ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. lxi.

An Act to enable the Mayor, Aldermen, and Citizens of the City of *York* to widen, alter, and improve certain Streets or Thoroughfares called *Spurriergate* and *Coney Street*, in the said City. [4th *June* 1840.]

WHEREAS certain Streets called *Spurriergate* and *Coney Street*, in the City of *York*, are so narrow and confined as to be extremely inconvenient to the Inhabitants of the said City and to the Public at large; and inasmuch as the same Streets are in the direct Line of Communication for Travellers passing through the said City from *London* to *Edinburgh*, and are in other respects great Thoroughfares, Her Majesty's Subjects are exposed to constant Risk and Danger from the great Number of Coaches, Carts, and other Carriages which daily pass and repass through the said Streets: And whereas it would greatly improve the said City, increase the Comfort and Convenience of the Inhabitants thereof, and lessen the Danger to which the Public are at present exposed, if the Mayor, Aldermen, and Citizens of the said City were empowered to widen, alter, and improve the said Streets, and if Power were granted to the said Mayor, Aldermen, and Citizens to purchase and take Houses, Buildings, Land, and other Hereditaments for the Purposes aforesaid; but the said several beneficial Objects of Improvement cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be

it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Aldermen, and Citizens of the said City of *York* shall have full Power and Authority to widen, alter, and otherwise improve the said Streets called *Spurriergate* and *Coney Street*, in the said City.

Power to widen Spurriergate and Coney Street.

Construction of certain Words in the Act.

II. 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 "Land" shall extend to every Species of Land of any Tenure, and shall include all Messuages, Shops, Warehouses, and all other Erections and Buildings thereon; and the Word "Corporation," when used, shall be understood to mean any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Power to purchase Houses and Lands mentioned in the Schedule to this Act.

III. And be it further enacted, That for the Purpose of opening, widening, and altering, or otherwise improving the said Streets, and for all or any of the Purposes of this Act, it shall be lawful for the said Mayor, Aldermen, and Citizens, and they are hereby authorized and empowered, to purchase and take the several Messuages, Buildings, Lands, Tenements, and Hereditaments within the said City mentioned and specified in the Schedule to this Act annexed, or so many or such Part or Parts thereof as they the said Mayor, Aldermen, and Citizens shall think necessary and proper to be taken and used for the Purposes of this Act, and to lay the Sites thereof, or of any Part thereof, or any Land or Ground which may be cleared by the taking down of any such Messuages, Buildings, Tenements, or Hereditaments, into the said Streets, or otherwise appropriate the same for the Purposes aforesaid, as the said Mayor, Aldermen, and Citizens shall think fit, which said Sites or Pieces of Ground, when and so soon as the same shall be laid into the said Streets, shall for ever thereafter form Part thereof and of the public Highway, and shall be maintained, repaired, paved, lighted, and kept in repair in such and the same Way and Manner as the other Streets in the said City are now by Law maintained, repaired, paved, lighted, and kept in repair.

Misnomers in the Schedule not to prevent the Execution of the Act.

IV. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, or any of the Persons, or Body or Bodies Politic or Corporate, in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the

Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act as fully and effectually to all Intents and Purposes whatsoever as if the same were more properly and correctly named and described; provided it shall be made to appear to any Two Justices of the Peace for the City of *York* aforesaid, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Messuages, Buildings, Lands, Tenements, or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Premises to be purchased within Seven Years.

V. Provided always, and be it further enacted, That in case the said Mayor, Aldermen, and Citizens shall not purchase the Messuages, Buildings, Lands, Tenements, and Hereditaments mentioned in the said Schedule to this Act annexed within the Space of Seven Years from and after the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Power to clear the Ground and to sell old Materials.

VI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Citizens, and they are hereby empowered, to pull down or cause to be pulled down all Houses, Warehouses, and other Erections and Buildings whatsoever which shall be purchased or taken by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased or taken by virtue of this Act, in such Manner as they shall think proper; and to sell or cause to be sold the Materials of the Houses, Warehouses, and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expences of pulling down such Houses, Warehouses, and Buildings respectively, and of such Sale or Sales,) shall be applied for the Purposes of this Act.

Parties under legal Disability empowered to sell and convey.

VII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and all Trustees whomsoever, Executors and Administrators, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, and Wards, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, or otherwise howsoever, and for all and every other Person or Persons whomsoever who now are or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments which the said Mayor, Aldermen, and Citizens are enabled

to

to take or purchase for the Purposes of this Act or any of them; and they are hereby required to contract and agree with the said Mayor, Aldermen, and Citizens for the absolute Sale thereof, or of any Part or Parts thereof, and to sell and convey the same or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, and to sell and convey the same unto the said Mayor, Aldermen, and Citizens for the Purposes aforesaid; and all Contracts, Bargains, Sales, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act shall, without any other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Person so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to Claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life, Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors, and Administrators, and all other Persons whosoever, are and shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Form of Conveyance.

VIII. And be it further enacted, That all Sales, Conveyances, and Assurances to be from Time to Time made to the said Mayor, Aldermen, and Citizens, of any Messuages, Buildings, Lands, Tenements, or Hereditaments, by virtue of this Act, may be in the Form or to the Effect following; (that is to say,)

'I [*or* We], in consideration of the Sum of
'to me [*or* us] paid by the Mayor, Aldermen, and
'Citizens of the City of *York*, acting under an Act passed in the
'Year of the Reign of Her Majesty Queen *Victoria*,
'intituled [*here set forth the Title of this Act*], do hereby grant and
'convey to the said Mayor, Aldermen, and Citizens, all [*describe the*
'*Premises*], and all my [*or* our] Right, Title, and Interest to and
'in the same and every Part thereof, to hold to the said Mayor,
'Aldermen, and Citizens, their Successors and Assigns, for ever. In
'witness whereof I [*or* we] have hereunto set my Hand and Seal
'[*or* our Hands and Seals] this Day of
'in the Year of our Lord .'

