



ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. lxiv.

An Act to amend and enlarge the Powers of Two Acts of His present Majesty, for improving the Navigation of the River *Hull* and *Frodingham Beck*, and extending the same to the Town of *Great Driffield*, in the County of *York*. [7th July 1817.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for improving the Navigation of the River Hull and Frodingham Beck, from Aike Beck Mouth to the Clough on the East Corner of Fisholme, and for extending the said Navigation from the said Clough into or near the Town of Great Driffield, in the East Riding of the County of York*, several Persons therein named, and their Successors to be appointed as therein mentioned, were appointed Commissioners for improving and extending the said Navigation, and for putting the said Act into Execution, according to the Rules, Provisions, Orders, and Directions in the same Act contained: And whereas the Commissioners acting under and by virtue of the said recited Act did proceed to put the same into Execution, and for defraying the necessary Expences thereof did borrow and take up at Interest the Sum of Fifteen thousand one hundred and seventy-five Pounds, on Mortgage or Security of the Tolls by the said Act granted; which said Sum is still due and owing, with an Arrear of Interest thereon amounting to the Sum of Eight thousand one hundred and ninety-four Pounds and

7 G. 3. c. 97.

[Local.]

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41G.3.c.134. Ten Shillings: And whereas another Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act passed in the Seventh Year of the Reign of His present Majesty, intituled 'An Act for improving the Navigation of the River Hull and Frodingham Beck from Alke Beck Mouth to the Clough on the East Corner of Fisholme, and for extending the said Navigation from the said Clough into or near to the Town of Great Driffeld, in the East Riding of the County of York;* and to extend and improve the said Navigation; whereby, after reciting that the Commissioners acting under and by virtue of the said first-mentioned Act had proceeded to put the same into Execution; but that the said Navigation still remained defective and insufficient by reason of Shoals and Obstructions in the said Navigation and River, and of the crooked Course of the same River; and reciting that the said Navigation would be greatly amended, and rendered less expensive and tedious, by removing the said Shoals and Obstructions, and by straightening and altering the Course of a certain Part of the said River from or near a Clough called *Goodall Clough*, in the said Riding, to or near a Place called *Seven Hills* in the same Riding, also by making proper Towing Paths, and by erecting a Lock and Weir in the said River at or near *Seven Hills* aforesaid, close to one Side of the said first-mentioned New Cut, and between the outward Wall of which Lock on the opposite Side of the River there should be Two clear Openings, each of Twenty Feet Width, in which should be placed Falling Gates capable of being lowered to any necessary Extent, and to lie flat on the Bottom of the River whenever the Water at *Frodingham Bridge*, during the Time that *Foston-large* Mill was not going, should cover the Offset on the West Abutment of the said *Frodingham Bridge*; and that if certain navigable Cuts were made from the said River, by straightening, widening, and deepening the *West Beck*, and by widening and deepening the said River from the said Clough on the East Corner of *Fisholme* to *Frodingham Bridge* in the said Riding, and by widening and deepening the said *Frodingham Beck*, the same would be productive of great Benefit to the Neighbourhood, and be of public Utility; the said Commissioners were authorized and empowered immediately after the passing of the reciting Act (among other things) to make, complete, and maintain a navigable Cut, by straightening and altering the Course of the said River *Hull*, out of the said River opposite *Goodall Clough* aforesaid, to and into the said River at a Point opposite *Seven Hills* aforesaid; also another navigable Cut, by straightening, widening, deepening, and altering the Course of the said *West Beck*, out of the said River, at or near a Point thereof opposite *Emmotland* in the said Riding, to or near a Place called *Corps Landing* in the said Riding; and another navigable Cut out of the said River, at or near the said Clough on the East Corner of *Fisholme* to *Frodingham Bridge* in the said Riding, by widening and deepening the said River *Hull*, and the said *Frodingham Beck*; also to erect and maintain a Lock and Weir at or near *Seven Hills* aforesaid, and also to pull down, rebuild, and maintain the Bridge, called *Hull Bridge*, across the said River *Hull* in the Township of *Tickton* in the said Riding, and also to make and support certain Towing-paths as therein mentioned; and it was by the said Act enacted, that when and as soon as the said Cuts, Lock and Weir, and Towing-paths, should be made and completed, and the said Bridge pulled down and rebuilt, there should be paid certain Tolls as therein mentioned; and it was thereby further enacted, that all the Tolls thereby granted should be paid over and above the Tolls granted

