, ‘ one of His Majesty's Justices of the Peace for the said Riding, that ‘ the said several Persons have refused or neglected to pay the several ‘ Sums of Money set opposite to their respective Names hereunder ‘ written as due from them by virtue or in respect of such Rate or ‘ Rates, and that the said several Sums of Money respectively still ‘ remain due and unpaid: And whereas it also duly appears upon ‘ Oath unto me that the said several Persons have been duly sum- ‘ moned to appear to answer the Premises; and such Persons not ‘ having appeared, *or* having appeared and not having shown any ‘ sufficient Cause why such Sums of Money respectively should not ‘ be paid: These are therefore in His Majesty's Name to command ‘ you or any of you forthwith to levy the several Sums due from the ‘ said several Persons, and hereunder set opposite to their respective ‘ Names, and also such further Sum for Costs as is also set opposite to ‘ their respective Names, by Distress and Sale of their respective ‘ Goods and Chattels, such Goods and Chattels being kept before the ‘ same are sold until the Seventh Day after such Distress shall have been ‘ made, including the Day on which it shall be made and the Day of ‘ Sale, and if such Seventh Day shall happen to be *Sunday* then such ‘ Sale shall be on the next or following Day, rendering to them ‘ respectively the Overplus (if any), on Demand, the reasonable ‘ Charges of such Distress, and of any Removal or keeping Possession, ‘ Appraisement and Sale, first deducted; and if no sufficient Distress ‘ can be had and taken, then that you certify the same to me, to the ‘ end that such further Proceedings may be had therein as to the Law ‘ do appertain; and I do hereby strictly charge and command all ‘ and singular the Constables and other His Majesty's Peace Officers ‘ within their respective Jurisdictions to be aiding and assisting in all ‘ Things relating to the Premises. Given under my Hand and Seal ‘ this Day of One thousand eight hundred and .

‘ Names and Residence of ‘ Persons assessed.	Sums due.	Costs.

Constables or Headboroughs to assist in making Distress.

CLXXII. And be it further enacted, That in all Cases where a Distress is hereby authorized to be made, if any Constable or Headborough of and within the said Riding, upon being required by any Person appointed to collect any Rates or Assessments, or by any other Person (who shall have obtained a Warrant for such Distress from any Justice of the Peace), shall refuse or neglect to aid and assist in making a Distress and Sale pursuant to such Warrant, every such Constable or Headborough shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in the same Manner as other Penalties or Forfeitures are by this Act directed to be recovered.

Commissioners may mitigate Rates on account of Poverty.

CLXXIII. Provided always, and be it further enacted, That it shall be lawful for the Collector or other Person appointed by the said Commissioners to levy, collect, or receive the said Pound Rates or Assessments, and he is hereby authorized and empowered, with the Consent of Two of His Majesty's Justices of the Peace for the said

said North Riding of the County of *York*, such Consent to be signified in Writing under the Hands of such Justices, in Cases where he shall see fit, by reason of Poverty, Sickness, Non-employment, or Inability of any Person rated in any Pound Rate or Assessment under this Act, either wholly or in part to excuse such Person from the Payment of any such Rate or Assessment, as he in his Discretion shall think proper.

Rates to be apportioned on Persons removing from or into Houses.

CLXXIV. And be it further enacted, That in all Cases where any Person shall remove from or quit any Premises whatsoever within the Limits of this Act which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time for which he occupied the same, in like Manner as if such Person had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such Premises as aforesaid out of or from which any other Person rated as aforesaid shall have removed, or which at the Time of making such Rate or Assessment were empty, or were rated by virtue of this Act, he shall, for and in respect of his Occupation thereof, be liable only to such Rate or Assessment in proportion to the Time for which he shall occupy the same, in the same Manner as if he had been originally rated or assessed for such Premises; which said respective Proportions shall, in case of Dispute, be settled and ascertained by the said Commissioners.

Amendment of Rates by Commissioners.

CLXXV. And be it further enacted, That it shall be lawful for the said Commissioners, either on the Application of any Person aggrieved, or without such Application, from Time to Time to amend any Rate or Assessment to be made by virtue of this Act by inserting therein the Name of any Person who ought to have been or to be then rated, or by striking out the Name of any Person who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will, in the Judgment of the said Commissioners, make such Rate or Assessment conformable to the true Intent and Meaning of this Act; and no such Amendment shall be held to vitiate the same or render it less operative, and every Rate which shall be so altered or corrected shall be as valid and effectual in Law to all Intents and Purposes as if such Addition had been inserted, or such Alteration or Correction had been made, in the Rate at the Time the same was first made and signed or allowed: Provided always, that every Person whose Name shall be so inserted, or who shall be so made liable to the Payment of any Sum of Money, or who shall think himself aggrieved by any such Addition, Alteration, or Correction, shall have and be entitled to the same Right of Appeal therefrom as he would have had had such Addition been inserted, or such Alteration or Correction been made, in the Rate at the Time when the same was first made and signed; and in case of Alteration or Correction such Person whose Rate shall be so altered or corrected shall be entitled to Seven Days Notice thereof before the Rate shall be payable by him.

Rates may be inspected.

CLXXVI. And be it further enacted, That Duplicates of all Rates and Assessments made or assessed by virtue of this Act shall be

be deposited with the Clerk or Treasurer to the said Commissioners, who shall permit any Person included therein, or any Mortgagee of such Rates or Assessments, to inspect the same at all reasonable Hours upon Payment of One Shilling; and such Clerk or Treasurer shall, within Ten Days after Demand deliver a true Copy of such Rates and Assessments, or any Portion thereof, to such Person or Mortgagee as aforesaid, having been first paid for the making of such Copy after the Rate of Sixpence for every One hundred Words or Figures, and in case such Clerk or Treasurer shall refuse or neglect to deliver such Copy within the said Ten Days, or at the Rate aforesaid, then and in every such Case such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

Justices in Petty Sessions may hear Appeals against Rates.

CLXXVII. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said North Riding of the County of *York* present at any Special or Adjourned Petty Sessions at *Whitby* aforesaid, to hear and determine all Objections to any Rate or Assessment by this Act authorized to be made, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any Houses, Shops, Warehouses, or other Erections or Buildings, Gardens, Lands, Tenements, or Hereditaments included therein, which Decision shall be binding and conclusive on the Parties unless the same shall be appealed against within the Time and in the Manner herein-after provided: Provided always, that no such Objection shall be inquired into by the said Justices in Special Session unless Notice of such Objection in Writing under the Hand of the Complainant shall have been given, Seven Days at least before the Day appointed for such Special Session, to the Collector of the Rates or to the Clerk for the Time being of the said Commissioners: Provided also, that the said Justices in Special Session shall not be authorized to inquire into the Liability of any Houses, Shops, Warehouses, or other Erections or Buildings, Gardens, Lands, Tenements, or Hereditaments to be rated, but only into the true Value thereof, and into the Fairness of the Amount at which the same shall have been rated.