And every such Sale, Conveyance, or Assurance so made shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands,

Lands, Tenements, and Hereditaments in the said Mayor, Aldermen, and Citizens, for the Uses and Purposes of this Act, any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

In case Parties refuse or are incapable to treat or to sell, the Amount of Satisfaction and Compensation to be settled by a Jury, to be taken from the City or the County, at the Option of the Party.

IX. Provided always, and be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, Tenants for Life or in Tail, Trustees, Feoffees, Guardians, Committees, Executors, or Administrators, or any other Person or Persons whosoever, Proprietors or Owners of or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, or any Occupier or Occupiers of any such Messuages, Buildings, or Tenements, or other such Premises, sustaining any Loss, Injury, or Damage, shall for the Space of Two Calendar Months next after Notice in Writing from the said Mayor, Aldermen, and Citizens, signed by the Town Clerk of the said City, shall have been to him, her, or them given, or left at the Dwelling House or Houses or usual or last Place or Places of Abode of him, her, or them, or of the principal or head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or Corporations, or in case such Owners shall be absent or not be found, at the House or Houses of the Tenant or Tenants in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act, purporting that such Messuages, Buildings, Lands, Tenements, or Hereditaments are required for the Purposes of this Act, neglect or refuse to treat and agree, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Mayor, Aldermen, and Citizens, then and in every such Case the said Mayor, Aldermen, and Citizens shall cause the Value and Recompence to be made for such Messuages, Buildings, Lands, Tenements, or Hereditaments to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said City of *York*, or of the County of *York*, at the Option of the Party or Parties interested in the Premises; and for the summoning and returning such Jury the said Mayor, Aldermen, and Citizens are hereby empowered from Time to Time to issue their Precept or Precepts to the Sheriff of the said City, or of the said County, as the Case may be, thereby commanding and requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries at the Sessions of the said City or County, and who are respectively seised or possessed of Freehold, Copyhold, or Leasehold Estates within the said City or County of the annual Value of Ten Pounds, to appear before the said Sheriff acting in the Premises at such Time as in such Precept or Precepts shall be appointed, at the Guildhall within the said City, or at the Castle of *York*, as the Case may be; and the said Sheriff acting as aforesaid is hereby required to impannel, summon, and return such Number accordingly to attend at the Time and Place so appointed; and out of the Persons so impannelled, summoned, and returned, or out of such of

them as shall appear upon such Summons, the said Sheriff acting as aforesaid is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of such a Number of Jurymen appearing the said Sheriff acting as aforesaid shall return other Twelve honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff acting as aforesaid is hereby required and empowered, from Time to Time as Occasion shall be or require, to summon and call before the said Jury and examine upon Oath (which Oath the said Sheriff acting as aforesaid is hereby empowered to administer) all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and he shall order and cause the said Jury, or any Three or more of them, to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for his own as for the said Jury's better Information in the Premises, as the same Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for such Messuages, Buildings, Lands, Tenements, or Hereditaments to the respective Owner or Owners and Occupier or Occupiers thereof according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damages and Recompence, and given in their Verdict, the said Sheriff acting as aforesaid shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid for the said Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Interest therein, according to such Verdict or Inquisition of the said Jury: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be deemed the Plaintiff in such Action, and entitled to all the Privileges of a Plaintiff in Actions at Law: Provided also, 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 Mayor, Aldermen, and Citizens to the Party with whom any such Controversy shall arise, by personally serving or leaving such Notice at the Dwelling House of the Person, or the Clerk or Agent or principal Officer of any Corporation.

In case Parties neglect to signify which Jury shall be summoned, the Mayor, &c., may exercise the Option.

X. And be it further enacted, That in case any Owner or Occupier of any Houses, Buildings, Lands, Tenements, or Hereditaments authorized to be purchased by virtue of this Act shall not within Two Calendar Months (after an Application in Writing by or on behalf of the said Mayor, Aldermen, and Citizens for that Purpose made) signify and declare his or her Option as to which of the Juries aforesaid such Owner or Occupier would wish or require to be summoned for the Purpose of such Assessment as aforesaid, in pursuance of the Power and Authority herein-before for that Purpose given, then and in such Case it shall and may be lawful to and for the said Mayor, Aldermen, and Citizens, so authorized and empowered to issue such Precept or Precepts as aforesaid, to fix and

determine upon which of the said Juries shall be summoned and returned for the Purpose of such Assessment, and to issue Precept accordingly; and the said Jury, so to be fixed and determined by the said Mayor, Aldermen, and Citizens, shall be authorized to proceed in the said Assessment in the same Manner to all Intents and Purposes as if such Option had been signified and declared as aforesaid.

Verdict of Jury to be final.

XI. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive as to the Amount of the Purchase or Compensation Money to be paid, against all Tenants for Life, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever; and on Payment or legal Tender of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England* within the Time and Manner by this Act directed, it shall and may be lawful to and for the Sheriff of the said City, and he is hereby required, to cause the Possession of the Premises, in respect whereof such Money shall be assessed and paid, to be delivered to the said Mayor, Aldermen, and Citizens; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to the Clerk of the Peace for the said City, and be fairly entered and kept amongst the Records of the Quarter Sessions of the said City; and the same or true Copies thereof shall be admitted, received, and taken in Evidence and Proofs in all Courts of Law or Equity and all Places whatsoever; and all Persons shall have Liberty to inspect the same, paying to such Clerk of the Peace for such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying to the said Clerk of the Peace for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Persons summoned not appearing or refusing to be sworn.