granted by the said first-recited Act, and that all the Monies, Tolls, and Profits, which should be raised or received under or by virtue of the now reciting Act should be applied for the Purposes of the same Act only, and that full and true Accounts thereof should be kept distinct and separate from the Accounts of the Receipts and Payments under the said first-recited Act, and all other Accounts whatsoever; and it is further enacted, that the several Persons who had subscribed Money for and towards defraying the Expences of executing the Works thereby authorized to be made, should pay the Sum or Sums so subscribed within such Time or Times and in such Parts and Proportions as the said Commissioners or any Seven or more of them should order and direct; and it is by the said now-reciting Act further enacted, that the said Navigation Cuts, Lock and Weirs Towing-paths, *Hull Bridge* and Ways, should be free for the Use of all Persons with Boats, Vessels, Horses, and Carriages, on Payment of the Tolls in such Behalf appointed to be taken (the said Towing-paths with respect to Carriages only excepted): And whereas the said Commissioners have made and completed all the Works and Improvements by the said last-recited Act authorized or directed to be done, and for defraying the Expences thereof the Sum of Six thousand one hundred and forty-three Pounds Eight Shillings was raised and paid by the Subscribers, at the Times and in the Proportions directed by the said Commissioners, and there now remains due to such Subscribers the Sum of One thousand eight hundred and forty-three Pounds and Three-pence only; the Sum of Four thousand three hundred Pounds Seven Shillings and Nine-pence, Part of the Sum so advanced as aforesaid, and the Interest thereof, having been discharged by and out of the Tolls received by virtue of the said lastly recited Act: And whereas the whole of the Expences of such Works and Improvements were defrayed from Monies subscribed by the several Persons who were the principal Mortgagees under the said first recited Act: And whereas the Tolls and Funds granted and raised by virtue of the said first recited Act have proved to be wholly inadequate to the Payment of the principal Monies and Interest secured or intended to be secured by Mortgage thereof; but the Tolls granted by the said last-recited Act are so productive as to afford a Prospect of an early Discharge of the Remainder of the principal Sums of Money subscribed for defraying the Expences of carrying the same Act into Execution, together with the Interest thereof: And whereas it is reasonable that after Payment of the principal Monies subscribed for effectuating the Purposes of the said last-recited Act, and the Interest thereof, the Tolls thereby granted should be continued for the Purpose of raising the Sum of Three thousand and seventy-one Pounds Fourteen Shillings, being One Moiety of the said Sum of Six thousand one hundred and forty-three Pounds Eight Shillings, to be paid to the several Subscribers being Mortgagees as aforesaid, and for other the Purposes herein-after mentioned: And whereas it is expedient to make some further Provisions and Regulations for rendering the said Navigation more effectual; and for the better recovering the Tolls in case of Refusal or Neglect to pay the same; and for accomplishing the several Purposes aforesaid it is necessary that the Powers of the said recited Acts should be amended and enlarged; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

Expences of
41 G. 3. c. 134.
how to be
paid, &c.

the Authority of the same, That as soon as conveniently may be after the passing of this Act the Remainder of the several principal Sums of Money subscribed and paid for defraying the Expences of carrying the said lastly recited Act into Execution, together with lawful Interest in respect of such Sums, shall be paid out of the Tolls and Profits raised and received, or to be raised and received by virtue of the same Act, to the several Persons who have subscribed and advanced such Sums of Money and according to the Proportions in which they respectively subscribed and advanced the same; and that from and after Payment thereof, the said Tolls and Profits payable under and by virtue of the said lastly recited Act shall be and the same are hereby continued for the Purpose of raising the Sum of Three thousand and seventy-one Pounds and Fourteen Shillings, being One Moiety of the said Sum of Six thousand one hundred and forty-three Pounds and Eight Shillings; and the said Sum of Three thousand and seventy-one Pounds and Fourteen Shillings shall accordingly be paid to the several Subscribers being Mortgagees as aforesaid, from Time to Time in such Way and Manner as to the said Commissioners shall seem meet.