Justices in Petty Session to act with all the Powers of Justices in Quarter Sessions as to amending Rates, &c.

CLXXVIII. And be it further enacted, That the Justices present at any such Special or Adjourned Session shall, for the Purpose aforesaid, have all the Powers of amending or quashing any such Rate so objected to, and likewise of awarding Costs to be paid by or to any of the Parties, and of recovering such Costs, which any Court of Quarter Sessions of the Peace has upon Appeals from any such Rate (except as herein excepted): Provided always, that no Order of the said Justices shall be removed by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster*: Provided also, that nothing in this Act contained shall be construed to deprive any Person of the Right to appeal against any Rate to any Court of General or Quarter Sessions: Provided also, that no Order of the said Justices in Special Session shall be of any Force pending any Appeal touching the same Subject Matter to the Court of General or Quarter Sessions of the Peace having Jurisdiction to try such Appeal, or in opposition to the Order of any such Court upon such Appeal.

CLXXIX. And

On Appeal from Rate, Quarter Sessions may amend without quashing it.

CLXXIX. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act the Court of General or Quarter Sessions of the Peace in and for the said North Riding of the County of *York* shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Power to mortgage the Duties, Rates, &c.

CLXXX. And for the more speedily and effectually enabling the said Commissioners to execute the several Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time when they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole (exclusive of the Sum of One thousand five hundred and twenty Pounds now due on the Credit of the said recited Act) the Sum of Eight thousand four hundred and eighty Pounds upon the Credit of the Duties hereby granted, and of the Rates and Assessments hereby authorized to be made, levied, and collected, and of the Buildings and Premises and other Property vested in the said Commissioners, and by any Writing under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage, grant, or assign the said Duties, Rates, and Assessments, Buildings, Premises, and other Property, or any Part thereof respectively, to any Persons who shall advance or lend such Money, or to their Trustees, as a Security for the Money so to be borrowed, together with such lawful Interest as the said Commissioners and the Parties lending such Money shall agree upon; and the Charges and Expences of such Securities shall be from Time to Time defrayed by the said Commissioners out of the Money advanced upon such Securities, or out of any other Monies in their Hands; and every such Mortgage shall be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, whose Hands and Seals are hereunto subscribed, being of the Commissioners acting in the Execution of the said Act, in consideration of the Sum of advanced and lent by upon the Credit of and for the general Purposes of the said Act, and paid by him [*or* them, *as the Case may be*,] to the Treasurer of the said Commissioners, do hereby grant, bargain, sell, and assign unto the said Executors, Administrators, and Assigns, such Proportion of the Duties, Rates, and Assessments authorized to be raised, levied, and collected by virtue of the said Act, and also of the Buildings, Premises,

‘ and other Property thereby vested in the said Commissioners, as
‘ the said Sum of doth or shall bear to the whole Sum
‘ borrowed and to be borrowed, and which shall from Time to Time
‘ be owing, upon the Credit of the said Duties, Rates, and Assess-
‘ ments, Buildings, Premises, and other Property, to be had and
‘ holden from the Day of the Date of these Presents until the said
‘ Sum of with Interest for the same after the
‘ Rate of *per Centum per Annum*, to be paid half-
‘ yearly, shall be fully repaid and satisfied. In witness whereof we
‘ have hereunto set our Hands and Seals the Day of in
‘ the Year of our Lord One thousand eight hundred and .’

And every such Mortgage shall be valid and effectual in the Law; and all such Mortgages shall be numbered, commencing with Number One, and so proceeding in Arithmetical Progression ascending, whereof the common Excess or Difference shall always be One.

No Preference in payment of Mortgages.

CLXXXI. And be it further enacted, That the several Persons to whom any such Mortgages shall have been made shall be respectively entitled to their respective Quota of the said Duties, Rates, and Assessments, Buildings, Premises, and Property, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever.

Power for Commissioners to raise Money by Annuity.

CLXXXII. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for the said Commissioners, by Writing under the Hands and Seals of any Five or more of them, to grant an Annuity to any Person who shall advance and pay to the said Commissioners any Sum of Money for the absolute Purchase of an Annuity, to be paid and payable during the natural Life of any such Contributor, or of such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of Grant of Annuity.

‘ WE, being of the Commissioners acting in the
‘ Execution of an Act passed in the Year of the Reign
‘ of King *William* the Fourth, intituled [*here set forth the Title of*
‘ *this Act*], in consideration of the Sum of paid
‘ by in pursuance of the said Act, do hereby grant unto the
‘ said an Annuity or yearly Sum of to
‘ be paid out of the Duties, Rates, or Assessments to be raised,
‘ levied, and collected by virtue of the said Act, and to be charged
‘ upon the Buildings, Premises, and other Property vested in the
‘ Commissioners under the said Act, which Annuity or yearly Sum
‘ of shall be paid to the said or
‘ his Assigns during the Term of his natural Life [*or, as the Case*
‘ *may be*, to the said his Executors, Administrators,
‘ or Assigns, during the natural Life of *or* during the natural
‘ Lives of and and the Life of the Survivor],
‘ upon

'upon the Day of the Day of the Day
'of and the Day of in every Year during
'his natural Life, [*or, as the Case may be,* during the natural Life of
'the said *or* of the said and and
'the Survivor of them], the first Payment thereof to
'be made upon the Day of next ensuing the Date
'hereof. In witness whereof we, the said Commissioners, have
'hereunto set our Hands and Seals the Day of in
'the Year One thousand eight hundred and .'

And every such Grant shall be good and effectual in the Law without any Enrolment of the Memorial thereof in the High Court of Chancery, or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners out of the said Duties, Rates, or Assessments, and other Monies respectively, according to the Grant of such Annuity.

A Register Book to be kept of Securities.

CLXXXIII. And be it further enacted, That a Book shall be provided by the said Commissioners and kept by their Clerk, in which shall be entered and registered Copies of all Mortgages and Annuities and other Securities made in pursuance of this Act; which Book shall be open to the Inspection of the several Holders of Mortgages, Annuities, and other Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Securities may be transferred.

