

6G.3. c.81. *Piers and Harbour of Whitby in the County of York*: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for further continuing the Duty of One Farthing per Chalder on Coals granted by an Act of the First Year of Queen Anne, and revived and continued by an Act of the Eighth of King George the Second, for improving and repairing the Piers and Harbour of Whitby in the County of York, and for better regulating the Shipping there*: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King

21G.3. c.12. *George the Third, intituled An Act to continue the Duty of One Farthing per Chalder on Coals granted by an Act of the Twenty-third Year of the Reign of King George the Second, for the more effectual repairing and maintaining the Piers and Harbour of Whitby in the County of York*: And whereas an Act was passed in the Thirty-sixth

36G.3. c.121. *Year of the Reign of His said late Majesty, intituled An Act for further continuing the Duty of One Farthing per Chalder on Coals granted by an Act passed in the First Year of the Reign of Queen Anne, and revived and continued by Two Acts, passed in the Eighth Year of the Reign of King George the Second, and in the Sixth Year of the Reign of His present Majesty, for improving and repairing the Piers and Harbour of Whitby in the County of York*: And whereas

52G.3. c.185. *another Act was passed in the Fifty-second Year of the Reign of His said Majesty, intituled An Act for enlarging the Term and Powers of an Act of King George the Second, and an Act of His present Majesty, for the more effectual repairing and maintaining of the Piers and Harbour of Whitby in the County of York*: And whereas a considerable Sum of Money hath from Time to Time been borrowed upon the Credit of the Duties thereby authorized to be taken for carrying the Purposes of the said several Acts into Effect, and now remains due thereon: And whereas the Piers and Works of the said Harbour are much exposed to be injured and demolished by the Force of the Sea Tempests, and other inevitable Accidents, so as to require constant Reparation, and considerable Repairs are now and will from Time to Time be necessary for the Support, Maintenance, and Protection of the said Harbour, Piers, and Works; but the same cannot be done without the Aid of the whole of the said several Duties: And whereas it is expedient that the said several recited Acts should be consolidated and amended, and such other Powers and Provisions given as may be necessary for the Purposes aforesaid: 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 Authority of the same, That from and after the passing of this Act, the said recited Acts of the First and Seventh Years of the Reign of Queen Anne, the Seventh Year of the Reign of King George the First, the Eighth and Twenty-third Years of the Reign of King George the Second, and the Sixth, Twenty-first, Thirty-sixth, and Fifty-second Years of the Reign of His late Majesty King George the Third, shall be and the same are hereby repealed, except so much of the said recited Act of the Seventh Year of the Reign of King George the First as relates to the Piers or Port of *Bridlington* alias *Burlington*.

Repeal of
recited Acts,
except as
herein-men-
tioned.

II. And be it further enacted, That the Duties granted by this Act shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed and which are now due and owing on the Credit or on Account of the Duties granted by the said recited Acts or any of them, and of all Interest due and to grow due on the same respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act or of the Duties hereby authorized to be collected.

The Duties hereby granted liable to former Debts.

III. And be it further enacted, That all Indentures, Bonds, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made or entered into under the Authority of the said recited Acts or any of them, shall, notwithstanding the Repeal of the said recited Acts, remain in full Force and Effect, and be and continue available in all Courts of Law and Equity for and be binding on the Trustees appointed or to be appointed by virtue of this Act, and on the other Parties thereto respectively, in the same Manner as if the same had been made or entered into under the Authority of this Act.

Bonds, &c. under the former Acts to remain in force.

IV. And be it further enacted, That all Persons who are or have been employed, or who shall have received any Duties or other Money, or who may owe or be subject to the Payment of any Money by virtue of the said recited Acts or any of them, or who shall have in their Custody or Possession any Boats, Craft, Machinery, Tools, Money, Books, Accounts, Papers, Writings, or other Things relating to the said Piers or Harbours, or connected therewith, shall be and remain liable to account for, pay, and deliver over the same and every Part thereof to the Trustees appointed or to be appointed by virtue of this Act, in the same Manner as if they had been employed or had received such Money, or were subject to the Payment of such Money, or had such Things in their Custody or Possession, by virtue of this Act.

Officers under former Acts to account to Trustees appointed by this Act.

V. And be it further enacted, That the Lord or Lady (for the Time being) of the Manor of *Whitby* aforesaid, together with the Right Honourable *Henry Constantine Phipps* commonly called Viscount *Normanby*, *John Campion Coates*, *Richard Moorsom*, *William Skinner*, *Abel Chapman*, *Henry Walker Yeoman*, *William Chapman*, *Harrison Chilton*, *Thomas Simpson*, *Richard Moorsom junior*, *Edmund Turton*, *John Barry*, *Thomas Fishburn*, and *Edward Chapman*, and their respective Successors to be elected and appointed by virtue or in pursuance of this Act, shall be and they are hereby appointed Trustees for maintaining, protecting, preserving, repairing, and improving the Piers and Harbour of the Town and Port of *Whitby* aforesaid, and for carrying this Act into Execution.

Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the

Power to appoint additional Trustees.

the

the Purposes of this Act, in addition to the Number of Trustees herein appointed.

For appointing Trustees in the Room of those who may die, resign, or refuse to act.

VII. And be it further enacted, That if any Trustee for executing this Act shall die, resign, or refuse to act in the Trust reposed in him, or cease to be qualified, or become disqualified to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees assembled at any Meeting, of the Time and Place of which Notice shall be given to them at least Thirty Days before, to elect, nominate, and appoint, by Writing under their Hands, such other Person or Persons to be a Trustee or Trustees in the Room of him or them so dying, resigning, or refusing to act, or ceasing to be qualified or becoming disqualified, as the said Trustees, or the major Part of them then present at any such Meeting, shall think fit, which said Person or Persons so to be elected, nominated, and appointed as aforesaid, shall have such and the same Powers and Authorities as the Trustee or Trustees in or to whose Place or Places he or they shall succeed, or as the remaining or continuing Trustees was or were vested with.

Qualification of Trustees.

VIII. And be it further enacted, That no Person who shall hereafter be chosen or appointed a Trustee shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes, or who shall be possessed of Personal Property to the Amount or Value of Two thousand Pounds, after Payment of his Debts, and unless he shall, before he shall act as such Trustee, take and subscribe the Oath or Affirmation following before any Two or more of the Trustees appointed or to be appointed by or in pursuance of this Act, who are hereby authorized and empowered to administer the same in the Words or to the Effect following; (that is to say,)

Trustees Oath.

‘ I do swear [*or being of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or in the Right of my Wife*] in the actual Possession or Enjoyment of [*or in the Receipt of Rents and Profits issuing out of*] Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or am Heir Apparent of* who to the best of my Knowledge is seised of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes,] [*or that I am possessed of a Personal Estate of Two thousand Pounds, clear of all Debts and Incumbrances, as the Case may be*]. So help me GOD.’
[*Or being a Quaker omit the Words ‘ So help me God.’*]

Trustees not to hold Places of

IX. And be it further enacted, That no Trustee appointed or to be appointed under this Act shall enjoy any Office or Place of Profit under

under this Act, or shall have any Share or Interest in, or be in any Manner, directly or indirectly, concerned in any Contract or Bargain for making, executing, or repairing, or in any way relating to the Works to be executed under the Powers of this Act, or for supplying any Materials for the Use thereof; and if any Person, after having been appointed or elected a Trustee, shall, without having first duly resigned such Office at some Meeting of the said Trustees to be held in pursuance of this Act, for which he shall have been elected or appointed, be concerned in any such Contract or Bargain, every Trustee so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall from and after the Conviction of any such Offence be incapable of acting as a Trustee under this Act; and all Acts, Orders, Matters and Things made or done as a Trustee by the Party so convicted shall from thenceforth be null and void to all Intents and Purposes, and all and every such Contract and Bargain shall be and the same is hereby declared to be void, and shall not be enforced against or carried into Effect by the other Trustees: Provided always, that all Acts, Orders, Matters and Things made or done by such Trustee previously to his being convicted of any such Offence shall be good, valid, and effectual.