XII. And be it further enacted, That the said Sheriff acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and shall not appear without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or, being sworn, shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Ten Pounds for One Offence.

XIII. And

Jurors to be under the same Regulations as those of the Superior Courts.

XIII. And be it further enacted, That every such Jury and Juryman shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her 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, or, being Quakers, upon their solemn Affirmation, 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 liable to the Pains and Penalties to which Persons guilty of wilful Perjury shall or may by Law be subject or liable.

Expences of Jury and Witnesses how to be paid.

XIV. 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 Mayor, Aldermen, and Citizens for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and the Attendance and reasonable Fees of Counsel, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Expences of the Bond to be given as herein-after mentioned by the Party requiring the Jury to be summoned, shall be borne by the said Mayor, Aldermen, and Citizens, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences, when so settled and determined, shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Mayor, Aldermen, and Citizens, (unless the Treasurer of the said Mayor, Aldermen, and Citizens shall pay such Costs, Charges, and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and 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, Charges, 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 Mayor, Aldermen, and Citizens, one Moiety of the said Costs, Charges, and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said Mayor, Aldermen, and Citizens shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Mayor, Aldermen, and Citizens; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of

of the Money awarded to be paid to such 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 and Satisfaction of the whole thereof.

Persons requesting Juries to enter into Bonds to prosecute their Complaints and pay Expences.

XV. And be it further enacted, That all Parties with whom the said Mayor, Aldermen, and Citizens shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Mayor, Aldermen, and Citizens shall be obliged to issue their Warrant for summoning such Jury, enter into a Bond to the said Mayor, Aldermen, and Citizens in a Penalty of Two hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs, Charges, and Expences of summoning, impannelling, and returning such Jury, taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incidental to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

Demand of Compensation for Loss or Injury to be made before any Proceedings taken.

XVI. And be it further enacted, That the said Mayor, Aldermen, and Citizens shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, without the Consent of the said Mayor, Aldermen, and Citizens, to receive or take notice of any Complaint to be made by any Party for any Loss, Injury, or Damage by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless (after Application by the said Mayor, Aldermen, and Citizens setting forth this Provision,) a Notice in Writing by the Clerk or Treasurer, or other proper Officer of the Corporation, or by the Person 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 such Corporation or Person to the said Mayor, Aldermen, and Citizens within Six Calendar Months next after the Time of such supposed Loss or Injury having been sustained, or after the doing or commiting thereof shall have ceased, and Thirty Days before the summoning of such Jury.

Tenants at Will, &c., to deliver up Possession on Six Calendar Months Notice.

XVII. And be it further enacted, but without Prejudice to any Powers herein contained authorizing Possession of Lands to be taken by the said Mayor, Aldermen, and Citizens under different Terms, That every Tenant at Will, or Lessee for a Year, Tenant from Year to Year, or any other Person in Possession of any Lands, or any Part thereof, which shall be required by the said Mayor, Aldermen, and Citizens to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the Mayor, Aldermen, and Citizens, or to such Person as they shall appoint to take possession of the same, upon having Six Calendar Months Notice in Writing to quit such Possession from the said Mayor, Aldermen, and Citizens, or from any Person authorized by them, such Notice to be given to the Party in Possession or left upon the said Lands; and such Person in Possession shall, at the End of the said Six Calendar Months, or so soon after as he

shall be required, (whether such Notice be given with reference to the Time of the Commencement of such Tenant's Holding or not, or before or after the Purchase by the said Mayor, Aldermen, and Citizens of such Lands,) peaceably and quietly deliver up the Possession of the Premises to the said Mayor, Aldermen, and Citizens, or to the Person authorized by them to take possession thereof; and in case any such Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Mayor, Aldermen, and Citizens to issue their Precept to the Sheriff of the said City 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 and satisfy such Costs as shall accrue by or on account of the issuing and Execution of such Precept on the Person so refusing to give Possession as aforesaid by Distress and Sale of his Goods and Chattels.

Interest of such Tenants may be settled by a Jury.

XVIII. Provided always, and be it further enacted, That where any such Tenant or Lessee who shall be required to deliver Possession of his Term or Interest therein shall, within Three Calendar Months after Demand in Writing made by the said Mayor, Aldermen, and Citizens, setting forth this Provision, which Demand the said Mayor, Aldermen, and Citizens are hereby required to make at the Time of giving such Notice as aforesaid, give the said Mayor, Aldermen, and Citizens previous Notice in Writing thereof, stating the Period of such unexpired Term or Interest, the said Mayor, Aldermen, and Citizens shall and they are hereby required to pay 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, Compensation for the Value of his unexpired Term or Interest in the said Premises; which Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Compensation for any Lands taken or used by the said Mayor, Aldermen, and Citizens is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

XIX. And be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Messuages, Buildings, Lands, Tenements, and Hereditaments, to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Mayor, Aldermen, and Citizens are hereby authorized to require such Party to produce or show the Lease or Demise, or Agreement for Lease or Demise, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power; and if such Lease or Demise, or Agreement for Lease or Demise, or Grant, or such best Evidence, shall not be produced and shown within Twenty-one Days after Demand made by the said Mayor, Aldermen, and Citizens, the Party claiming such Compensation or Satisfaction shall be considered and treated as holding only from Year to Year.

XX. And

Mortgagees to convey.