CLXXXIV. And be it further enacted, That it shall be lawful for the several Persons for the Time being entitled to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns, at any Time to transfer their respective Rights and Interests therein to any other Person or Persons whomsoever in the Form or to the Effect following; (that is to say,)

'I *A.B.* of [*or* I, *C.D.* of Executor *or* Administrator of *A.B.* late of *or otherwise, as the Case may happen to be,*] in consideration of the Sum of to me paid by *E.F.* of do hereby assign and transfer unto the said *E.F.*, his Executors, Administrators, and Assigns, a certain Security, Number bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Commissioners for executing an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], and the Principal Sum of [*or* the Annuity of *as the Case may be,*] thereby secured, and all Interest now due or hereafter to grow due thereon, and all my Right and Interest in and to the same. Dated this Day of in the Year of our Lord .'

Transfers to be registered.

Which Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the said Commissioners, who shall cause

an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sum of Money or Annuity thereby transferred, in the said Register Book to be kept for entering Copies of the original Securities, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and after such Entry made, but not before, every such Assignment shall entitle the Person to whom the same shall be made, his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Securities not to be assigned except by an Instrument in Writing duly stamped.

CLXXXV. Provided always, and be it further enacted, That no Mortgage or other Security made or issued or to be made or issued by the said Commissioners under the Authority of this Act shall be assigned or transferred except by Deed or Instrument in Writing, duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

For preventing improvident Grants of Annuities.

CLXXXVI. And for preventing any improvident Grants of Annuity, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Sixth the Rate prescribed by any Act or Acts for the Time being in force for granting Annuities on Government Securities.

Commissioners may redeem Annuities.

CLXXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Person entitled thereto, to redeem any of the Annuities by or under the Authority of the said recited Act or this Act charged or to be charged upon the Duties, Rates, and Assessments made or to be made by the said Commissioners, or on the Buildings, Premises, and other Property by this Act vested in the said Commissioners, and to agree for the Redemption thereof upon such Terms as the said Commissioners shall think proper.

Money may be borrowed at lower Interest to pay off existing Mortgages.

CLXXXVIII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum of Money at a lower Rate of Interest than shall then happen to be payable upon any of the existing Mortgages which may have been granted by the said Commissioners, it shall be lawful for the said Commissioners from Time to Time to charge the said Duties, Rates, or Assessments, Buildings and Premises, in manner aforesaid, with any Sum of Money to be borrowed at such lower Rate, and the Interest thereof, and with such last-mentioned Sum to pay off and discharge any of the said Mortgages bearing a higher Rate of Interest.

The Course of Payment of Mortgages to be fixed by Ballot.

CLXXXIX. And in order that no Preference may be given in paying off the said Mortgages, be it further enacted, That the said Commissioners (if there be more Creditors than One) shall at any of their Meetings cause the several Numbers of all the Assignments or Securities granted by way of Mortgage and then in force to be written upon

upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box, and the Clerk to the said Commissioners shall, in the Presence of Five or more of the said Commissioners, draw separately out of the said Box One of the said Numbers for every Assignment then intended to be paid off, and thereupon the Assignment corresponding with the Number which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the usual or last known Place of Abode of the Person who shall be entitled to the Money to be paid off pursuant to such Ballot, and where there shall be only One Creditor the like Notice shall be given to such Creditor of the Intention to pay him off as aforesaid; which Notice shall express the Sum to be paid off, and that the same will be paid, together with the Interest due thereon, on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice and shall not be paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

Application of Monies arising by this Act.

CXC. And be it further enacted, That all the Duties, Rates, or Assessments by this Act granted, and all Duties to be recovered under the Act hereby repealed, and all other Sums of Money which at the Time of the Commencement of this Act shall be in hand from the Receipt of Duties under the said Act, or which may be received by the Commissioners for executing this Act under the Authority of this Act, shall be and the same are hereby declared to be vested in the said Commissioners, and shall be applied by them and disposed of in manner following; that is to say, in the first place, in paying all Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act and otherwise incident thereto; in the next place, in paying the Interest of any Money which shall have been advanced for defraying such Costs, Charges, and Expences; in the next place, in paying the Interest of any Money which may have been borrowed by way of Mortgage or Annuity on the Credit of the former Act hereby repealed, or which may be borrowed by way of Mortgage or Annuity under the Authority of this Act, as and when the same respectively shall become due; in the next place, in defraying the Expences attending the Execution of the several Works, Matters, and Things by this Act authorized; in the next place, in paying and discharging any Principal Money which shall have been advanced for defraying the Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act; and in the next place in paying and discharging any Principal Money borrowed and now due on the Credit of the former Act hereby repealed, or which may be borrowed under the Authority or on the Credit of this Act.

CXCI. And

When old Securities are lost new ones may be executed.

CXCI. And be it further enacted, That in all Cases in which it shall appear by satisfactory Evidence adduced at any Meeting of the said Commissioners that any Person is a Creditor on the Security of the Duties granted by the said former Act hereby repealed, or of the Duties, Rates, or Assessments by this Act granted, or on the Buildings, Premises, and other Property by this Act vested in the said Commissioners, and that the Mortgage or Assignment of the Duties, Rates, or Assessments, Buildings, Premises, and other Property, for securing any such Sum of Money or Annuity or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall be lawful for the said Commissioners, or any Five or more of them, to execute at the Expence of the Person applying for the same an Assignment of the Duties, Rates, or Assessments by this Act granted, or of the Buildings, Premises, and other Property by this Act vested in the said Commissioners, for the Sum of Money or Annuity mentioned in such original or former Assignment or Transfer, and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Treasurer not to pay Money without an Order.

CXCII. And be it further enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Commissioners by or from the said Duties, Rates, and Assessments by this Act imposed or authorized to be made as aforesaid, and also all Monies which shall be by them borrowed on Mortgage or by way of Annuity under the Authority of this Act, or which shall be otherwise payable to them under any of the Provisions of this Act or of the said recited Act, shall from Time to Time be paid into the Hands of the Treasurer to the said Commissioners; and no Money shall be disbursed or paid by such Treasurer on behalf or on account of the said Commissioners without an Order in Writing, signed at a Meeting of the said Commissioners to be held in pursuance of this Act by the Chairman of the said Meeting for the Time being.

Commissioners may regulate Porters Wages.

CXCIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time as they shall think fit to make such Rules and Orders as to them shall seem expedient for regulating, settling, and ascertaining the Rates and Wages of Porters and Labourers usually employed in carrying Coals and other Goods and Merchandize from the Vessels in the Harbour of *Whitby* aforesaid to the Houses, Shops, or Warehouses of the Inhabitants of the said Town of *Whitby*, and from one Part of the said Town to another, for Hire, and from Time to Time to repeal or alter such Rules or Orders or any of them, and to make others, and to impose and inflict such reasonable Penalties or Forfeitures upon all Persons offending against the same as to the said Commissioners shall seem meet, not exceeding the Sum of Five Pounds for any Offence.

Penalty for obstructing the Execution of this Act.

CXCIV. And be it further enacted, That if any Person shall obstruct or assault any of the said Commissioners, or any Treasurer, Clerk, Collector, Surveyor, Workman, or Agent, or any Watchman, Constable, or Assistant Constable, Night Patrol, Beadle, or any other Officer or Person appointed or employed under the Authority

of this Act, or any Bye Law or Order made in pursuance thereof, in the Execution or Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done or performed under the Authority of the same respectively, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Commissioners may direct Prosecutions.

CXCV. And be it further enacted, That it shall be lawful for the said Commissioners to direct any Prosecution or Indictment against any Person for any Nuisance whatsoever which shall be committed or suffered within the Limits of this Act, or for any Resistance to the Execution of this Act, or to any Person acting under the same, and all the Costs and Charges of and attending such Prosecutions shall be paid out of the Monies to be raised by virtue of this Act: Provided always, that it shall be lawful for the Justice of the Peace or others before whom any Prosecution or Indictment shall be prosecuted and taken to award to the said Commissioners, in case of a Conviction thereon, all the Costs and Expences attending any such Prosecution or Indictment to be paid by the Person against whom any such Prosecution or Indictment shall be prosecuted or taken, to be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered.

Commissioners may compound Actions.

CXCVI. And be it further enacted, That when any Action or Information shall be brought by or against the said Commissioners by virtue of this Act, it shall be lawful for the said Commissioners to compound with the Party by or against whom any such Action or Information shall be brought, in such Manner as shall be agreed upon between the said Commissioners and such Party.

Recovery and Application of Penalties,

CXCVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the said North Riding of the County of *York*, on Complaint to him for that Purpose exhibited upon the Oath of any Person or on the Confession of the Party offending, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), after discharging such Penalty and Forfeiture, and the reasonable Costs and Charges of such Distress and Sale, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid, one Moiety to the Informer, and the Remainder to the Treasurer of the said Commissioners for the Use and Benefit of the said Commissioners, to be applied by them to the Purposes of this Act: Provided always, that if such Penalties and Forfeitures shall be incurred by the said Commissioners, or their Clerk or Treasurer, the same shall be paid, one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Township or Place within which the Offence shall have been committed, to be applied by them for the Benefit of the Poor of such Township or Place; and in case such Penalties or Forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is hereby required

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

Justices may proceed by summons for the Recovery of Penalties.

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

Damages and Charges, in case of Dispute, to be settled by a Justice.

CXCIX. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace for the said North Riding of the County of *York*; and where by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of any such Offence; and such Justice is hereby authorized and required, on Nonpayment of the Damages and

and Charges in any of the Cases aforesaid, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Power to Justice to mitigate Penalties.

CC. And be it further enacted, That in all Cases in which any Justice is empowered by this Act to impose any Penalty or Forfeiture it shall be lawful for such Justice to mitigate the same, or to dismiss the Cause, either with or without Costs, at his Discretion.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of Goods vested in Commissioners or their Treasurer.

CCI. And be it further enacted, That whenever any Money shall be directed by any Justice of the Peace to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made to the said Commissioners in pursuance of the Direction or Order made by such Justice (and in which Demand the Order of such Justice shall be stated), then and in every such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners or of their Treasurer for the Time being under a Warrant to be issued for that Purpose by any Justice of the Peace for the said North Riding of the County of *York* (which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money); and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Commissioners or their Treasurer for the Time being (as the Case may be): Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he may have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Compelling Witnesses to attend.

CCII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been paid or tendered a reasonable Sum for his Costs and Expences), without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

CCIII. And

Persons giving false Evidence to be punished.

CCIII. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace or otherwise under this Act, upon Oath or Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, such Person so giving false Evidence shall be subject to the same Punishment as Persons convicted of Perjury are by Law subject or liable to.

Persons paying Rates, &c. may be Witnesses.

CCIV. And be it further enacted, That no Person shall be disqualified from being a competent Witness or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act, or any Rule, Regulation, Order, or Bye Law made or to be made in pursuance thereof, by reason of paying or being charged with or being liable to pay any of the Duties, Rates, or Assessments hereby authorized to be levied, made, charged, or assessed, or by reason of his being an Inhabitant of the said Town, or being one of the Commissioners for putting this Act into execution, or holding any Office or Employment under the said Commissioners, or by reason of his being a Creditor under the said recited Act or this Act.

Commissioners empowered to grant Releases to Witnesses.

CCV. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Commissioners (although not assembled at any Meeting) to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Commissioners so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes, as if the same were made by all the said Commissioners, or by all the Commissioners present at a Meeting held pursuant to the Provisions of this Act.

For securing transient Offenders.

CCVI. And be it further enacted, That it shall be lawful for any of the said Commissioners, and for their Surveyor, Collector, or other Officer, and for such Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person, being unknown to such Commissioners, Surveyor, Collector, or other Officer, who shall commit any Offence against this Act, and take him as soon as conveniently may be before some Justice of the Peace for the said North Riding of the

County of *York*, and such Justice is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

Form of Conviction.

CCVII. And for the more easy and speedy Conviction of Offenders against this Act, or against any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority hereof; be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say,)

' } BE it remembered, That on the Day of
' to wit. } One thousand eight hundred and *A.B.*
' is [*or, as the Case may be,* are] convicted before me [*or* us, *as the*
' *Case may be,*] of His Majesty's Justices of the
' Peace for the said North Riding of the County of *York*, of having
' [*here state the Offence, and the Time and Place when and where the*
' *same was committed*], contrary to an Act passed [*or* contrary to a
' Bye Law duly made in pursuance of an Act passed] in the
' Year of the Reign of His Majesty King *William* the Fourth,
' intituled [*here set forth the Title of this Act*], for which Offence I
' do adjudge the said to have forfeited [*if the Offence*
' *is to be subjected to a Fine*] the Sum of [*insert the*
' *Penalty*], together with the Sum of for Costs [*if any*
' *given*]; *or* [*if to be imprisoned then*] do adjudge the said *A. B.* to
' be committed to the [*naming the Gaol*] for the Space of [*insert the*
' *Time, and if the Commitment be for the Nonpayment of a Penalty,*
' *then add*] unless the said Sum of be sooner paid.
' Given under my Hand and Seal the Day and Year first above
' written.'