Profit, or be concerned in Contracts, &c.

Such Contracts and Bargains void.

X. And be it further enacted, That no Contract which shall be made by the said Trustees for any of the Purposes of this Act shall be binding upon the said Trustees as Individuals or in their private Capacity, nor shall any of the Trustees personally, or their respective Estates, be answerable for Payment of any of the Mortgages, Debentures, or Annuities to be granted in pursuance of this Act; and all Money which shall be expended by or recovered against any of the said Trustees, or any Person or Persons employed by them, by means of any Action or Suit, Prosecution or Appeal, to be brought by or against them or any of them touching the Execution of this Act, shall be borne and defrayed by and out of the Money which shall come to the Hands of the Treasurer of the said Trustees by virtue of this Act.

Trustees not personally liable.

XI. And be it further enacted, That the said Trustees shall meet at some convenient House or Place in the Town of *Whitby* aforesaid upon the Second *Wednesday* next after the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven in the Forenoon and Four in the Afternoon of the same Day, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn the Meeting to and meet at the Place aforesaid, or to any other convenient Place within the Town of *Whitby* aforesaid, as they or the major Part of them at such Meeting shall appoint; and at every Meeting of the said Trustees to be held in pursuance of this Act, One of the Trustees to be chosen by the Trustees then present at such Meeting, or the major Part in Number of them, shall be Chairman, and such Chairman shall not only have a Vote as a Trustee, but in case of an equal Number of Votes upon any Question, Matter, or Thing, shall have the casting Vote; and the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things by this Act directed or authorized to be

Meetings of Trustees.

[Local.]

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executed

Trustees to pay their own Expences, except 10s. per Day for the Use of the Room.

executed or done by the Trustees, may be executed and done by the major Part of them present at any Meeting holden in pursuance of this Act, the Number present not being less than Five, and shall be as valid as if executed or done by all the Trustees for the Time being; and all such Trustees as are or shall be Justices of the Peace for the North Riding of the County of *York*, may act as Justices in all Matters relating to the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be immediately and personally interested; and the said Trustees shall at all their Meetings bear and pay their own Charges and Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they shall meet.

Officers under former Acts (except the Treasurer) to continue.

XII. And be it further enacted, That each and every Clerk, Receiver of the Duties, Harbour Master, or other Officers (except the Treasurer) who shall have been appointed under and employed in the Execution of the said recited Acts hereby repealed, or any of them, shall respectively continue to hold and exercise their respective Offices and Employments until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing their said respective Offices, and shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or any other Person or Persons in the Service or Employ of any such Clerk or Clerks or of the Partner or Partners of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or any other Person in the Service or Employ of any such Treasurer or Treasurers or of the Partner or Partners of any such Treasurer or Treasurers, to be the Clerk or Clerks to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or any other Person in the Service or Employ of any such Clerk or of the Partner or Partners of any such Clerk or Clerks, shall act as Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or any other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his Partner or Partners, shall accept the Office of Clerk or Clerks, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall, after the passing of this Act, hold any Place or Office of Profit or

Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XIV. And be it further enacted, That from and after the passing of this Act there shall be for ever paid unto the Trustees appointed or to be appointed by virtue of this Act, or to such Person or Persons as they shall from Time to Time appoint for that Purpose, at the respective Places herein-after mentioned, the several Duties following; (that is to say,) Power to take Duties.

By the Master or Owners of every Ship that shall load or ship any Coals at the Port of *Newcastle-upon-Tyne*, or at *Sunderland*, *Blyth*, *Seaton-Sluice*, *Culler-Coates*, or any other Harbour, Colliery, or Place that is a Member of the said Port of *Newcastle-upon-Tyne*, the Duty or Sum of One Halfpenny *per* Chaldron for each and every Chaldron of Coals so loaded or shipped in or on board each and every such Ship as aforesaid: Duties.

For all Coals landed or delivered within the Haven, Harbour, or Piers of the said Port of *Whitby*, for every Chaldron of Coals, Town Measure, Sixpence *per* Chaldron:

For every Weigh of Salt landed or delivered at the said Port of *Whitby*, Two Shillings:

For every Quarter of Malt, Corn, and Grain, Four-pence:

For all Foreign Goods imported in *English* Bottoms, Three-pence *per* Ton:

For all Foreign Bottoms importing such Goods, Sixpence *per* Ton:

For all Butter shipped off from *Whitby* aforesaid, One Penny *per* Firkin:

For all dried and mud Fish shipped off from *Whitby* aforesaid, One Penny *per* Score:

For all barrelled Fish so shipped off, *per* Barrel, Three-pence:

For every *English* Ship or Vessel which shall enter within the Piers of the said Port, One Shilling; and for every Top of such Ship, Four-pence; and for all Foreign Ships so entering as aforesaid, Two Shillings; and for every Top of such Ship, Four-pence:

Which said Duty of One Halfpenny *per* Chaldron on Coals shall be paid at the shipping or loading of the said Coals; and the said Duty of Sixpence *per* Chaldron on Coals, and all the other several Duties or Sums of Money, shall be paid on the shipping or loading, or in the landing, delivering, or unloading the same Coals, Salt, Malt, Corn, Grain, Goods, Butter, and Fish, and on the Entrance of such *English* and Foreign Ships or Vessels respectively into the said Harbour of *Whitby*; and in default of Payment of the said several Duties on Demand, it shall and may be lawful to and for the respective Receivers to distrain or levy the same in such Manner as hereafter mentioned; and the said several and respective Duties or Sums hereby granted shall be and the same are hereby vested in the Trustees

tees for the Time being for carrying this Act into Execution, and the same and every of them shall be levied, collected, paid, applied, and disposed of in the Manner directed by this Act.

Power to
reduce Duties
on Foreign
Ships and
Goods.

XV. Provided always, and be it further enacted, That it shall and may be lawful to and for His Majesty in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times, when and so often as He or they shall deem fit so to do, in and by His or their Order in Writing, to reduce the Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or on such or so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as He or they in their Judgment shall deem expedient, to the same and like Duties as are hereby made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

Receiver to
enter Ships
and take
Account of
Duties.

XVI. And to the end that the Duties or Sums of Money by this Act imposed may be effectually levied and collected, be it enacted, That it shall and may be lawful to and for the Receiver or Receivers, every or any of them, for the Time being, of the Duties by this Act authorized to be received, to enter into or on board any Ship, Boat, or Vessel, at or within the said Ports or Places of *Newcastle-upon-Tyne, Sunderland, Blyth, Seaton-Sluice, Culler-Coates, and Whitby*, or at or within any other Port or Place where any of the said Duties shall become due and payable and ought to be paid, and to demand, take account of, and inspect what Duty or Duties, Sum or Sums of Money, is or are payable by virtue of this Act for or in respect of any Coals, Goods, Wares, or Merchandize then on board such Ship or Ships, Vessel or Vessels, Boat or Boats, or any of them, and to demand, collect, and receive all and every such Duty and Duties, Sum and Sums of Money; and in case all or any the Duty or Duties, Sum or Sums of Money, by this present Act authorized to be received for or in respect of any Coals, Goods, Wares, or Merchandizes whatsoever, or for any Ship or Vessel, or her Tops, as aforesaid, shall not be paid by the respective Master or Commander, Owner or Owners of the Ship or Vessel in which such Coals shall be shipped or loaded, or by the Owner or Owners, Merchant or Merchants, Consignee or Consignees of such Goods and Merchandizes, his or their respective Factors or Agents, or by the Person having the Charge or Command of such Ship or Ships, Vessel or Vessels respectively, according to the true Intent and Meaning of this Act, upon Demand thereof made by the said respective Receiver or Receivers, that then and so often it shall and may be lawful to and for such Receiver or Receivers, and every or any of them respectively for the Time being, to seize and distrain such Coals, Goods, or Merchandizes respectively, and every or any Part thereof, and all and every or any other Goods or Merchandizes of or belonging to the same Owner or Owners, Merchant or Merchants, Consignee or Consignees, which shall then or at any time afterwards come to or be found at or within any of the Harbours, Havens, Ports, or Places, where the said Duties or Sums shall become due and payable and ought to be paid, or upon any
Wharf