XX. And be it further enacted, That every Person or Corporation who shall have any Mortgage on any Lands which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in his own Right or in Trust for any other Person or Corporation, and whether in Possession thereof by virtue of such Mortgage or not, and whether such Mortgage shall affect such Lands solely, or jointly with any other Lands which shall not be so required,) shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the just Costs (if any) then due, and Six Calendar Months Interest on the Principal Monies, by or on behalf of the said Mayor, Aldermen, and Citizens, which Payment the said Mayor, Aldermen, and Citizens are hereby authorized to make, and to deduct the same from any Monies agreed or directed to be paid for the Value of the Estate and Interest of the Parties entitled to the Equity of Redemption, forthwith convey, assign, and transfer such Mortgage to the said Mayor, Aldermen, and Citizens, or to such Person as they shall appoint, and which Conveyance may be in the same Form as the other Conveyance by this Act authorized, or in any other Form; or in case such Mortgagee shall have Notice in Writing from the said Mayor, Aldermen, and Citizens, or from such Person as they shall appoint, or from the Parties entitled to the Equity of Redemption, or any of them, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then, at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee shall convey, assign, and transfer his Interest in the Premises to the said Mayor, Aldermen, and Citizens, or as they shall appoint; and in case such Mortgagee shall refuse to convey, assign, and transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment at any Time of the Principal Money and Interest due on any Mortgage as aforesaid, together with such just Costs (if any) as aforesaid, and with Six Months Interest thereon, to be calculated from the Time of giving such Notice as aforesaid, into the Bank of *England*, to the Use of the Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, as also upon any such Conveyance, Assignment, or Transfer as aforesaid by the Mortgagee, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of every Person in Trust for him, or for whom he shall be Trustee, shall vest in the said Mayor, Aldermen, and Citizens.

As to Cases where Mortgage Money is more than the Value of the Land or a Part only of the Land taken.

XXI. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Money,

Money, Interest, and Costs secured on such Lands, and the Mortgagee thereof shall not consider the remaining Part of such Lands 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 Mortgage Money and all Interest due and to become due thereon, and all Costs, the Value of such Lands, or, as the Case may be, of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage due in respect of the Part so required, shall be settled and agreed upon by and between such Mortgagee and the Person or Corporation entitled to the Equity of Redemption of such Lands, whether absolutely or for such Estate as might capacitate him or them to convey for the Purposes of this Act, on the one Part, and the said Mayor, Aldermen, and Citizens 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, 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 shall thereupon convey, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his neglecting or refusing to convey, 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 the said 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 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 Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Mayor, Aldermen, and Citizens, and the said Mayor, Aldermen, and Citizens 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 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 not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of the Lands (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Assignment thereof to the said Mayor, Aldermen, and Citizens, have been paid to the Mortgagee thereof, in part satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Mayor, Aldermen, and Citizens, 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 Mayor, Aldermen, and Citizens, at their Expence, to the Person so entitled as aforesaid to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Compensation to be made for Damage done in pulling down Houses, &c.

XXII. And be it further enacted, That in case any Messuages or Buildings, Lands, Tenements, or Hereditaments, shall be damaged or injured by or in the taking down of any of the Messuages or Buildings to be taken down for the Purposes of or otherwise in the Execution of this Act, the said Mayor, Aldermen, and Citizens shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Messuages and Buildings, Lands, Tenements, and Hereditaments, so damaged or injured, such Compensation and Satisfaction for such Damage or Injury as the said Mayor, Aldermen, and Citizens shall in their Judgment think reasonable, by Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Mayor, Aldermen, and Citizens not sufficient, then the same shall be ascertained and settled by a Jury in manner herein provided for ascertaining the Value of the Messuages, Lands, and Hereditaments to be purchased, taken, or required for the Purposes of this Act.

Power to take possession of Messuages, &c., on Payment or Tender of Purchase Money.

XXIII. And be it further enacted, That upon Payment or legal Tender, by the said Mayor, Aldermen, and Citizens, of the Purchase Money agreed upon or assessed by such Jury as aforesaid, for any of the Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, to the Owner or Owners thereof, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, or into the Bank of *England*, in the several Cases herein mentioned, within Two Calendar Months after such Purchase Money shall have been so agreed upon or assessed as aforesaid, it shall be lawful for the said Mayor, Aldermen, and Citizens to enter into and upon the Messuages, Buildings, Lands, Tenements, and Hereditaments whereof the Purchase Money shall be so paid or tendered, and thereupon the same shall thenceforth be vested in the said Mayor, Aldermen, and Citizens for the Purposes of this Act; and every such Payment or Tender shall bar all Estates, Rights, Titles, and Interests of all Persons whomsoever compensated by such Payment or Tender therein: Provided nevertheless, that before such Payment or Tender shall be made it shall not be lawful for the said Mayor, Aldermen, and Citizens, or any Persons acting by their Authority, to enter into or upon any Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, without the Consent of the Owner or Owners thereof and other the Person or Persons interested therein or entitled thereto or any Estate therein.

Compensation or Damages under 25*l.* may be settled by a Justice.

XXIV. And be it further enacted, That in case any Difference shall arise between the said Mayor, Aldermen, and Citizens, and any of the Owners or Occupiers of the Messuages, Buildings, Lands, Tenements, and Hereditaments to be taken or used for the Purposes of this Act, as to the Amount of Compensation to be paid for the same,

same, or the Value of the Damages done by the said Mayor, Aldermen, and Citizens, their Deputies, Engineers, Contractors, Servants, Agents, or Workmen, to such Messuages, Buildings, Lands, Tenements, and Hereditaments, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Compensation or Damages claimed does not exceed the Sum of Twenty-five Pounds, be ascertained and determined by some Justice of the Peace for the said City, who, upon Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation or Damages which shall be payable by the said Mayor, Aldermen, and Citizens.

Application of Compensation Money when exceeding 200*l.* belonging to incapacitated Persons.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, or any Femes Covert, Infant, Lunatic, Idiot, Cestuique Trust, or any Person or Persons whomsoever whose Messuages, Buildings, Lands, Tenements, and Hereditaments are limited in strict or other Settlement, or to any Person or Persons under any Disability or Incapacity whatsoever, 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 *ex parte* the said Mayor, Aldermen, and Citizens, pursuant to the Directions of 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; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same may be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid stood settled or limited,

1 G. 4. c. 35.

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 shall be made, the said Money shall, 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 in Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200*l.* and exceeding 20*l.*

XXVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Mayor, Aldermen, and Citizens, (such Nomination and Approbation to be signified in Writing under their Common Seal,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the same may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not exceeding 20*l.*

XXVII. And be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Aldermen, and Citizens shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively as aforesaid.