General Power to Justices to administer Oaths.

CCVIII. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to any Person, or to require such Person to take and subscribe a Declaration, before he shall be examined by or before such Justice.

Power of Appeal.

CCIX. And be it further enacted, That all Persons who may think themselves aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, and also the said Commissioners and all other Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Two Calendar Months next after such Rate or Assessment, or such Order, Judgment, or Determination, shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be held for the said North Riding of the County of *York*, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Appeal is intended to be made, or to the

said

said Commissioners (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice of the Peace in such Amount as such Justice shall determine, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Determination of the said Court therein; and the Justices present at such Sessions, upon due Proof of such Notice being given and Recognizance entered into as aforesaid, shall in a summary Way either hear and determine the Complaint stated in such Notice of Appeal at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for the said Riding; and the said Justices may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also award such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

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

CCX. And be it further enacted, That in all Cases in which it may be necessary for any Person to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Commissioners, personal Service thereof upon any One of the said Commissioners residing within the said Borough of *Whitby*, or leaving the same at his last or usual Place of Abode, or personal Service thereof upon the Clerk or Treasurer of the said Commissioners, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or in case the same respectively shall not be found or known, then Service upon any Officer or Servant of any of the said Commissioners, or delivering the same to some Inmate of the last or usual Place of Abode of such Officer or Servant, shall be deemed sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service by the Commissioners.

CCXI. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon any Person or Corporation or Company under the Provisions of this Act, personal Service thereof upon such Person, or upon some Member of such Corporation or Company, or upon the Clerk or other Officer of such Corporation or Company, or delivering the same to some Inmate of the last or usual Place of Abode or Business of such Person, or of such Member, Clerk, or other Officer of such Corporation or Company, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person, Corporation, or Company (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by the Clerk or Treasurer for the Time being of the said Commissioners on behalf of the said Commissioners; and every such Summons, Demand, or Notice, or other Document, and also all other Notices, Orders,

Proceedings,

Proceedings, or other Documents which by this Act are required to be in Writing, may be in Writing or in Print, or partly in Writing and partly in Print.

Distress not to be deemed unlawful for Want of Form.

CCXII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or in the Appointment of any Collector or Receiver or of any Agent of the said Commissioners, or in any other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which may be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

Proceedings not to be quashed for Want of Form, nor removeable by Certiorari.

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

Plaintiff not to recover after Tender of Amends.

CCXIV. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Defendant before such Action brought, or if such Tender of Amends shall be made at any Time after such Action brought before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; and in case no such Tender shall have been made it shall be lawful for any Defendant in any such Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Cases in which Defendants are allowed to pay Money into Court.

Limitation of Actions.

CCXV. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, shall be commenced or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or of any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless the same shall be brought or commenced within Six Calendar Months next after the Fact committed, or in

case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or other Proceeding shall be brought and laid in the County or Place where the Matter in dispute or Cause of Action shall have arisen; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done (as the Case may be) in pursuance and by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done (as the Case may be), or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedies for recovering the same as Defendants have for recovering Costs by Law in other Cases.

Reservation of Rights of Lord of Manor.

CCXVI. Provided always, and be it further enacted, That nothing herein contained shall prevent or hinder the Lord of the Manor of *Whitby* for the Time being, or any other Person, from having or taking any legal Remedy against any Person for any Encroachment that is or shall be made within the Limits of this Act: Provided also, that nothing in this Act contained shall extend or be construed to extend to alter, lessen, prejudice, defeat, or impeach any of the Powers, Rights, or Privileges of the said Lord for the Time being of the Manor of *Whitby* and *Whitby Strand*, or his Jurisdiction within the same Manor or Liberty, except so far only as the same are by this Act expressly altered, lessened, prejudiced, defeated, or impeached.

Public Act.

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

The FIRST SCHEDULE to which the foregoing Act refers.

Description of Property.	Situation.	Parish or Township.	Freeholder.	Leaseholder.	Occupier.
Messuage and Shop or Warehouse.	Bridge Street - -	Whitby - -	The Devisees of Ann Rudyerd.	- - - -	Lately occupied by George Trueman the elder.
Messuage or Shop -	Bridge Street - -	Whitby -	Ditto - - -	- - - -	Alexander Willison.
House, Shop, and Outbuildings.	Bridge Street - -	Whitby - -	Ditto - - -	- - - -	John Rickinson.
Tenement - -	Sandgate - -	Whitby -	Ditto - - -	- - - -	Sarah Tate.
Tenement - -	Sandgate - - -	Whitby - -	Ditto - - -	- - - -	William Hoggart.
Tenement - -	Sandgate - -	Whitby -	Ditto - - -	- - - -	Ann Hall.
Dwelling House -	Sandgate - - -	Whitby - -	Ditto and George Cholmley	The Devisees of Ann Rudyerd.	William Hanson.
Warehouse - -	Sandgate - -	Whitby - -	The Devisees of Ann Rudyerd.	- - - -	William Nicholson.
Messuage and Shop -	Sandgate - - -	Whitby -	George Cholmley - -	Katharine Bolton -	James Cowart.
House - - -	Sandgate - -	Whitby - -	George Cholmley - -	John Simpson and Mary his Wife.	John Simpson.
Warehouse, Kitchen, and Cellar.	Sandgate - - -	Whitby - -	George Cholmley - -	John Hall of Castleton and the Executors of Jonathan Hall deceased.	John Hall.
Messuage and Shop -	Sandgate - -	Whitby -	George Cholmley - -	Joseph Harforth -	Joseph Harforth.
Shop - - -	Sandgate - -	Whitby - -	George Cholmley - -	Edward Turner -	Robert Alderson.
Ditto - -	Sandgate - - -	Whitby -	George Cholmley - -	Edward Turner -	Mark Weighill.
Messuage - -	New Market Place -	Whitby - -	George Cholmley - -	Edward Turner -	Robert Alderson.
Messuage, Tenement, and Shop.	New Market Place -	Whitby -	George Cholmley - -	Edward Turner -	John Wilkinson.
Shop - -	New Market Place -	Whitby - -	George Cholmley - -	Edward Turner -	William Austin.
Ditto - -	New Market Place -	Whitby -	George Cholmley - -	Edward Turner -	William Grayson and George Grayson.
Ditto - -	New Market Place -	Whitby - -	George Cholmley - -	Edward Turner -	Thomas Bosomworth.
Ditto - -	New Market Place -	Whitby -	George Cholmley - -	Edward Turner -	Dickinson Harland.
Shop - - -	New Market Place -	Whitby - -	George Cholmley - -	Edward Turner -	John Corner.
Messuage and Shop -	New Market Place -	Whitby -	William Cockburn - -	- - - -	William Cockburn.
House and Offices -	New Market Place -	Whitby - -	William Cockburn - -	- - - -	Appleton Stephenson.
House and Shop -	New Market Place -	Whitby -	William Cockburn - -	- - - -	John Booth.
House and Shop -	Church Street - -	Whitby - -	William Knaggs - -	- - - -	Thomas Underwood.