Wharf belonging or adjoining to the same respectively, or at or in the Custom House of the said respective Harbours, Havens, Ports, or Places as aforesaid, (other than such Goods or Merchandizes as shall happen to be seized for Custom to His Majesty, actually and *bonâ fide* due,) and also all the Guns, Tackle, Furniture, and Apparel of or belonging to any Ship or Vessel within the said Harbours, Havens, Ports, or Places as aforesaid; and in case of Neglect or Delay of or in Payment of the said Sum and Sums of Money, or any Part thereof so payable and neglected or delayed to be paid, and for which such Distress or Distresses shall be taken as aforesaid, for the Space of Five Days next after such Distress or Distresses so taken, that then and in every such Case it shall and may be lawful to and for such Receiver and Receivers, and every or any of them, to sell the said Coals, Goods, and Merchandizes, Guns, Tackle, and Furniture so distrained, and therewith to satisfy him or themselves as well for and touching the said Duty and Duties, Sum and Sums of Money, as for his and their reasonable Charges in taking, keeping, and selling such Distress or Distresses, rendering the Overplus thereof (if any shall be) to the Owner or Owners of the same, or to his or their Factor or Agent, or to the Collector of the Customs at the Port where such Distress or Distresses shall be taken, for the Use of such Owner or Owners when he or they shall require the same; and if any Master, Owner, Merchant, Consignee, Factor, Agent, or other Person shall not permit or shall obstruct or hinder any Receiver or Receivers, or other Person or Persons employed by the said Trustees, to enter or from entering on board any Ship, Vessel, Boat, or other Craft, to take an Account of and inspect what Duty or Duties may be payable by virtue of this Act, or for any Purpose authorized by this Act, every Person so offending shall for every such Offence forfeit the Sum of Ten Pounds.

Penalty on
Persons ob-
structing
Receivers.

XVII. And be it further enacted, That it shall and may be lawful for the Collector or other proper Officers of His Majesty's Customs within the said Ports or Places of *Newcastle-upon-Tyne, Sunderland, Blyth, Seaton-Sluice, Culler-Coates, and Whitby*, or at any other Port or Place where any of the said Duties or Sums of Money by this Act authorized to be received shall become due and payable, or ought to be paid; and he or they is and are hereby authorized to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report Inwards for any Ship, Hoy, Bark, or other Vessel whatever subject and liable to the Payment of the Duties imposed by this Act, until the said Duties shall be paid to the Receiver or Receivers appointed to receive the same, and until a Receipt, under the Hand of the said Receiver or Receivers, for the said Duties shall be produced to the said Collector or other proper Officer of His Majesty's Customs.

Officers of
Customs
may refuse
to give a
Cocquet for
Clearance
until Duties
are paid.

XVIII. And be it further enacted, That the said Trustees shall apply the Monies already received, or which shall be received by virtue of the said recited Acts hereby repealed, or any of them, and which shall arise or be produced by and from the Duties or Sums by this Act granted, or otherwise, by virtue of this Act, in the First Place, in Payment of all the Costs, Charges, and Expences of passing this

Application
of the Duties
and Money
to be bor-
rowed.

[Local.]

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Act,

Act, and all other Charges incident to the obtaining thereof, with lawful Interest on any Money which shall be advanced for that Purpose; in the Second Place, in Payment of all Expences for Advertisements, Books, Salaries of Officers, and in paying and keeping down the Interest of the Principal Monies which shall from Time to Time be due on the Credit or Security of the said recited Acts or any of them, or of this Act; in the Third Place, in executing such Works, Matters, and Things as are now, or shall from Time to Time become necessary for the Repair, Support, Maintenance, Protection, and Improvement of the said Piers and Harbour of the said Port of *Whitby*, and in carrying the Purposes of this Act into Execution; and lastly, in repaying the Principal Monies now due on the Credit of the said recited Acts or any of them, or which may hereafter become due under the Authority of this Act.

Power to
make Con-
tracts.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Engineers, Workmen, Artificers, Masons, Smiths, or other Persons, for the superintending, making, and doing all and every or any Part of the Work or Business about the repairing, improving, and keeping in repair the said Piers and Harbours, or otherwise in and about the carrying the Purposes of this Act into Execution.

Notice of
Special
Meeting to
be given
when new
Works pro-
posed.

XX. And be it further enacted, That in case any new Addition to the Works in or about the Harbour shall be proposed, contemplated, or recommended, the same shall not be concluded upon or ordered to be carried into Effect unless a Meeting be specially convened for the Purpose, and of which Meeting Notice in Writing, specifying the Time, Place, and Purport of the same, shall be affixed by the Clerk to the said Trustees on the Door of the Town Hall at *Whitby* aforesaid, Fifteen Days previous to such Meeting: Provided always, that no such Meeting shall be convened by the said Clerk, unless he shall be requested so to do in Writing under the Hands of Five or more of the said Trustees.

Money to be
paid to
Trustees or
to their
Order.

XXI. And be it further enacted, That all and every the Duty and Duties, Sum and Sums of Money so to be collected and paid as aforesaid, shall be paid to such Receiver or Receivers as aforesaid, and shall be by such Receiver or Receivers paid over to such Person or Persons whom the said Trustees or any Five of them shall under their Hands and Seals appoint to receive the same.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to Inspection.

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk 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, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Person or Persons paying or contributing towards the Duties hereby granted, without Fee or Reward; and the said Trustees

and Person or Persons shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees, or such Person or Persons, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered in manner hereinafter mentioned.

XXIII. And be it further enacted, That all Orders and Proceedings of the said Trustees, together with the Names of the Trustees present at every Meeting, shall be entered in a Book or Books to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had, and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the said Trustees, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as all and every other Book and Books in which any Minute or Minutes, Entry or Entries of any Proceeding or Proceedings whatsoever of the Trustees acting by or under the Authority of this or any of the before-recited Acts, shall be and be deemed to be legal Evidence of such Proceedings in any Court whatsoever.

Orders and Proceedings to be entered in Books, which shall be open to Inspection.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees to appoint a Treasurer, Clerk, and Receiver or Receivers of the said Duties or Sums by this Act imposed, and such other Officers and Persons as they shall find necessary for the Purposes of this Act, and to pay and allow to such Persons respectively such Wages or Salaries or other Allowances as the said Trustees shall think fit, which Salaries, Wages, and Allowances shall be paid out of the Duties by this Act imposed; and it shall be lawful for the said Trustees from Time to Time to remove or suspend such Persons respectively; and all such Officers so to be appointed shall under their Hands (at such Time and Times and in such Manner as the said Trustees shall direct) deliver to the said Trustees, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer and Person respectively received by virtue of and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint; and if any such Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Trustees, or to such Person as they shall appoint, within Thirty Days next after being thereunto

Power for Trustees to appoint Officers.

Officers to account.

thereunto required by the said Trustees, by Notice in Writing given or to be left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any of the Cases aforesaid the said Trustees may and are hereby authorized and empowered to cause an Action to be brought against the Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the County, Riding, or Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so neglecting or refusing to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and is hereby authorized and required, upon Nonpayment thereof, by a Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of distraining and selling the same, or if it shall in manner aforesaid appear to such Justice that such Officer shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol for the County, Riding, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees as aforesaid: Provided always, that no Person who shall be committed for want of sufficient Distress shall be committed for any longer Space of Time than Twelve Calendar Months.

Security to
be given by
Treasurer
and Re-
ceivers.