XXVIII. And

In case of not making out Titles, or of Absence, or Refusal to convey, the Money to be paid into the Bank.

XXVIII. And be it further enacted, That in case the Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid or awarded, for the Purchase of any of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Mayor, Aldermen, and Citizens, or in case such Person or Persons to whom such Sum or Sums of Money shall be so agreed to be paid or awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Mayor, Aldermen, and Citizens to order the said Sum or Sums of Money so agreed to be paid or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties or the unknown Persons (as the Case may be) interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the said Bank as aforesaid.

In case of disputed Titles, Persons in Possession to be deemed presumptively entitled to the Money.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends and Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Posses-

sion, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, Person or Persons, was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments.

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

XXX. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of this Act, or any Interest therein or Charge thereon, or from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money after mentioned, the Purchase Money for any Lands, or Interest therein, or Charge thereon, or any Money to be paid by way of Recompence or Satisfaction 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 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, except such as may be occasioned by Litigation between Claimants, 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 Mayor, Aldermen, and Citizens, and the said Mayor, Aldermen, and Citizens shall from Time to Time pay such Sum of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct out of the Monies to be raised by virtue or this Act.

Expences of Titles to be paid by the Corporation.

XXXI. 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 Mayor, Aldermen, and Citizens, for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Mayor, Aldermen, and Citizens may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Mayor, Aldermen, and Citizens 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 Mayor, Aldermen, and Citizens; and the said Mayor, Aldermen, and Citizens, 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 mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Mayor, Aldermen, and Citizens 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 mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to such Party by the said Mayor, Aldermen, and Citizens, deliver a Bill of their said Costs, Charges, and Expences to the said Mayor, Aldermen, and Citizens: Provided also, that in case the said Mayor, Aldermen, and Citizens shall not require the making out or furnishing of such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said Mayor, Aldermen, and Citizens, to produce or cause Production of the Title Deeds relating to the said Lands, when required by the said Mayor, Aldermen, and Citizens so to do, without furnishing any Abstract of his Title.

How such Costs are to be ascertained.

XXXII. And be it further enacted, That if the said Mayor, Aldermen, and Citizens, and the Party aforesaid, cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Mayor, Aldermen, and Citizens, 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 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 Mayor, Aldermen, and Citizens to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Mayor, Aldermen, and Citizens 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 Mayor, Aldermen, and Citizens 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 Mayor, Aldermen, and Citizens of the City of *York*, pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His 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 always, that the Expence of determining such Costs,

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 Mayor, Aldermen, and Citizens, unless One Sixth Part 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 Lands were purchased or taken, and the Amount thereof may then be paid to the said Mayor, Aldermen, and Citizens out of the said Sum so deposited by them as aforesaid.

Corporation to sell Lands not wanted for the Purposes of the Act.

XXXIII. And whereas by means of the Purchases which the said Mayor, Aldermen, and Citizens are empowered to make, by virtue of this Act, they may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes aforesaid; be it therefore enacted, That it shall be lawful for the said Mayor, Aldermen, and Citizens, and they are hereby required, within Ten Years after the passing of this Act, to sell and to dispose of any such Land or Ground, or any Estate or Interest therein, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person as shall be willing to contract for and purchase the same, and to convey the same accordingly, and such Conveyances from the said Mayor, Aldermen, and Citizens shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Mayor, Aldermen, and Citizens, before they shall sell and dispose of any such Land or Ground, shall first offer to re-sell the same to the Person from whom such Land or Ground was purchased by the said Mayor, Aldermen, and Citizens, or his Heir, Assign, or Successor, in case he shall be the Owner of any Land or Ground adjoining thereto, and in case such Person cannot be found, or shall refuse or neglect to repurchase such Land or Ground, then the Offer to sell the same shall be made to the Owner of any adjoining Land or Ground; and a Declaration, pursuant to the Act of the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, for the Abolition of unnecessary Oaths, and to substitute Declarations in lieu thereof, made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace for the said City, by some Person not interested in the said Land or Ground, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not to be found, or that such Offer was made by or on behalf of the said Mayor, Aldermen, and Citizens, and that such Offer was then and thereupon not agreed to or was refused by the Person to whom the same was offered, as the Case may be, shall in all Courts whatever be sufficient Evidence and Proof of the Facts therein stated; and in case such Person shall be desirous of purchasing or re-purchasing the same, and he and the said Mayor, Aldermen, and Citizens shall differ and not agree with respect to the Price thereof, in such Case the Price thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Mayor, Aldermen, and Citizens, in pursuance of this Act; and the Expences of hearing and determining such Differences shall be borne and paid in like Manner as

as is herein-before directed with respect to Purchases made by the said Mayor, Aldermen, and Citizens, *mutatis mutandis;* and the Money produced by the Sale which may be made by the said Mayor, Aldermen, and Citizens of such Land or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money: Provided always, that if the said Mayor, Aldermen, and Citizens shall not within the said Ten Years sell and dispose of such Lands, or any Estate or Interest therein, then the same shall vest in and become the absolute Property of the Owner or Owners of the Land adjoining the Land so directed to be sold as aforesaid, according to the Extent of the Land belonging to such Owners adjoining the same.