Description of Property.	Situation.	Parish or Township.	Freeholder.	Leaseholder.	Occupier.
House and Shop -	Church Street - -	Whitby - -	William Knaggs - -	- - - -	John Cooper.
House and Shop -	Church Street - -	Whitby -	William Knaggs - -	- - - -	Elizabeth Davison.
House and Shop - -	Church Street - -	Whitby - -	Elizabeth Simpson -	- - - -	William Taylor.
Tenement - -	Between Church Street and Sandgate.	Whitby -	William Collier and Anthony Collier, Devisees in Trust under the Will of Robert Watson deceased, and Elizabeth Heppingstall.	- - - -	Mary Law.
Tenement - -	Between Church Street and Sandgate.	Whitby - -	Same - - -	- - - -	Joseph Welbury.
Tenement - -	Between Church Street and Sandgate.	Whitby -	Same - - -	- - - -	Margaret Brown.
House and Shop -	Church Street - -	Whitby - -	Jane Coupland and Ann Coupland.	- - - -	Jane Coupland and Ann Coupland.
Tenements - -	Church Street - -	Whitby -	Jane Cato - - -	- - - -	GeorgeEstill,AnthonyWilton, Thomas Estill, Elizabeth Dixon, and Ann Wilson.
House and Bake-house -	Church Street - -	Whitby - -	Jane Cato - - -	- - - -	Thomas Sayers.
House and Shop -	Bridge Street - -	Whitby -	Constantine Yeoman -	- - - -	Robert Kirby.
Dwelling House and Shop.	Bridge Street - -	Whitby - -	Edward Kerrich - -	- - - -	William Wilkinson sen. and William Wilkinson jun.
House and Shop -	West End of the Bridge -	Whitby -	George Cholmley - -	Ann Pluse - -	John Stockton.
Ditto - -	West End of the Bridge -	Whitby - -	George Cholmley - -	Christopher Davison -	James Castillioni.
Ditto - -	West End of the Bridge -	Whitby -	George Cholmley - -	William Cavallier -	Richard Lincoln.
Ditto - -	West End of the Bridge -	Whitby - -	George Cholmley - -	John Frank - -	John Robinson.
Ditto - -	West End of the Bridge -	Whitby -	George Cholmley - -	William Cavallier -	John Diston Coates.
Ditto - -	West End of the Bridge -	Whitby - -	George Cholmley - -	William Swales -	William Sherwood.
Tenements - -	St. Ann's Staith - -	Whitby -	George Cholmley - -	James Mosey Suggitt and Mary his Wife.	Stephen Easton, Margaret Lincoln, and Robert Peacock.
Tenements - -	St. Ann's Staith - -	Whitby - -	James Mosey Suggitt and Mary his Wife.	- - - -	Stephen Easton, Margaret Lincoln, and Robert Peacock.
House and Shop -	St. Ann's Staith - -	Whitby -	George Cholmley - -	John Lowrie - -	John Lowrie.
Public House - -	St. Ann's Staith - -	Whitby -	Elizabeth Ellerby - -	- - - -	Ann Jackson.
Public House and Shop -	St. Ann's Staith - -	Whitby - -	George Cholmley - -	Thomas Mann and Mercy Smallwood his Wife.	William Thompson.

Description of Property.	Situation.	Parish or Township.	Freeholder.	Leaseholder.	Occupier.
House and Shop - -	St. Ann's Staith - -	Whitby - -	George Cholmley - -	Thomas Mann and Mercy Smallwood his Wife.	Late William Blackstone.
Cooper's Shop - -	St. Ann's Staith - -	Whitby -	George Cholmley - -	Edward Dale -	Robert Donkin.
Tenement - - -	St. Ann's Staith -	Whitby - -	George Cholmley - -	Edward Dale -	Ann Pluse.
Shop - - -	St. Ann's Staith - -	Whitby -	George Cholmley - -	Edward Dale -	Peter Cowart.
Tenement - - -	St. Ann's Staith - -	Whitby - -	George Cholmley - -	Edward Dale -	Joseph Borwick.
Shop - - -	St. Ann's Staith -	Whitby -	George Cholmley - -	William Hill -	William Hill.
Warehouse - -	Haggersgate - -	Whitby - -	Joseph Anderson - -	- - - -	Joseph Anderson.
Tenement - - -	Haggersgate - -	Whitby -	Joseph Anderson - -	- - - -	Jane Carr.
Warehouse - -	Haggersgate - -	Whitby - -	Edward Corner and John Corner.	- - - -	Edward Corner, John Corner, John Smith, John Clifford, Charles Wright, and John Fenwick.
Offices - - -	Haggersgate - -	Whitby -	The Right Hon^ble^ Viscount Downe.	- - - -	Thomas Appleby.
House and Shop - -	Haggersgate - -	Whitby -	The Right Hon^ble^ Viscount Downe.	- - - -	John Clifford.
Tenement - - -	Haggersgate - -	Whitby - -	The Right Hon^ble^ Viscount Downe.	- - - -	Ann Maughan.
Tenement - - -	Haggersgate - -	Whitby -	The Right Hon^ble^ Viscount Downe.	- - - -	Margaret Langhorn.
House and Shop - -	Old Market Place - -	Whitby - -	Eleanor Charlton - -	- - - -	George Maston.
Ditto - - -	Old Market Place -	Whitby -	Thomas Pressick Yeoman -	- - - -	James Mosey Suggitt.
House, Shop, and Cellars	Baxtergate - - -	Whitby - -	John Morrell - -	- - - -	John Morrell, Richard Brewster, and Charles Belcher.
Public House, Stable, and Tenement.	Baxtergate - - -	Whitby - -	Anthony Lawson and Sarah his Wife.	- - - -	John Harland and Sarah Lawson.
House - - -	Scate Lane - -	Whitby -	John Boulby, Devisee in Trust of John Boulby deceased.	- - - -	William Bradley.
House and Garden -	Bagdale - - -	Ruswarp - -	William Cooke Russell and Martha his Wife.	- - - -	Hannah Clark.