XXV. And be it further enacted, That the said Trustees shall take from their Treasurer, and the Receiver or Receivers of the Duties by this Act authorized and directed to be levied, sufficient Security for answering and paying all and every Sum and Sums of Money which shall be by him or them respectively received, in such
Manner

Manner as the said Trustees, or any Five of them, shall under their Hands and Seals from Time to Time order, direct, and appoint, and not otherwise; and also for his and their giving and making respectively true Accounts in Writing from Time to Time, when and so often as he or they respectively shall be ordered and required by the said Trustees so to do, of all Monies by him or them respectively collected or received by virtue of this Act, and when, of whom, and for what, and of all such Monies by them respectively disbursed, and the Times of such Disbursement, and to whom and by what Order.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, when they shall judge it necessary, to borrow and take up at Interest, not exceeding Five *per Centum per Annum*, such Sum or Sums of Money as they may from Time to Time require for the Purposes of this Act, on the Credit of the said Duties, either by a Mortgage or Mortgages of the said Duties, or by a Debenture or Debentures on the said Duties, or partly by a Mortgage or Mortgages, and partly by a Debenture or Debentures; or in case the said Trustees shall prefer to borrow Money in manner following, it shall and may be lawful for any Person or Persons to contribute, advance, and pay into the Hands of the said Trustees, or their Treasurer, for the Purposes of this Act, any Sum or Sums of Money, the Amount of which shall be affixed and determined by the said Trustees, in such Way as they shall deem most advantageous, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the Continuance of the Life or Lives for which the Annuity or Annuities is or are granted, or for any Term or Terms of Years, or any Term or Terms of Years determinable with such Life or Lives as shall be nominated by the said Contributors on Payment of their Contributions, or otherwise at any earlier Period than the Expiration of the said Term; all which Annuities so to be purchased, and the Interest upon all such Mortgages or Debentures, shall be payable and paid by the said Trustees out of the Monies to arise by and from the said Duties, by Two equal half-yearly Payments, the first Payment to be made to the respective Purchasers of the said Annuities, or to the said Mortgagees or Lenders on Debentures, or their respective Assigns, at the Expiration of the first Half-year after Payment of the Money so advanced in Purchase of any Annuity or by way of Loan on Mortgage or Debenture as aforesaid, the Costs and Charges of any such Annuity, Mortgage, or Debenture to be paid out of the said Duties; all which Mortgages, Debentures, or Grants of Annuity (and such Grants shall be good, valid, and effectual in the Law without any Enrolment or Registry of the Memorial thereof,) shall be by Deed Poll under the Hands and Seals of the said Trustees for the Time being, and in the respective Forms or to the Effect following respectively; that is to say,

Power to raise Money on Security of the Duties, or on Annuities.

Form of Mortgage.

‘ **B**Y virtue of an Act of Parliament passed in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled ‘ [here insert the Title of this Act], we, being Five of the Trustees
[Local.] 20 F under

Form of Mortgage.

‘ under the said Act, whose Hands and Seals are hereto set and
 ‘ affixed, in consideration of the Sum of
 ‘ in hand paid, with our Privy and Approbation, to the Treasurer
 ‘ of the said Trustees, by do hereby bar-
 ‘ gain, sell, and assign unto the said
 ‘ Executors, Administrators, and Assigns, [*or* Successors and Assigns,]
 ‘ (*as the Case may be,*) all and every the Duties and Duty imposed
 ‘ and levied, and to be imposed and levied by virtue of the said Act;
 ‘ to hold the same unto the said
 ‘ Executors, Administrators, and Assigns, [*or* Successors and Assigns,]
 ‘ (*as the Case may be,*) until the said Sum of
 ‘ with Interest for the same after the Rate of *per*
 ‘ *Centum per Annum*, be fully paid and satisfied. In witness whereof
 ‘ we have hereunto set our Hands and Seals, the Day
 ‘ of in the Year of our Lord

Form of Debenture.

Form of
Debenture.

‘ **BY** virtue of an Act of Parliament passed in the Seventh and
 ‘ Eighth Years of the Reign of King *George* the Fourth, intituled
 ‘ [*here insert the Title of this Act*], we, being Five of the Trustees
 ‘ under the said Act, whose Hands and Seals are hereunto set and
 ‘ affixed, in consideration of the Sum of
 ‘ this Day paid, with our Privy and Approbation, to the Treasurer of
 ‘ the said Trustees, by do hereby charge
 ‘ all the Duties raised or levied, or to be raised or levied by virtue of
 ‘ the said Act, with the Payment to the said
 ‘ or the Bearer hereof, of the Sum of together
 ‘ with Interest for the same at the Rate of *per Centum*
 ‘ *per Annum*; the said Principal Sum of with
 ‘ any Arrear of Interest thereon, to be paid by the said Trustees to
 ‘ the said or the Bearer hereof, at the
 ‘ Expiration of next after Notice in Writing under
 ‘ the Hand of the Person [*or* under the Common Seal of the Body
 ‘ Politic or Corporate (*as the Case may be*)] then entitled to this
 ‘ Debenture, of Intention of calling in the same, shall have been
 ‘ given to the said Trustees; and the Interest on the said Sum of
 ‘ in the meantime, and until such Notice
 ‘ be given as aforesaid, to be paid by the said Trustees to the said
 ‘ or the Bearer hereof, by
 ‘ Payments, to commence from the Date hereof; and this Debenture
 ‘ to be subject to be redeemed or paid off by the Trustees for the
 ‘ Time being, according to the Provisions contained in the said Act.
 ‘ In witness whereof we have hereunto set our Hands and Seals, this
 ‘ Day of in the Year of our
 ‘ Lord

Form of Grant of Annuity.

Form of
Grant of
Annuity.

‘ **BY** virtue of an Act passed in the Seventh and Eighth Years of
 ‘ the Reign of His Majesty King *George* the Fourth, intituled
 ‘ [*here insert the Title of this Act*], we, being Five of the Trustees
 ‘ under the said Act, in consideration of
 ‘ the Sum of to us in hand paid, do grant,
 ‘ bargain, and sell unto his Executors, Admi-
nistrators,

‘ nistrators, and Assigns, One Annuity or yearly Sum of
 ‘ to be paid to him, his Executors, Administrators, and Assigns, for
 ‘ and during from the Day of the Date of these Presents,
 ‘ by half-yearly Payments, by the said Trustees, on the Day
 ‘ of and the Day of in every Year, if
 ‘ of being now of the
 ‘ Age of shall so long live; and for the better securing
 ‘ the Payment of the same, do hereby grant, bargain, sell, and
 ‘ demise unto the said his Executors,
 ‘ Administrators, and Assigns, such Proportion of the Duties granted
 ‘ and imposed by the said Act, concerning the Port and Harbour of
 ‘ *Whitby*, as the said Sum of doth or shall
 ‘ bear to the whole Sum due and owing on the Credit thereof; to be
 ‘ had and holden from this Day of
 ‘ in the Year of our Lord for and during
 ‘ the Continuance of the said Term, if the said
 ‘ shall so long live.’

XXVII. And for preventing any improvident Grants of Annuities,
 be it further enacted, That the Amount of every Annuity to be
 granted by virtue of this Act shall be regulated according to the
 Price of the Three Pounds *per Centum* Consolidated Bank Annuities
 at the Time of granting the same, in the Manner and according to
 the Rate prescribed by Two several Acts, one passed in the Forty-
 eighth Year of the Reign of His late Majesty King *George* the Third,
 intituled *An Act to enable the Commissioners for the Reduction of the*
National Debt to grant Life Annuities, and the other in the Fifty-
 second Year of His said late Majesty, intituled *An Act for amending*
Two Acts, passed in the Forty-eighth and Forty-ninth Years of the
Reign of His present Majesty, for enabling the Commissioners for the
Reduction of the National Debt to grant Life Annuities.

For prevent-
 ing improvi-
 dent Grants
 of Annuities.