After Pay-
ment to Sub-
scribers of
their Princi-
pal and Inte-
rest, &c. Toll
to be raised for
Officers Sala-
ries, and keep-
ing the Works
in repair only.

II. And be it further enacted, That from and immediately after the Payment of the said Principal and Interest Monies and also of the said Sum of Three thousand and seventy-one Pounds and Fourteen Shillings, so respectively directed to be paid as aforesaid, the said Commissioners shall reduce the several Tolls collected by virtue of the said lastly recited Act (other than and except the Tolls payable in respect of Vessels passing under *Hull Bridge*), so that no larger Sum or Sums of Money shall thenceforth be raised than what will be fully sufficient to pay and discharge the Salaries of Officers, and all Costs, Charges, Damages, and Expences from Time to Time to be incurred, sustained, or grow due in respect of the said Navigation, and the maintaining and keeping in Repair the several Works executed or to be executed under the Authority of the said lastly recited Act or of this Act.

Hull Bridge
to be repaired
out of the
Tolls arising
from the 1st
and 2^d Acts
in equal Pro-
portions.

III. And be it further enacted, That from Time to Time and at all Times hereafter, One Moiety or equal Half Part of the Costs, Charges, and Expences incurred in maintaining and keeping in Repair the said Bridge called *Hull Bridge*, shall be paid and defrayed by and out of the Tolls arising from the said first-recited Act, and the other or remaining Moiety or equal Half Part of such Costs, Charges, and Expences, shall be paid and defrayed by and out of the Tolls arising from the said lastly recited Act.

The Tolls for
Hull Bridge
to be con-
tinued for the
general Pur-
poses of the
whole Navi-
gation.

IV. Provided always, and be it further enacted, That the said Tolls payable in respect of Vessels passing under *Hull Bridge* aforesaid shall continue to be received in full without any Reduction, and shall from Time to Time and at all Times hereafter be paid and applied in Manner herein-after mentioned; that is to say, One Moiety or equal Half Part of such Tolls shall be paid to the Commissioners for the Time being acting under or in Execution of the said first-recited Act, or to their Collector or Treasurer duly authorized to receive the same, and shall be applied to the same Purposes as the other Tolls raised under the said first-recited Act are thereby directed to be applied; and the other or remaining Moiety or equal Half Part of such Tolls shall be paid to the Commissioners for the Time being

being acting under or in Execution of the said lastly recited Act, or to their Collector or Treasurer duly authorized to receive the same, and shall be applied in or towards the Payment and Discharge of the Salaries of Officers, and the Expences of maintaining and keeping in Repair the several Works executed or to be executed under the Authority of the said lastly recited Act or of this Act.

V. And for the better Security of the several Mortgagees and Subscribers, Creditors of the said Navigation, as to the respective Sums due and owing to them, be it further enacted, That the said Commissioners shall and they are hereby required, at their First Annual Meeting to be held after the passing of this Act, to cause the Names and proper Additions of the several Persons who shall then be Creditors as Mortgagees and Subscribers of the said Navigation, with the Amount of the Principal and Interest due to each, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Commissioners; and after such Entry made, that they the said Commissioners shall set and subscribe their Names to the said Book; and that every Creditor shall have a Certificate of such Entry under the Hand of the Clerk to the said Commissioners; and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Creditor, his, her, or their Executors, Administrators, or Assigns, to the Sum or Sums therein specified.

Names and Additions of the Creditors, together with the Amount of the Money and Interest due to each, to be entered in a Book, &c.