Description of Property.	Situation.	Parish or Township.	Freeholder.	Leaseholder.	Occupier.
Warehouse - -	Spittle Bridge - -	Whitby - -	Robert Campion, Peter Barker, Henry Barrick, William Jameson, Nathaniel Langborne, the Devisees in Trust of John Langborne, Margaret Langborne, and Susanna Langborne.	- - - -	George Barrick and Henry Barrick.
Land - - -	Between Bagdale and Stakesby Lane.	Ruswarp -	Henry Walker Yeoman -	- - - -	John Willison.
Garden - - -	Between Bagdale and Stakesby Lane.	Ruswarp -	William Chapman - -	- - - -	Joseph Robinson.
Land and Buildings -	Between Bagdale and Stakesby Lane.	Ruswarp -	Harrison Chilton - -	- - - -	Harrison Chilton.
House, Ropery, Ropewalk, and Buildings.	Between Bagdale and Stakesby Lane.	Ruswarp -	Harrison Chilton - -	- - - -	Henry Goodwill.
Land - - -	Between Bagdale and Stakesby Lane.	Ruswarp -	William Chapman - -	- - - -	John Tinley.
Tenement and Garden -	Between Bagdale and Stakesby Lane.	Ruswarp -	Robert Campion - -	- - - -	John Outhwaite.
Tenement - -	Between Bagdale and Stakesby Lane.	Ruswarp -	Robert Campion - -	- - - -	Thomas Ramshaw.
Tenement - -	Between Bagdale and Stakesby Lane.	Ruswarp -	Robert Campion - -	- - - -	Ralph Harland.
House - - -	Between Bagdale and Stakesby Lane.	Ruswarp -	Robert Campion - -	- - - -	Thomas Swallowell.
Garden - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	Robert Swallowell.
Garden - - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	Richard Hustler.
Garden - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	Nathaniel Gardiner.
Garden - - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	Luke Harrison.
Garden - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	Thomas Stewart.
Garden - - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	William Langdale.
Garden - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	John Storer.
Garden - - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	John Harrison.
Garden - -	Same - - -	Ruswarp -	Robert Campion - -	- - - -	Thomas Gardiner.
Land and Garden -	Same - - -	Ruswarp -	Helen Noble, John Elgie, and John Lawson the younger.	- - - -	William Hunter.

The SECOND SCHEDULE to which the foregoing Act refers.

FORM (A.)— *Owner's Claim to vote.*

To the Clerk to the Commissioners for the Improvement of the Town of Whitby.

This Day of 183 .

I of claim to be entitled to vote, according to the Provisions of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the Town of Whitby, as Owner of the Property herein-after described, the whole of which is situate within the Limits of the said Act, viz.

[*One House, &c. situate at* .]

FORM (B 1.)—*Appointment of Proxy.*

To the Clerk to the Commissioners for the Improvement of the Town of Whitby.

This Day of 183 .

I of being Owner of the Property herein-after described, the whole of which is situate within the Limits of the Act herein-after mentioned, do hereby appoint of to vote, until the present Appointment is revoked, as my Proxy in the Election of Commissioners under the Provisions of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the Town of Whitby; and the Property of which I am Owner, and in respect of which I appoint the said to vote as my Proxy, is as follows, viz.

[*One House, &c. situate at* .]

FORM (B 2.)—*Application of Proxy.*

To the Clerk to the Commissioners for the Improvement of the Town of Whitby.

This Day of 183 .

I of having been appointed by of to vote as his Proxy in the Election of Commissioners under the Provisions of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the Town of Whitby, do hereby claim to vote as such Proxy. I herewith transmit to you such my Appointment in the Handwriting of or signed by the said [*or* an attested Copy of my Appointment, the Original of which is in the Handwriting of or signed by the said]; and the Property situate within the Limits of the

the said Act in respect of which the said is entitled to vote as Owner, and in respect of which I do hereby claim to vote as his Proxy, is as follows, viz.

[*One House, &c. situate at* .]

And I do hereby require you to enter my Name and Address as above, and the Assessment of the Rate for the Relief of the Poor of the Property above described, in the Book or Books directed by the said Act to be provided for the Purpose.

FORM (C.)—BOOK for REGISTRY of OWNERS of PROPERTY within the Limits of an Act of Parliament passed 7 and 8 WILLIAM IV. for the Improvement of the Town of Whitby, and their Proxies.

No.	Name of Owner.	Address.	Property in respect whereof Right to vote is claimed.	Number of Reference to Rate Book.	Aggregate Amount of Assessment.	Name of Proxy.	Address of Proxy.	No.	Date on which Claim received.

I do certify, That the above is a full and correct Register and Entry of the Claims to vote of Owners of Property within the Limits of the said Act, and their Proxies; and I do declare that all the Entries of Reference to the Rate Book, Amount of Assessment, Number of Votes and Dates on which Claims were received, are true.

(Signed) { Clerk to the Commissioners for the Improvement of the Town of Whitby.

FORM (D.)—*Notice of the First Election.*

Election of Commissioners for the Improvement of the Town of Whitby.

I, the undersigned, being Clerk to the Commissioners for the Improvement of the Town of Whitby, do hereby give Notice, That on the Day of in the present Year One thousand eight hundred and thirty-seven, I shall, by virtue and in pursuance of the Powers and Provisions of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the Town of Whitby, proceed to the Election of Thirty-six Commissioners, which Election has been declared by the Commissioners named in the said Act to take place on the said Day of .

Dated this Day of 1837.

(Signed) { Clerk to the Commissioners for the Improvement of the Town of Whitby.

Qualification of Commissioners.

[*Here insert a Copy or correct Abstract of Section* 11 *of the Act.*]

Qualification of Voters.

[*Here insert a Copy or correct Abstract of Section* 15 *of the Act.*]

Time for proposing Commissioners.

Any Person entitled to vote may propose One or more Commissioners, but he must send his Proposal to me in Writing on or before the Day of in the following Form.

[*Here insert the Form of Nomination Paper*, F.]

No Person can be elected a Commissioner who has not been proposed in the Manner above mentioned.

Mode of Voting.