48 G.3.c.142.

52 G.3.c.129.

XXVIII. And be it further enacted, That all and every Person or
 Persons to whom such Annuity or Annuities, Mortgage or Mort-
 gages, shall be made as aforesaid, or who shall be entitled to the
 Money or Annuity thereby secured or granted, may from Time to
 Time transfer his, her, or their Right, Title, and Interest therein, and
 to the Annuity or Principal Money or Interest thereby granted or
 secured, to any Person or Persons whomsoever, by indorsing on the
 Back of such Annuity or Mortgage, in the Presence of One credible
 Witness, the following Words, or Words to the like Effect:

Power to
 transfer An-
 nuities and
 Mortgages.

‘ I do transfer this Annuity, [*or Mort-*
 ‘ *gage, as the Case may be,*] and all my Right and Title to the said
 ‘ Annuity and all Arrears [*or to the said Mortgage and all Principal*
 ‘ *Money and Interest*] now due thereon, unto
 ‘ his Executors, Administrators, and Assigns. Dated this
 ‘ Day of

Form of
 Transfer.

XXIX. And be it further enacted, That there shall be provided
 by the said Trustees for the Time being, and kept, One or more Book
 or Books, in which shall be fairly written and entered a Memorial of
 every such Mortgage, Debenture, or Annuity, containing the Date
 or

Memorial of
 Annuities
 granted, or
 of Monies
 borrowed, to
 be kept.

or Dates, Name or Names, Addition or Additions, or Description of the Person or Persons, or Bodies Politic or Corporate to whom made, the Sum received or borrowed, Amount of Annuity or Rate of Interest, and the Nature of the Security or Securities, and also a Memorial of every Transfer of such Annuity or Mortgage, containing the Numbers, Dates, and Names of the Parties, and the Amount of Annuities or Mortgages therein transferred, (all which Transfers shall be produced and notified to the said Clerk of the said Trustees within Three Calendar Months after the Date thereof,) and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and the Payment thereon, and the same may be assigned in like Manner again, and so *toties quoties*; and there shall be entered in such Book or Books what Sums of Money (if any) shall have been redeemed or paid off in respect to such Mortgages, Debentures, or Annuities, and the Times when the same shall have been redeemed or paid off, and all other Circumstances relating to the Money due on such Securities respectively, so that it may clearly appear what Sums of Money from Time to Time stand and remain charged upon the said Duties; to which Book and Books it shall and may be lawful for the Person or Persons for that Purpose from Time to Time interested in the said Securities, or any of them, and to and for any Person or Persons empowered by them, from Time to Time and at all seasonable Times, to have recourse and to inspect the same, and to take Extracts therefrom, without Fee or Reward; and which Books respectively, when signed by the Trustees for the Time being, shall be Evidence *prima facie* of the Entries therein, and be on any Trial, Hearing, Commission, or otherwise, admissible as Evidence accordingly; and it shall not be in the Power of any Person or Persons (except the Person to whom any such Security shall be last transferred) to make void, release, or discharge the original Securities or Monies thereby due, or any Part thereof; and all Persons to whom any such Grant of Annuity, Mortgage, or Debenture, or Transfer, shall be made by virtue of this Act, shall, together with the Persons who hold Securities under any of the said several recited Acts, be, in proportion to the Sum or Sums of Money therein respectively mentioned, Creditors on the Duties by this Act granted and imposed, in equal Degree one with another, and shall have no Preference in respect to the Priority of the Time of Advance of any Sum or Sums of Money, or such Grant or Grants of Annuity, Mortgage, or Debenture, or of the Dates thereof respectively.

Power to
redeem
Securities.

XXX. And be it further enacted, That it shall be lawful for the said Trustees for the Time being to redeem and pay off the said Mortgage or Mortgages, Debenture or Debentures, or any of them, upon giving at least Six Calendar Months Notice in Writing of their Intention in that Behalf to the Person or Persons then respectively holding the same; and from the Time to be expressed in such Notices respectively for redeeming or paying off the said Mortgage or Mortgages, Debenture or Debentures, all Interest payable in respect of such Security or Securities, whereof such Notices shall be given as aforesaid, shall cease and be no longer payable, unless the Payment of the Monies payable in virtue of such Security or Securities, or

some Part thereof, shall, at the Time to be expressed in such Notices, or within Thirty Days then after, for redeeming or paying off the same; upon Application to the said Trustees for the Time being by or on behalf of the Person or Persons then entitled to such Security or Securities, be refused or omitted to be paid.

XXXI. And be it further enacted, That it shall be lawful for any Person or Persons, Body or Bodies Politic or Corporate, entitled to any Sum or Sums of Money secured by any Debenture or Debentures, to call in and require Payment of the Principal and Interest Monies due by virtue of or in respect to any such Debenture or Debentures, upon giving Six Calendar Months Notice in Writing under his or their Hand or Hands, or Common Seals, (as the Case may be,) to the said Trustees for the Time being; and at the Time to be expressed in such Notice for calling in the said Principal and Interest, the same shall be paid by the Trustees to the Person or Persons, Body or Bodies Politic or Corporate, then entitled thereto, out of any Monies in the Hands of the said Trustees arising from the Duties hereby made payable; and in case there shall be no such Monies, or the same shall be insufficient for such Purpose, then out of the first Monies which shall come to the Hands of the Trustees arising from the said Duties, and applicable under this Act to the Purpose; and the Interest shall cease from such Time on the said Principal Monies, or so much thereof as shall be then paid or be ready to be then paid, and shall not be demanded; but if the same shall be demanded and not paid, then such Interest shall be payable up to the Payment of the said Principal Monies.

Persons lending Money on Debentures to be at liberty to call in their Money.

XXXII. And be it further enacted, That the said Trustees shall and they are hereby required to meet at some convenient House or Place at or within the Town of *Whitby* aforesaid, between the First Day of *January* and the First Day of *February* in every Year; and in case the Lord or Lady of the said Manor of *Whitby* shall not attend at such Meeting, he or she may, by any Writing under his or her Hand, appoint his or her Agent or other Person to attend on his or her behalf; (of the Time and Place of which Meeting Notice in Writing shall be affixed by the Clerk to the said Trustees on the Door of the Town Hall at *Whitby* aforesaid, Ten Days previous to such Meeting;) and then and there to examine, audit, and settle the respective Accounts of the Treasurer, Clerk, and Receivers, and to require such Treasurer, Clerk, and Receivers to produce their Books, Accounts, Papers, and Vouchers, and to examine into the Revenues and Debts, distinguishing Debts due on Securities from Simple Contract Debts; and when the Accounts of the said Treasurer, Clerk, and Receivers shall be settled and allowed by the Trustees present at such Meeting, the same shall be signed by the Chairman of such Meeting; and if any such Treasurer, Clerk, or Receiver shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required to be produced by him, such Treasurer, Clerk, or Receiver shall be dealt with according to the Provisions herein contained with regard to Officers refusing to account or deliver up such Books or Papers, or pay over Money in their Hands; and when and as soon as the said Accounts shall be audited, allowed,

Annual Meeting of Trustees to examine Accounts.

[*Local.*]

20 G

and

Statement of Debts, &c. to be made out and transmitted to the Clerk of the Peace of the North Riding.

and signed, the Clerk to the said Trustees shall forthwith make out a Statement of the Debts, Revenues, and Expenditure received or incurred under this Act, which said Statement shall be submitted to the said Trustees at such Meeting, and, when approved by the Majority of them, shall be signed by the Chairman of the said Meeting; and the said Statement, being so approved and signed, the said Clerk shall, within Thirty Days thereafter, transmit the same to the Clerk of the Peace for the North Riding of the County of *York*; and if any Clerk shall refuse or neglect to make out such Statement as aforesaid, or to transmit the same within the Time herein-before mentioned, every Clerk so offending shall for such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparance, shall be allowed.

Clerk of the Peace to register such Statements, and produce them to the Quarter Sessions.