VI. And whereas, in pursuance of the Order of the said Commissioners, a Stone hath been placed adjoining to and level with the Offset of the West Abutment of *Frodingham Bridge*; and on the Fifteenth Day of *September*, One thousand eight hundred and fifteen, the Level was taken, and an Observation made, in consequence of which a Mark was indented on a Stone in *Frodingham Church Steeple*, with the Consent of the Vicar and Churchwardens of *Frodingham* aforesaid, with an Inscription above such Mark, showing the Height thereof above the Surface of the Water, when Level with such Offset; be it further enacted, That from and immediately after the passing of this Act the Height of the Water shall be regulated by the said Mark on the Steeple of *Frodingham Church* aforesaid, and that the Surface of the Water shall not be higher than Fifteen Feet and Eleven Inches below the same Mark, as specified in the Inscription placed above such Mark; any Thing in the said recited Acts or either of them contained to the contrary thereof in anywise notwithstanding.

The Height of the Water to be regulated in future by the Mark in *Frodingham Church Steeple*.

VII. And for the better regulating of Boats or other Vessels which shall or may be placed along the Side or Sides of any of the Wharfs belonging to the said Navigation, for the Purpose of loading or unloading their respective Cargoes, and for preventing Delay and Inconvenience to the Person or Persons using the said Navigation, be it further enacted, That if any Person or Persons having the Care of any Boat or other Vessel shall, in loading or unloading the same, wilfully, vexatiously, or without just and necessary Cause, suffer such Boat or Vessel to be or remain along the Side or Sides of any of the Wharfs aforesaid, or on the Side or Sides of the Bank of the said Navigation, longer than shall be absolutely necessary for the loading or unloading of such Boat or other Vessel, the Person or Persons so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Shillings for every Hour during which such Boat or other Vessel shall so lie or remain.

Regulations of Boats in loading and unloading their Cargoes along the Sides of the Wharfs.

[Local.]

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VIII. And

Penalty on
Persons suf-
fering Goods
to remain
upon the
public Wharf
longer than
Three Days.

VIII. And be it further enacted, That if any Goods, Wares, and Merchandizes or other Things whatsoever, which shall be carried and conveyed on the said Navigation, shall lie or remain upon the Public Wharf in the Town of *Great Driffield* above the Space of Three Days next after Notice in Writing under the Hand of the Clerk or Collector to the said Commissioners requiring the Removal of such Goods, Wares, and Merchandizes, or other Things, shall have been given to the Owner or Owners thereof, or left at his, her, or their usual or last Place or Places of Abode; then and in such Case such Owner or Owners shall forfeit and pay the Sum of Five Shillings per Ton, and so in proportion for any greater or less Weight than a Ton for every Day during which such Goods, Wares, and Merchandizes, or other Things, shall so lie or remain beyond the Time aforesaid, together with the reasonable Charges of preparing such Notice and serving the same; and notwithstanding the Payment of the said Penalty it shall be lawful for the said Commissioners to insist upon and enforce the Removal of such Goods, Wares, and Merchandizes, if in their Judgment the longer Continuance of the same on the said Public Wharf would be injurious to any other Person or Persons interested in or making use of the said Navigation; and for that Purpose the said Commissioners are hereby authorized and empowered to seize and sell such Goods, Wares, and Merchandizes, and to apply the Money arising by such Sale in Payment and Satisfaction of the said Penalty and Charges, and also the reasonable Charges and Expences of such Seizure and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods, Wares, and Merchandizes.

On Non-pay-
ment of Tolls
the Commis-
sioners may
seize the
Goods or
Boats of the
Defaulters.

IX. And be it further enacted, That if the Owner or Owners, or other Person or Persons having the Care of any Goods, Wares, Merchandizes, or other Things conveyed upon the said Navigation, and remaining thereon, or upon the said public Wharf, shall refuse or neglect to pay the Tolls, Rates, or Duties payable, under or by virtue of the said recited Acts or either of them, in respect of such Goods, Wares, Merchandizes, or other Things, it shall be lawful for the said Commissioners, their Agents, Collectors, or Servants, to seize and detain such Goods, Wares, Merchandizes, or other Things, or any other Goods, Wares, or Merchandizes, the Property of the Person or Persons so offending, or the Boats or Vessels conveying the same; and in case such Tolls, Rates, or Duties shall not be paid within the Space of Three Days after such Seizure made, it shall be lawful for the said Commissioners, their Agents, Collectors, or Servants, to sell such Goods, Wares, Merchandizes, or other Things, or Boats or Vessels, and apply the Monies arising from such Sale in the Payment of the said Rates, Tolls, or Duties, and all reasonable Charges attending such Seizure, Detention, and Sale, rendering the Overplus (if any) on Demand to such Owner or Owners or other Person or Persons as aforesaid.