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

XXXIV. And be it further enacted, That in all Conveyances to be made by the said Mayor, Aldermen, and Citizens 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 or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed, by or from the said Mayor, Aldermen, and Citizens, for themselves and their Successors, and that they the said Mayor, Aldermen, and Citizens, notwithstanding any Act and Default done by them, were at the Time of the Execution of such Conveyances seised of or entitled to 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, and that the Purchasers thereof, their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Mayor, Aldermen, and Citizens, their Successors, and all claiming under them, and be indemnified and saved harmless by the said Mayor, Aldermen, and Citizens, and their Successors, from all Incumbrances committed by the said Mayor, Aldermen, and Citizens, and also for further Assurance of such Messuages, Buildings, Lands, Tenements, and Hereditaments by the said Mayor, Aldermen, and Citizens, 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 Quality or Nature, and the Estate or Interest expressed to be thereby conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

No Person compellable to sell Part of his House, &c., if willing

XXXV. And be it further enacted, That if any Corporation or other Party by this Act authorized to sell and convey any Messuages, Buildings, Lands, Tenements, or Hereditaments, shall be applied to, by or on behalf of the said Mayor, Aldermen, and Citizens, to treat

for, sell, dispose of, or convey any Part of any House, Shop, Warehouse, Building, or Manufactory in the actual Occupation of one Person or of several Persons jointly, and shall, by Notice in Writing to be left with the Town Clerk of the said City within Twenty-one Days after such Application, signify his Inclination or Desire to treat for, sell, dispose of, and convey the whole of such House, Shop, Warehouse, Building, or Manufactory, and if it shall happen that the said Mayor, Aldermen, and Citizens shall not think proper or be willing to purchase the whole of such House, Shop, Warehouse, Building, or Manufactory, then and in every such Case nothing in this Act contained shall extend or be construed to extend to compel such Corporation or Party interested therein to treat for, sell, dispose of, or convey, or to authorize the said Mayor, Aldermen, and Citizens to take or use Part only, or less than the Whole, of such House, Shop, Warehoure, Building, or Manufactory; any thing herein contained to the contrary thereof in anywise notwithstanding.

to sell the Whole.

XXXVI. And be it further enacted, That all Corporations and other Persons by this Act capacitated to sell and convey any Messuages, Buildings, Lands, Tenements, and Hereditaments, or to release Messuages, Buildings, Lands, Tenements, and Hereditaments from Rents and other Incumbrances charged thereon, or to sell and convey any other Rights or Interests in any Messuages, Buildings, Lands, Tenements, and Hereditaments, and the respective Owners, Lessees, and Occupiers of any Messuages, Buildings, Lands, Tenements, and Hereditaments authorized to be taken for the Purposes of this Act, may agree to accept and receive, and may (subject to such Restrictions as in this Act are contained as to the Payment thereof) accept and receive, Satisfaction for the Value of such Messuages, Buildings, Lands, Tenements, and Hereditaments, or of the Interest therein by them conveyed, and also Compensation for and on account of any Damage occasioned to such Messuages, Buildings, Lands, Tenements, and Hereditaments by reason of the severing or dividing of the same, or by reason or on account of the Execution of any of the Acts by this Act authorized, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason 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 incapacitated as aforesaid), Lessees, and Occupiers respectively, and the said Mayor, Aldermen, and Citizens; and in case the said Mayor, Aldermen, and Citizens, and the said Parties, 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 (if required) as hereinbefore is directed.

Corporations and Persons capacitated to sell and Owners and Occupiers empowered to agree for Satisfaction and Compensation.

XXXVII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Citizens from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall see necessary for the Purposes of this Act, not exceeding in the whole the Sum of Ten thousand Pounds, and by Bonds under

Power to raise Money at Interest.

the Common Seal of the said Mayor, Aldermen, and Citizens to secure the Principal Sum or Sums of Money advanced and lent for the Purposes aforesaid, together with legal Interest, to the Person or Persons, Corporation or Corporations, advancing or lending the same: Provided always, that in case the said Mayor, Aldermen, and Citizens shall raise the Whole or any Part of the said Sum of Ten thousand Pounds hereby authorized to be raised, and shall afterwards be required or be desirous to pay off and shall pay off all or any Part of the Principal Sum secured or intended to be secured by such Bonds as aforesaid, then and in every such Case it shall be lawful for the said Mayor, Aldermen, and Citizens, and they are hereby authorized and empowered, immediately, or at any Time or Times thereafter, again to raise any Sum or Sums of Money which together with the Sum or Sums remaining upon such Bonds as aforesaid shall not exceed the Sum of Ten thousand Pounds, and so from Time to Time as often as the same shall happen, but so nevertheless that no larger Sum than Ten thousand Pounds in the whole shall be borrowed or taken up at Interest for the last-mentioned Purposes at any One Time.

For stipulating Periods for Redemption of Money borrowed.

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

When Holders of Bonds or Mortgages may demand Payment.

XXXIX. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act the Party entitled to any such Bond or Mortgage may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration, or at any Time after the Expiration, of Twelve Calendar Months from the Date of such Bond or Mortgage, upon giving Six Calendar Months Notice in Writing to the Town Clerk of the said City for the Time being: Provided nevertheless, that the said Mayor, Aldermen, and Citizens may at all Times pay off and discharge all such Bonds or Mortgages in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in Writing to the Party entitled to any such Bond or Mortgage, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Mayor, Aldermen, and Citizens shall, on Demand, make default in the Payment thereof in pursuance of such Notice.

Mayor, Aldermen, and Citizens may raise Money by Mortgage or Sale of Corporation Property.