XXXIII. And be it further enacted, That the said Clerk of the Peace shall, on receiving such Statements, cause the same to be produced to the Justices assembled at the Quarter Sessions to be held next after the Receipt thereof, and also to be registered and kept amongst the Records of the said Quarter Sessions; and the said Statements so to be transmitted to the said Clerk of the Peace shall, when registered, be open to the Inspection of all and every Person and Persons whomsoever, who may take Extracts therefrom or Copies thereof, paying to the said Clerk of the Peace the Sum of Five Shillings for Inspection, and the Sum of Sixpence for every Seventy-two Words of each Extract or Copy taken.

Statements to be printed and sent to Trustees.

XXXIV. And be it further enacted, That the said Trustees shall immediately after such Accounts and Statements have been examined, audited, and signed, cause a sufficient Number of Copies of such Statements to be printed, and direct their Clerk to transmit a Copy thereof to each of the said Trustees.

Power to purchase Premises.

XXXV. And be it further enacted, That in order to enable the said Trustees to make any Improvement in any Part of the said Harbour or Port of *Whitby*, and for removing, lessening, or altering any Obstruction to the Navigation of Vessels therein, or in order to facilitate and improve such Navigation, it shall and may be lawful for the said Trustees, and they are hereby empowered, with the Consent of the Owner or Owners thereof, to contract or agree for the absolute Purchase of any Lands, Houses, Tenements, and Hereditaments, or, with such Consent as aforesaid, to contract or agree to advance any Sum of Money by way of Compensation, for the Purpose of altering, varying, or removing any Building or other Erection which may obstruct or impede the Navigation of the said Harbour or Port, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or in Fee Tail General or Special, or any Term or Terms of Years absolute, or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively,

respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, and also with all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, or his, her, or their Right and Interest in the same, or to demise or let the same for the Uses and Purposes of this Act; and upon Payment of the Purchase Money for any such Lands, Tenements, and Hereditaments, or any Part or Parts thereof, or on Payment of such Sum of Money by way of Compensation, as aforesaid, to the Person or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed, such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim or Reversion, to such Lands, Tenements, or Hereditaments, which shall be thereupon vested in the said Trustees appointed or to be appointed by virtue of this Act, and shall be used and applied for the Purpose only of improving the said Harbour, or removing Obstructions to the Navigation of Vessels therein, or for facilitating the Navigation thereof, as herein-before mentioned: Provided always, that the Quantity of Land to be purchased by the said Trustees shall not exceed in the whole Two Statute Acres.

XXXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof respectively, which shall belong to any Corporation Collegiate or Ecclesiastial, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, and there shall not be any Power in the Deed or Will by which such Lands, Tenements, or Hereditaments shall be settled authorizing the Sale thereof, 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 Trustees of this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present 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 may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of Land Tax, or towards the Discharge of any Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or any others settled therewith to the same or the like Uses, Intents, or Purposes;

Application
of Compen-
sation Money
when
amounting to
200*l*.

1 G. 4. c. 35.

or

or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and 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; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so thereby directed to be purchased, in case such Purchase and Settlement were then actually made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

XXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiocy, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by the Trustees for executing this Act, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends to arise thereon, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application where less than 20*l.*

XXXVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents

Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in any Case of Infancy, Idiocy, or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXIX. 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 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 Trustees, it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to the Account of the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, 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 Estate or Estates, Title or Interest of the 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 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.

XL. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments so purchased in pursuance of 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 contrary shall be shewn to the Satisfaction of the said Court; 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,

Where any
Question
shall arise
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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.

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

XLI. And be it further enacted, That the Conveyance of any such Estate or Interest of any Feme Covert to the said Trustees, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of and attested by Two credible Witnesses, and duly acknowledged, and to be inrolled in the High Court of Chancery within Three Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Houses, Buildings, Lands, Tenements, and Hereditaments, as shall be purchased by the said Trustees by virtue and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if a Fine or Fines, Recovery or Recoveries, had been levied or suffered by the Bargainor or Bargainors, or any Person or Persons seised of or entitled to any Estate or Interest in the Premises in Trust for such Bargainor or Bargainors, in any Manner or Form whatsoever.

Vesting Piers and Property in the Trustees.

XLII. And be it further enacted, That the Right and Property of and in all Buildings and Erections, and the Materials thereof, and of and in all the Piers, Works, Quays, Ways, Walls, Matters and Things, built, made, or established by virtue of the said recited Acts, and of and in all and every the Materials, Implements, Tools, Goods, Matters, and Things provided or had for the Purposes of the said recited Acts, or any of them, or of this Act, by the said Trustees, shall be and are hereby vested in the Trustees for the Time being; and the said Trustees shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Materials or other Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Trustees shall think proper; and the said Trustees shall and may cause to be brought any Action or Actions, Suit or Suits, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, or detain, spoil, injure, or destroy the said Property, or the several Articles and Things hereby vested in them the said Trustees as aforesaid, or any of them, or any Part or Parts thereof; and in all Actions, Suits, and Bills of Indictment respectively, concerning the Property or Things hereby vested in the said Trustees, it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions, Suit or Suits, shall be brought, or Bill or Bills of Indictment preferred, is or are the

Property of the Trustees of the Piers and Harbour of *Whitby* in the County of *York*, without particularly stating or specifying the Name or Names of all or any of the Trustees.

XLIII. And be it further enacted, That the said Trustees shall have full Power and Authority to make, or cause and procure to be made, such Alterations of or Improvements in the Lighthouse now standing on the said Pier, and of or in the Light exhibited from such Lighthouse for guiding or conducting Ships and Vessels entering the said Harbour or Port of *Whitby*, and from Time to Time to take down any existing Lighthouse on such Pier, and build another or others in its Stead, in case the same shall be deemed necessary or advantageous for the Protection of the Navigation into and from the said Port or Harbour, and to maintain and keep such Lighthouse and Light, Lighthouses and Lights, with proper Officers for the Management thereof, and to defray all Expences relating thereto out of the said Duties by this Act authorized to be levied and received.

Power to alter Lighthouse and Light.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees to exhibit or alter any such Light or Lights, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond*, as to the Description and Power of any such Light or Lights, and the Mode of exhibiting the same.

Not to exhibit or alter Lights without Sanction.

XLV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the said Corporation of Trinity House of *Deptford Strond*.

Saving of Rights.

XLVI. And whereas it is necessary, for preventing Accidents and Inconveniences within the said Harbour or Port, that some Person or Persons should be appointed to give Directions for the Regulation of Ships and Vessels within the said Harbour, and of their entering into and going out of the same, and for the Manner of laying up, loading, and discharging therein, and also to give Directions from what Part of the said Harbour Persons may from Time to Time dig for or take Sand or Gravel for Ballast, and for removing all Wrecks of Vessels, Timber, or any other Article or Thing whatever obstructing or tending to obstruct the free Navigation of the said Harbour, and for the good Government and Regulation of the Harbour and Shipping therein in all other respects; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required, from Time to Time as they shall see Occasion, to nominate and appoint, by Writing under their Hands and Seals, some fit and proper Person or Persons to be Harbour Master or Harbour Masters of the said Piers, Port, or Harbour, with such Salary as they shall think reasonable, who shall be under the sole Controul and Direction of the said Trustees, and shall obey their Orders in every respect; and the said Trustees may, as often as they shall see Cause, remove, suspend, or dismiss any such Harbour Master or Harbour Masters.

Power to appoint a Harbour Master.

XLVII. And

His Authority, and Penalty for Neglect of Duty.