In case more Candidates shall be duly proposed than the Number of Commissioners to be elected, a Voting Paper will be left on the Day of at the House of every Person residing within the Limits of the said Act who at that Time shall be entitled to vote. The Votes must be given in Writing in such Voting Papers, which will be called for again on the Day of Election.

All other Persons who on the Day of Election shall be entitled to vote must on that Day apply for Voting Papers at my Office, and must return them filled up before Five o'Clock in the Afternoon of the same Day.

Signed by me this Day of 183 .

{ Clerk to the Commissioners for the Improvement of the Town of Whitby.

FORM (E.)—*Notice of the annual (or occasional) Election of Commissioners.*

I, the undersigned, being Clerk to the Commissioners for the Improvement of the Town of Whitby, do hereby give Notice that I shall, in pursuance of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the said Town, proceed on the Day of to the Election of Commissioners for the Year ending on that Day, in the Place of who will then go out of Office, by Ballot [*or* Rotation, *as the Case may be*], and also of Commissioners in the Place of who have ceased to be Commissioners since the last Election [*or* (*in case of an occasional Election*) shall proceed to the Election of Commissioners in the Place of who have ceased to be Commissioners since the last Election].

Any Person entitled to vote by virtue of the Provisions of the said Act may propose as Commissioners any Number (not exceeding the Number

Number to be then elected) of Persons duly qualified to act as Commissioners under the Provisions of the said Act. The Proposal must be written, and must state the Names, Residences, and Callings of the Persons proposed, and the Name of the Proposer, and must be delivered at my Office on or before the Day of .

Owners of rated Property within the Limits of the said Act, as well as Occupiers, are entitled to vote, provided their Names are on the Register of Owners, or if they send in to me before the Day of Election their Claims to vote, with a Statement of their Names and Address, and a Description of their Property.

Owners may also vote by Proxy; but Proxies must make the Statements above mentioned for their Principals, and transmit to me the Originals or attested Copies of their Appointments.

In case of a Contest for the Office of Commissioner the Votes will be given in Papers to be left by me or my Assistants, Two Days at least before the Day fixed for the Election, at the Houses of those Residents within the Limits of the said Act who are then entitled to vote. All Residents beyond the Limits of the said Act, and all Persons who become entitled after that Day, must apply at my Office for Voting Papers on the Day of Election.

The Forms of Nomination Papers, Statements of Owners, and Appointment of Proxy may be seen and copied by Voters at my Office.

Dated this Day of .

(Signed) { Clerk to the Commissioners for the Improvement of the Town of Whitby.

FORM (F.)—*Nomination Paper.*

To the Clerk to the Commissioners for the Improvement of the Town of Whitby.

Names of the Persons proposed as Commissioners.	Residence and Quality or Calling of the Persons proposed.

I nominate the above to be Commissioners for the Year ending [*or, as the Case may be,* in the Place of who have ceased to be Commissioners.]

[*Signature and Address of Proposer.*]

This Paper must be delivered to the Clerk to the Commissioners at least Six whole Days before the Day of Election.

FORM (G.)—*Voting Paper for the Election of Commissioners.*

For the Purpose of enabling each Rate-payer to give his Vote in the most free and deliberate Manner, without the Loss of his Time

or the Obstruction of his ordinary Business, or the other Inconveniences usually incurred by attending to give his Vote at a Polling Booth at a Distance from his Home, this Voting Paper is directed to be left at the Voter's Dwelling for One clear Day by the proper Officers, who will, by Order of the Commissioners acting under the Authority of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the Town of Whitby, attend on the Day of to receive back the Paper, on which the Vote must be inscribed hereunder as directed.

The Voter will write his Initials opposite the Names of the Persons for whom he votes.

If the Proxy votes he should sign his own Name, and state in Writing the Name of the Person for whom he is Proxy thus, '*M. N.* for *P. Q.*'

If the Voter cannot write, his Mark must be attested by a Witness, whose Initials must be placed opposite the Names of the Persons for whom he votes.

Take notice, this Paper must be carefully preserved by the Voter, as no Second Paper will be given. When it is filled up it must be kept ready for Delivery to and the Collecting Officers, who will call for the same on the Day of .

No other Person can be allowed to receive the Voting Paper; if it be not ready for the Collectors when they call, the Votes will be lost. They will also be lost if more than Names be returned in the List, with the Initials placed opposite thereto. The Voter must therefore be careful in placing his Initials against those for whom he votes.

Initials of the Voter to the Names of Candidates.	Names of the Persons proposed as Commissioners.	Residence and Calling of the Persons proposed.	Names of Proposers.

I vote for the Persons in the above List opposite to whose Names I have placed my Initials.

Signed this Day of 183 .

FORM (H.)—*Letter to Commissioners elected.*

Sir, Day of 183 .

I, the undersigned, being Clerk to the Commissioners for the Improvement of the Town of Whitby, do hereby give you Notice and declare, that on the Day of you were duly proposed

posed as a Commissioner for the Improvement of the said Town, and that on the Day of you were elected such Commissioner.

(Signed) { Clerk to the Commissioners for the Improvement of the Town of Whitby.

FORM (I.)—*Notice of the Commissioners elected.*

Day of 183 .

I, the undersigned, being Clerk to the Commissioners for the Improvement of the Town of Whitby, do hereby give Notice, That resident within the Borough of Whitby, were proposed as Commissioners for the Improvement of the Town of Whitby, and that on the Day of were elected [without opposition, *or* by a Majority of , the Number of Votes for the several Candidates being as follows, *&c.*, *as the Case may be*].

(Signed) { Clerk to the Commissioners for the Improvement of the Town of Whitby.

FORM (J.)—*Return to the Commissioners of the Commissioners elected.*

Day of 183 .

I, the undersigned, being Clerk to the Commissioners for the Improvement of the Town of Whitby, do hereby certify, That on the Day of I affixed a Notice for the Election of Commissioners on the principal Door of every Church and Chapel within the Limits of an Act of Parliament passed 7 and 8 William IV. for the Improvement of the Town of Whitby, [*or, as the Case may be, on some other conspicuous Situation within the said Limits*], and that on the Day of were proposed by and that on the Day of were elected [without Opposition, *or* by a Majority of , the Number of Votes for the several Candidates being as follows, *&c.*, *as the Case may be*]; and that on the Day of Notice of such Election was duly given to the Commissioners elected, and affixed on the principal Doors of the said Churches and Chapels [*or, as the Case may be, on some other conspicuous Situation within the said Limits*].

(Signed) { Clerk to the Commissioners for the Improvement of the Town of Whitby.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1837.