XL. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Citizens, and they are hereby empowered, subject as herein-after mentioned, to raise or borrow from any Person any Sum of Money which they may think necessary towards carrying into effect the Purposes of this Act, on Mortgage of any Messuages or Tenements, Lands or Hereditaments, vested in or belonging to the said Mayor, Aldermen, and Citizens, or any Part or Parts thereof, and to pay the Interest of any Sum of Money which they may so raise or borrow by and out of the annual Rents, Issues, and Profits of such Messuages or Tenements, Lands or Hereditaments, or for such Purposes absolutely to sell, convey, and dispose of any Messuages, Lands, or Hereditaments belonging to them as aforesaid.

No such Mortgage or Sale to be made without Consent of the Lords of the Treasury.

XLI. Provided always, and it is hereby further enacted, That nothing in this Act contained shall extend or be construed to extend to enable the said Mayor, Aldermen, and Citizens to raise any Money by Bond, or to sell, demise, mortgage, or alienate, for the Purposes of this Act, any Messuages, Lands, Tenements, or Hereditaments vested in or belonging to the said Mayor, Aldermen, and Citizens, without the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them, any thing in this Act to the contrary notwithstanding.

Application of Money to be raised.

XLII. And be it further enacted, That all the Money to be raised by the said Mayor, Aldermen, and Citizens, by virtue of this Act, shall be applied, in the first place, in discharging all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, or preparatory thereto, or in any way connected therewith, and that the Residue of such Monies shall be applied in and towards purchasing the Messuages, Buildings, Lands, Tenements, and Hereditaments authorized to be taken by this Act, and widening, altering, and improving the said Streets, and otherwise in carrying this Act into execution, and, subject thereto, shall form Part of the City Fund of the said City of *York*.

Council to exercise Powers of the Act.

XLIII. And be it further enacted, That all Acts, Matters, and Things by this Act authorized or directed to be made, done, and performed by the said Mayor, Aldermen, and Citizens shall and may be made, done, and performed by the Council of the said City at any General or adjourned Meeting of the said Council held in pursuance of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and in such Manner and subject to the same Regulations as directed or authorized by the said Act in that Behalf.

5 & 6 W. 4. c. 76.

Books of Accounts to be kept and to be opened for Inspection of the Mayor, Aldermen, and Citizens.

XLIV. And be it further enacted, That the said Mayor, Aldermen, and Citizens shall and they are hereby required to order and direct a Book to be provided and kept by the Treasurer of the said City, in which Book such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles,

Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book shall at all seasonable Times be open to the Inspection of the said Mayor, Aldermen, and Citizens, without Fee or Reward, and the said Mayor, Aldermen, and Citizens, or any of them, shall or may take Copies of or Extracts from the said Book, or any Part thereof, without paying any thing for the same; and in case such Treasurer shall refuse to permit or shall not permit the said Mayor, Aldermen, and Citizens, or any of them, to inspect any such Book, or take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum not exceeding Five Pounds; and the said Accounts shall be audited in the same Manner as the other Accounts of the said Treasurer are directed to be audited by said Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales.

5 & 6 W. 4. c. 76.

No Money arising from Turnpikes to be laid out in the Repair of Streets.

XLV. And be it further enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road to lay out or expend any Money arising by virtue of any Act relating to such Turnpike Road in, for, or towards paving, repairing, improving, lighting, cleansing, or watching any of the Streets or public Places within the said City, or to erect or continue any Toll Gate or Turnpike, or to take any Tolls within the same.

Declaring what shall be good Service of Notice by the Mayor, Aldermen, and Citizens.

XLVI. And be it further enacted, That in all Cases in which i may be necessary for the said Mayor, Aldermen, and Citizens to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon some Member or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (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 Mayor, Aldermen, and Citizens, may be signed by the Town Clerk of the said City, and may be in Writing or in Print, or partly in Writing and partly in Print.

Declaring what shall be good Service of Notice on the Mayor, Aldermen, and Citizens.

XLVII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Notice on the Council of the said City, or on the said Mayor, Aldermen, and Citizens thereof, personal Service upon the Town Clerk of the said City, or leaving the same at the Office of such Town Clerk, or if he cannot be found then Service upon any Member of the said Council, shall be deemed sufficient Service of the same upon such Council, or upon the said Mayor, Aldermen, and Citizens of the said City.

XLVIII. And

Recovery and Application of Penalties.

XLVIII. 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 of the said City, on Complaint to him for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels, within the Jurisdiction of such Justice, of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid to the Treasurer of the said City for the Time being, to the Credit and on account of the City Fund of the said City; and in case such Penalties and 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 such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance befor esuch Justice, or before some other Justice of the Peace of the said City, at such Time as shall be appointed for the Return of such Warrant of Distress, such Time not being more than Eight Days from the taking of such Security, and which Security such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for the said City, there to remain for any Time not exceeding Three Calendar Months, or until such Penalties or Forfeitures shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or until such Offender shall be otherwise discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

XLIX. 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 the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture

incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing Offenders whose Names and Residences are unknown.

L. And be it further enacted, That it shall be lawful for any Constable, or any Officer or Servant of the said Mayor, Aldermen, and Citizens, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Servant who shall commit any Offence against this Act, and to convey him with all convenient Despatch before some Justice of the Peace within whose Jurisdiction as aforesaid such Offence shall be committed, without any Warrant or other Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction:

LI. And be it further enacted, That all the Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Information.

'City of *York* to wit. } BE it remembered, That on the Day of *A.B.* of informeth me, *C.D.*, one of Her Majesty's Justices of the Peace for the City of *York*, that *E.F.* of [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me, *C.D.*'

Conviction.

'City of *York* to wit. } BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me, *C.D.*, one of Her Majesty's Justices of the Peace for the City of *York* [*here describe the Offence, and the Time and Place when and where committed*], contrary to an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*], for which Offence I do adjudge the said *A.B.* to have forfeited [*if the Offence is to be subject to a Fine*], the Sum of [*insert the Penalty*], together with the Sum of for Costs [*if any given*], or [*if to be imprisoned*] 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.'