XLVII. And be it further enacted, That each and every such Harbour Master have full Power and Authority to direct the mooring, anchoring, unmooring, placing, moving, or removing of all Ships or Vessels, Boats, or other Craft coming into, lying, or being in the said Harbour or Port, or any Part thereof respectively, or being within the Distance of One hundred and fifty Yards of the Entrance or Mouth of the said Piers, Harbour, or Port, and to appoint and regulate the Time or Times and Manner of their Entrance into (save and except in stormy or tempestuous Weather), lying in, or going out of or from the said Harbour or Port, and to regulate and determine the Position of such Ships or Vessels, Boats, or other Craft, and their Manner of laying up, of loading and discharging their Cargoes, or taking in, heaving out, or delivering Ballast therein respectively; and each and every such Harbour Master shall from Time to Time give Orders and Directions as to the Places from which any Sand, Gravel, or Ballast shall be dug for or taken from within the said Harbour or Port, and shall cause to be removed all Wrecks of Vessels, Timber, or any other Article or Thing whatever obstructing or tending to obstruct the free Navigation of the said Harbour, and shall give such other Orders and Directions for the Government and Regulation of the Ships, Vessels, Boats, and other Craft within the said Harbour, as to him shall from Time to Time seem expedient and necessary, and shall in all respects obey the Orders and Directions of the said Trustees; and in case the said Harbour Master shall neglect or wilfully omit to execute the Duties hereby or by this Act imposed on him or any of them, he shall be subject to forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for not obeying Orders of Harbour Master.

XLVIII. And be it further enacted, That the Owner, Master, Consignee, or other Person having the Charge or Management of any Ship or Vessel, or Boat or other Craft, within the said Harbour or Port, or within One hundred and fifty Yards of the Mouth of the same, after Notice or Directions given to him or them, either verbally or in Writing, by the said Harbour Master, for mooring, anchoring, unmooring, placing, moving, or removing any Ship or Vessel, Boat or other Craft, or for loading, shipping, or discharging any Goods, Wares, or Merchandize, or for taking, heaving out, or delivering Ballast into or from any Ship or Vessel, Boat or other Craft, shall at all Times hereafter, after such Notice or Direction as aforesaid, moor, anchor, unmoor, place, move, or remove any such Ship or Vessel, Boat or other Craft, to or at such Place within the said Harbour or Port, according to such Notice or Directions; and in default thereof it shall and may be lawful for the said Harbour Master to cause such Ship or Vessel, Boat or Craft, to be moored, anchored, unmoored, placed, moved, or removed to or at such Place in the said Harbour or Port as may be deemed most convenient for any of the said Purposes; and every such Owner, Consignee, or other Person or Persons having the Command, Care, or Charge of any such Ship or Vessel, Boat or other Craft, so refusing or neglecting to moor, anchor, unmoor, place, move or remove such Ship, Vessel, Boat, or other Craft, when directed to do so as aforesaid, or obstructing or hindering the Harbour Master, or his Assistant or Assistants, in the mooring, anchoring, unmooring, placing, moving, or removing any such Ship, Vessel, Boat,

Boat, or other Craft as aforesaid, shall in every Case forfeit a Sum not exceeding Twenty Pounds, together with the Costs and Charges which may be incurred by such Harbour Master, or his Assistant or Assistants, in the mooring, anchoring, unmooring, placing, moving, or removing such Ship or Vessel as aforesaid, to be recovered in like Manner as any of the Penalties are by this Act directed to be recovered.

XLIX. And be it further enacted, That in case any Master or Commander, or other Person on board of any Ship or Vessel which shall be moored within the said Piers or Harbour, shall at any Time, upon a flowing Tide, refuse or neglect, upon Demand of the Harbour Master, to unloose or slacken the Rope or Ropes, Chain or Chains, by which such Ship or Vessel shall be so moored, to give a convenient Passage to any other Ship or Vessel which shall be coming into, or going out of, or moving in the said Harbour, or in case there shall be no Person on board of any such Ship or Vessel so moored, or who shall answer to the Call of the said Harbour Master for the Purpose aforesaid, in every such Case it shall and may be lawful for the said Harbour Master to cut the Rope or Ropes, or slacken the Chain or Chains by which such Ship or Vessel shall be so moored as aforesaid, in order to give a convenient Passage for the Ship or Vessel which shall be so coming into, or going out of, or moving in the said Harbour.

Harbour Master empowered to cut Mooring Ropes, &c. in case of Necessity.

L. And be it further enacted, That if any Person or Persons shall throw, cast, or empty any Ballast, Stones, Dust, Ashes, Earth, or other Rubbish into the said Harbour or Port, or into the River *Eske* within the said Port; or if any Person or Persons shall, without the Permission or Consent, or contrary to the Direction or Order of the said Harbour Master, dig for or take away any Sand or Gravel for Ballast (saving and excepting always the Right and Interest of the Lord of the Manor of *Whitby*, or of the Owner for the Time being of the Port or Harbour of *Whitby*), or for any other Purpose, within the said Harbour or Port; or if any Person or Persons shall moor any Ship, Vessel, Boat, or Craft, or fasten or tie any Rope for any Purpose whatever to the Bridge of the said Harbour, or to any Post, Pillar, or other Part thereof; or shall neglect or refuse, after Notice given by the said Harbour Master, to remove any Wreck, Timber, or other Article or Thing whatever tending to obstruct the free Navigation of the said Harbour; then and in every such Case each Person shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings for each Offence: Provided always, that in case any Owner or Owners, Master or Commander of any Ship or Vessel or Boat, or any other Person, shall think himself or herself aggrieved by any such Orders or Directions given by the said Harbour Master, or the unmooring or removal by him of such Ship or Vessel, or of such Goods, Wares, or Merchandize, or the cutting of any such Ropes, or the slackening of such Chain, or by any Neglect or Omission of his aforesaid Duty as Harbour Master, it shall and may be lawful to and for him, her, or them, within the Space of Two Days after such Order or Orders, Direction or Directions given, or Proceedings therein had, and such Penalty incurred, or cutting of any such Ropes, or Neglect or Omission of

Penalty for throwing Rubbish into the Harbour, or for taking Ballast, or for mooring to the Bridge.

Justices to determine Complaints against Harbour Master.

Duty as aforesaid, to complain to any One Justice of the Peace for the North Riding of the said County of *York*, which Justice is hereby required and authorized immediately to hear the Matter of the said Complaint, and to determine, upon the Examination of Witnesses upon Oath (which Oath the said Justice is hereby empowered and required to administer), the Matter of the Complaint of any such Person or Persons in a summary Way, and, if he see Cause, may by his Order revoke or disannul, at his Discretion, all or any such Orders, Directions, and Proceedings of such Harbour Master, and enforce, mitigate, or set aside any Penalty or Forfeiture incurred by any such Act as aforesaid, and set the Parties at liberty, or recompense him, her, or them for the Damages in cutting such Rope or Ropes, and all such his Order or Orders, Direction or Directions, or Proceedings, with such Costs and Charges as to such Justice shall seem reasonable, and to make such Orders and Judgments in regard to the Matters aforesaid, or give such other Relief to the Parties, as he shall think right or reasonable.

Penalty for
damaging
the Works.

LI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously destroy or break down, damage or injure the said Piers, or any Part or Parts thereof respectively, or any of the Works made by the said recited Acts or any of them, or to be made by virtue of this Act, then and in every such Case every Person shall be deemed guilty of Felony, and the Court before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or, in mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Petty Larceny.

Penalty on
Persons
eluding
Payment of
Duties.

LII. And be it further enacted, That if any Owner, Master, or Commander of any Ship or Vessel, or any Merchant, Consignee, Factor, Agent, or other Person, shall at any Time hereafter elude or avoid Payment of any Duty or Sum of Money authorized by this Act to be levied or raised upon any Ship, Vessel, Coals, Goods, or Merchandize, subject to the Payment of the said Duty or Sum of Money, such Owner, Master, or Commander, Merchant, Consignee, Factor, Agent, or other Person, shall forfeit and pay for every such Offence Double the Amount of the Duty or Sum of Money which such Ship, Vessel, Coals, Goods, or Merchandize would be subject to by virtue of this Act, and the same shall be recovered in the same Manner as the Fines and Penalties by this Act are directed to be raised and recovered, or by Action at Law.