Regulations
of Vessels
passing the
Locks.

X. And be it further enacted, That every Boatman or other Person navigating or having the Care of any Boat or other Vessel upon the said Navigation shall, on his near Approach to any Lock already made or hereafter to be made thereon, that is to say, at least Fifty Yards before he arrives at such Lock, lower the Sails of his Boat or other Vessel, or slacken its Course or Speed by fixing a Rope to the Post placed for that Purpose; but shall on no Account fix a Rope to any Part of the Gates of such Lock, either for the Purpose of checking the Progress of his Boat

or other Vessel, or of drawing forward the same; and in case of the Boat or Vessel being drawn into the Lock by a Horse, then he shall slacken the Rope by which such Horse is drawing so soon as such Horse is opposite to the first Lock Gates through which the Boat or other Vessel is about to pass; and he shall also draw the Bridges, previously to the Boat or other Vessel passing, in Time enough to prevent the same from running against such Bridges; and shall not suffer the Water to remain in any such Lock any longer than is necessary for his Boat or other Vessel to pass through the same; and also that every such Boatman, or other Person as aforesaid, in going down the said Navigation, shall, previously to his bringing his Boat or other Vessel into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the upper Gates thereof; and after he shall have brought such Boat or other Vessel through the said Lock, he shall then shut the upper Gates before he shall draw the Cloughs of the lower Gates thereof; and in going up the said Navigation toward the Head Level or Head Levels thereof, such Boatman or other Person, so soon as he shall have passed with his Boat or other Vessel through the said Lock, shall shut the upper Gates of the same before he shall draw the Cloughs of the lower Gates thereof, unless there shall be a Boat or other Vessel coming down the said Navigation in Sight of the said Boatman or other Person passing such Lock, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and in all dry Seasons when there shall be a Scarcity of Water in the said Navigation, the Boat or other Vessel so going up the same (if within Sight of a Boat or other Vessel so coming down and at a Distance not exceeding Five hundred Yards below a Lock) shall pass through such Lock before the Boat or other Vessel shall come down into the said Lock; and if there shall be more Boats or other Vessels than one below and above any Lock at the same Time in any such dry Season within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose), such Boats or other Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Boats and other Vessels so going up or coming down shall have passed the same, by which Means one Lock full of Water may serve two Boats or other Vessels; and any Person or Persons refusing or neglecting to take these Precautions or acting contrary to these Directions in passing any such Lock or Locks shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and in case of any Damages being done to any of the Locks, Bridges, or other Works, the same shall be forthwith repaired by the Superintendant of the said Navigation, and the Offender or Offenders shall make a full Satisfaction for the same; to be recovered along with the Penalty of the Master or Masters, Owner or Owners of such Boat or Vessel, if he or they shall reside in any Place near to the said Navigation above *Aike Beck*, but if elsewhere, then the Boat or other Vessel to be detained until the Penalty is paid and full Satisfaction made for any such Damages as aforesaid.

XI. And be it further enacted, That if any Boat or other Vessel from want of sufficient Water to navigate the same, or from any other Cause, shall be run aground or placed in such a Position as to obstruct or impede the Navigation from *Hull Bridge* to *Great Driffeld* aforesaid, the Master or Masters of such Boat or Vessel shall, in case he or they shall not within Twelve Hours from the Time of his or their Boat or Vessel being so run

aground,

Vessels
stranded to
be unloaded.

aground, be able to get the same off, unload or cause to be unloaded such Boat or Vessel; and alter the Situation thereof so that such Obstruction shall cease and be removed; but in case any such Master or Masters shall refuse or neglect to unload such Boat or Vessel after being requested so to do by the said Commissioners or their Collector, Superintendent, Agents, or any of them, then such Master or Masters shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall and may be lawful to and for the said Commissioners, Collector, Superintendent, Agents, or any of them, to cause any such Boat or Vessel to be unloaded, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal and also the said Penalty shall be fully paid and satisfied.