LII. And

General Power to Justices to administer Oaths.

LII. 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 or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

For compelling Witnesses to attend.

LIII. 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 contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, 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 in the Case of a Quaker on Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Persons aggrieved may appeal to Quarter Sessions.

LIV. And be it further enacted, That all Parties 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 and contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the General or Quarter Sessions to be held for the said City, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the Mayor, Aldermen, and Citizens, as the Case may be, and forthwith after such Notice, in the Case of an Individual appealing, entering into Recognizance before some Justice of the Peace of the said City to the General or Quarter Sessions whereto such Appeal shall be made, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Court shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if such Court think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such City; and the said Court may, if such Court see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order, Rule, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Persons giving false Evidence

LV. And be it further enacted, That if any Person, upon any Examination upon Oath or Affirmation before any Justice of the Peace acting

liable to the Penalties for Perjury.

acting in execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are liable to.

Distress not unlawful for Want of Form.

LVI. 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 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 other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall 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.

LVII. 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, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of Her Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Plaintiff not to recover after Tender of Amends.

LVIII. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in or under or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, 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 Actions where Defendants are allowed to pay Money into Court.

Public Act.

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

The

The SCHEDULE to which the foregoing Act refers.

Situation.	Description of Property.	Owners or reputed Owners.	Occupiers.
	Parish of Saint Michael, Spurriergate.		
Spurriergate and Church Lane.	Church Yards of the Parish of St. Michael, Spurriergate, Vestry, and Coal-place of the Church of the same Parish.	Rector of Saint Michael, Spurriergate, in York.	Himself.
Spurriergate and Church Lane.	Two Messuages or Dwelling Houses, with the Appurtenances thereto belonging.	Green Simpson, and Feoffees of the Parish of Saint Michael, Spurriergate, in York, in Lease to the said Green Simpson.	William Bean and Eccles Sloane.
Spurriergate and Church Lane.	A Messuage or Dwelling House, Counting house, Warehouses, Drug-mill, and Laboratories, with the Yards, Outhouses, and Appurtenances thereto belonging.	William Vane Hope and Isaac Taylor.	Themselves.
Spurriergate -	A Messuage or Dwelling House, with the Workshops, Yards, and Appurtenances thereto belonging.	Feoffees of the Parish of Saint Michael, Spurriergate, in York.	Joseph Wood the younger.
Spurriergate -	A Messuage or Dwelling House, with the Appurtenances thereto belonging.	William Henry Gray and Eliza his Wife.	Themselves.
Spurriergate -	A Messuage or Dwelling House, with the Yard and Appurtenances thereto belonging.	Joseph Wood - -	John Clemésha.
Spurriergate -	A Messuage or Dwelling House, with the Warehouse, Yard, Outhouses, and Appurtenances thereto belonging.	Thomas Britton -	Himself.
Spurriergate -	A Public House, with the Yard, Outhouses, and Appurtenances thereto belonging.	Robert Brogden the younger.	George Hustwick.
Spurriergate -	A Messuage or Dwelling House, with the Warehouse, Yard, and Appurtenances thereto belonging.	William Peacock and Robert Foster.	George Wood.

Situation.	Description of Property.	Owners or reputed Owners.	Occupiers.
Spurriergate and Waterloo Buildings.	Four Messuages or Dwelling Houses, Eight Cottages, and Workshop, with the Yard, Outhouses, and Aptenances thereto belonging.	Francis Ellis - -	Himself, Eleanor Elliott, Mary Adkin, Mira Metcalfe, Thomas Pullon, William Joy, Catherine Jackson, John Terry, Sarah Johnson, Mary Arundel, John Robinson, John Burrill, William Brown, Thomas Bean, John Thompson, and Richard Brassington.
Spurriergate and Jubbergate.	A Messuage or Dwelling House, with the Yard and Appurtenances thereto belonging.	Joseph Wood - -	Joseph Shillito, George Thomas Lupton, and Part unoccupied.
Parish of St. Martin, Coney Street.			
Coney Street -	A Messuage or Dwelling House, with the Workshops, Stables, and Appurtenances thereto belonging.	Christopher Gravely, James Barber, and William North.	James Barber and William North.
Coney Street -	A Messuage or Dwelling House, with the Outbuildings, Garden, and Appurtenances thereto belonging.	James Barber and William North.	Themselves.
Coney Street -	A Messuage or Dwelling House, with the Warehouse, Yard, Outhouses, and Appurtenances thereto belonging.	William North and John North.	Robert Peach.
Coney Street -	A Messuage or Dwelling House, with the Yard, Outhouses, and Appurtenances thereto belonging.	Seth Agar and Robert Clayton.	Ellen Linton.
Coney Street -	A Messuage or Dwelling House, with the Yard, Outhouses, and Appurtenances thereto belonging.	John Wood - -	Ralph Todd.
Coney Street -	A Messuage or Dwelling House, now used as Offices, with the Yard and Appurtenances thereto belonging.	Robert Dobson -	John Blanchard and William Richardson.
Coney Street -	A Messuage or Dwelling House, with the Workshop, Yard, Outhouses, and Appurtenances thereto belonging.	William Darling -	Himself.

Situation.	Description of Property.	Owners or reputed Owners.	Occupiers.
Coney Street -	Two Messuages or Dwelling Houses, with the Yards, Gardens, and Appurtenances thereto belonging.	Richard Evers - -	Himself and Thomas Fenn Clarkson.
Coney Street -	A Messuage or Dwelling House, with the Yard and Appurtenances thereto belonging.	Feoffees of the Parish of Saint Martin, Coney Street, in York.	George Hopton.
Coney Street and Jubbergate.	A Messuage or Dwelling House, with the Yard and Appurtenances thereto belonging.	Robert Foster - -	Charles Richardson.

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