Trustees
may com-
pound Penal-
ties for
Breach of
Contract.

LIII. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act for Breach or Non-performance of any Contract or Contracts entered into, it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of such Penalty or Penalties; but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract.

LIV. And be it further enacted, That all Actions and Suits which shall be brought on the Part of the said Trustees, in pursuance of this Act, for any of the Purposes thereof, or against them as Trustees, shall be brought or commenced in the Name of or against the Treasurer for the Time being, or any One of the said Trustees; and that no such Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of the said Treasurer or such Trustee, but the said Treasurer and his Successors, or such Trustee, shall always be deemed the Plaintiff or Defendant in such Action or Suit: Provided always, that the said Treasurer, or any such Trustee in whose Name any such Action or Suit shall be brought, shall always be reimbursed and paid out of the Monies raised by the said recited Acts, or to be raised by virtue of this Act, all such Costs, Damages, Charges, and Expences as he shall be put to or become chargeable with by reason of his being made a Plaintiff or Defendant in such Action or Suit.

Actions to be brought in the Name of the Treasurer or One of the Trustees.

LV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace, or other Magistrate or Magistrates, by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

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

LVI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, or other Magistrate, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Costs, Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices or other Magistrate, and in which Demand the Order of such Justice or Justices or other Magistrate shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices or other Magistrate, which Warrant any such Justice or Justices or other Magistrates is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and

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

in

in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned (on Demand) to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Nothing herein to extend to Vessels on His Majesty's Service, &c.

LVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any other Ship, Transport, or Vessel employed in or upon His Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance Stores, nor to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster General.

Fishing Vessels under 55 Tons exempt from Duties.

LVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge with the Payment of any of the Duties as aforesaid any Vessel or Boat under the Burthen of Fifty-five Tons, employed solely in fishing by any Person or Persons whomsoever.

Jurisdiction of Justices of the North Riding.

LIX. And be it further enacted, That all and every the Justices of the Peace acting in and for the North Riding of the County of *York* shall have the same Jurisdiction over or in respect of any Offences committed against the Provisions of this Act, upon the Piers or Quays of or upon or within the said Harbour or Port of *Whitby* aforesaid, or upon the Waters within the Limits of the said Harbour or Port, as if such Offences had been committed within the said North Riding of the County of *York*.

Recovery and Application of Penalties, Fines, and Forfeitures.

LX. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any of His Majesty's Justices of the Peace, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, having Jurisdiction within or at the Place where such Offence shall have been committed, in a summary Way, upon Information or Complaint made and exhibited (and which shall in every Case be made and exhibited within Three Calendar Months next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, shall summon the Party accused, and examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall have been convicted of having committed such Offence or Offences, then and

and in every such Case the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, (which he and they is and are hereby authorized and empowered to grant,) be levied and recovered, together with the Costs of Conviction and Recovery, to be ascertained by such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods and Chattels can be found, rendering the Overplus of the Money arising by such Sale, if any, after deducting the reasonable Charges of taking, keeping, and selling such Goods and Chattels, to the Party or Parties whose Goods and Chattels shall be so distrained; and the One Half of such Penalty shall be paid to the Informer, and the other Half to the said Trustees for the Time being, or to such Person or Persons as shall by them be in that Behalf authorized to receive the same, and shall go and be applied for the same Purposes as the Duties imposed by this Act are directed to be applied; and it shall and may be lawful for such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, for his or their Appearance before the said Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Fines, or Forfeitures and Costs may be levied were a Warrant of Distress issued, such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, shall not be required to issue a Warrant of Distress, and thereupon it shall be lawful for such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of

Offender to be detained until sufficient Security is given.

Correction of the County, Riding, City, Borough, Town, or Place respectively, within the Jurisdiction of which the Place may be situated where the Offence was committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, or shall otherwise be discharged by due Course of Law.

Form of Conviction.

LXI. And be it further enacted, That each Conviction for any Offence against this Act shall be drawn up in the following Form of Words, or in any other Form of Words to the same Effect:

‘ North Riding of the } **BE** it remembered, That on the
 ‘ County of York } Day of _____ in the Year of our
 ‘ (or as the Case may } Lord _____ A. B. of
 ‘ be) to wit. }
 ‘ is this Day convicted before _____ of His Majesty’s Justices
 ‘ of the Peace [*or as the Case may be*] for the North Riding of the
 ‘ County of York [*specifying the Offence, and Time and Place when*
 ‘ *and where the same was committed, as the Case may be*]; and I [*or*
 ‘ *we*] do adjudge him [*her, or them*] to pay and forfeit for the same
 ‘ the Sum of _____ Given under my Hand and Seal
 ‘ [*or our Hands and Seals*] the Day and Year aforesaid.’

Justices may proceed by Summons for Recovery of Penalties.

LXII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace or other Magistrate, it shall and may be lawful for any Justice or Justices or other Magistrate to whom Complaint is by this Act authorized to be made of any Offence against this Act, to summon the Party complained against before him or them, 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 or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices or other Magistrate; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Allowing an Appeal.

LXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act, by any Justice of the Peace, Mayor, Alderman, Bailiff, or other Magistrate, One or more of them, in execution of the Powers vested in him or them by this Act, such Person or Persons may appeal to the General Quarter Sessions of the Peace to be holden within Four Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Sessions for the County, Town, District, or Place in which such Justice, Mayor, Alderman, Bailiff, or other Magistrate shall have Jurisdiction, the Person or Persons appealing first giving or causing to be given to the said Trustees for the Time being Ten Days Notice in Writing of his,

his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Two Days next after such Notice entering into a Recognizance before some Justice of the Peace or other Magistrate acting within such Jurisdiction, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Magistrates at such Sessions or Adjournment thereof; and the Magistrates at such Sessions or Adjournment thereof, upon due Proof of such Notice having been given and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Magistrates shall think proper, and shall and may, at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Magistrates at their said General Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

LXIV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Distress not to be void for Irregularity.

LXV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed every or any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined to pay into Court such Sum of Money as he or they shall judge fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends.

LXVI. And be it further enacted, That no Order which shall be made by any Magistrate or Magistrates by virtue or under Authority of this Act, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removable by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*.

Proceedings not to be quashed for Want of Form.

LXVII. And be it further enacted, That if any Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing to be done in pursuance of this Act, or in relation to the Premises, then and in every such Case such Action or Suit shall be

Limitation of Actions.

be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit so to be brought shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or such Action or Actions shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Great Yarmouth exempted from Payment of the Halfpenny per Chaldron upon Coals granted by this Act.

LXVIII. Provided also, and it is hereby further enacted, That all Ships and Vessels belonging to the Town and Borough of *Great Yarmouth* in the County of *Norfolk* (the Inhabitants of the said Town and Borough having been exempted in all the said recited Acts from the Payment of the said Duty) shall be exempted from the Payment of the Duty of One Halfpenny *per* Chaldron upon Coal by this Act granted for the Purposes aforesaid, so as the Master of every such Ship or Vessel belonging to the said Town of *Yarmouth*, or some other Mariner on his Behalf, shall produce and shew, to any Person lawfully authorized to demand the same Duty, a Certificate, verified upon Oath before the Mayor of *Yarmouth* aforesaid (which Oath the Mayor is hereby empowered to administer), and under the Seal of Office of Mayoralty, that such Ship or Vessel does belong to the said Town of *Yarmouth*, and that some of the Inhabitants of the said Town are Owners of the Whole or the greater Part of the Property in every such Ship or Vessel.

Saving the Rights of the Lord of the Manor of *Whitby* or Owner of the Port.

LXIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the taking away, abridging, defeating, impeaching, or interrupting any of the Rights or Interests of the Lord of the Manor of *Whitby*, or of the Owner for the Time being of the Port or Harbour of *Whitby*, but that the same shall be enjoyed in as full and ample a Manner as if this Act had not been passed, excepting so far as is by this Act enacted and declared.

Public Act.

LXX. 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.