Masters of Vessels to recover from their Servants any Sum paid for their Default.

XII. And be it further enacted, That in case the Master or Masters, Owner or Owners, of any Boat or other Vessel employed on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any wilful Neglect or Default done or committed by his, her, or their Servants, Boatmen, Watermen, or Halers, or any of them, in pursuance of the Power given by the said first-recited Act, such Servants, Boatmen, Watermen, or Halers, and each and every of them, shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Master or Masters, Owner or Owners; and in case of Non-payment thereof on Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him, her, or them by such Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath to be made before One Justice of the Peace for the said East Riding), the Amount thereof shall be recovered in like Manner as any Fines, Penalties, and Forfeitures inflicted by the said first-recited Act are directed to be recovered.

Lock-keepers not to give Preference.

XIII. And be it further enacted, That if any Lock-keeper, Wharfinger, or other Servant belonging to the said Commissioners, shall give any undue Preference, or shew any Partiality to any Boat or other Vessel in passing through any Lock or Locks on the said Navigation, or in loading or unloading any Goods, Wares, Merchandizes, or other Things at any of the Wharfs, Warehouses, Weigh-beams, Cranes, or other Machines belonging to the said Commissioners, every Person so offending shall, on Conviction, forfeit and pay any Sum not exceeding Five Pounds to the Informer.

Clerk not to act as Treasurer, and vice versa.

XIV. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution

cution of the said Acts and this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

In case of not making out Titles to Lands purchased for the Use of the Navigation, or if Persons cannot be found, the Purchase Money to be paid into the Bank of *England*, subject to the Order and Control of the Court of Chancery.

XVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the

In case of questionable Title to the Money, the Possessor of the Lands to be deemed entitled thereto until the contrary shall be shewn.

[Local.]

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contrary

contrary shall be shewn to the Satisfaction of the said High Court of Chancery; 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 Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

XVII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses, in pursuance of the said Acts or this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purpose as the said Court shall direct.

Provisions of the former Acts extended to this.

XVIII. And be it further enacted, That all and every the Powers, Provisions, and Clauses of this Act shall, in the Execution of the said recited Acts respectively, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said recited Acts; and all and every the Powers, Provisions, and Clauses of the said recited Acts respectively shall, in the Execution of this Act, (except where the same are hereby expressly varied, altered, or repealed), be used and applied, extended and construed, in like Manner as if the same Powers, Provisions, and Clauses (except as aforesaid) were specially enacted in this Act.

Penalties how to be recovered and applied.

XIX. And be it further enacted, That all Penalties and Forfeitures by this or the said lastly recited Act imposed and incurred shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels by Warrant or Warrants under the Hand and Seal of any One of His Majesty's Justices of the Peace for the East Riding of the said County of *York*, which Warrant or Warrants such Justice is hereby empowered and required to grant upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath (which Oath such Justice is hereby empowered and required to administer) and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels after deducting the Costs and Charges of making, keeping, and selling the Distress, and such Penalties and Forfeitures when recovered (if not herein directed to be otherwise applied) shall be paid to the Treasurer to the said Commissioners and applied towards the Purposes of the said lastly recited Act and this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal to cause the Offender or Offenders to be committed to the

Common Gaol or House of Correction of the said East Riding there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and all reasonable Charges attending the Recovery thereof shall be sooner paid and discharged.

XX. And whereas it is in and by the said first recited Act enacted, ' that no Warrant, Mortgage, Assignment, Transfer, or any other Writing whatsoever, in pursuance of or relating to the Execution of any of the Powers of this Act, shall be subject to any Stamp Duty whatsoever: ' And whereas it is expedient that the said Clause should be repealed; be it therefore enacted, That the same shall be, and is hereby repealed, and declared null and void to all Intents and Purposes whatsoever.

For repealing the Clause in the first Act, declaring Writings to be without Stamps.

XXI. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Commissioners by and out of the first Monies that shall come into their Hands or which shall be received by them under and by virtue of the said lastly recited Act.

Expences of the Act to be paid.

XXII. 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, without being specially pleaded.

Public Act.

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