



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 91.

An Act for amending an Act, passed in the Fourteenth Year of the Reign of His present Majesty, intituled *An Act for making and establishing public Quays or Wharfs at Kingston-upon-Hull, for the better securing His Majesty's Revenues of Customs, and for the Benefit of Commerce in the Port of Kingston-upon-Hull; for making a Bason or Dock, with Reservoirs, Sluices, Roads, and other Works, for the Accommodation of Vessels using the said Port; and for appropriating certain Lands belonging to His Majesty, and for applying certain Sums of Money out of His Majesty's Customs at the said Port, for those Purposes; and for establishing other necessary Regulations within the Town and Port of Kingston-upon-Hull; and also for making additional Basons or Docks at Kingston-upon-Hull, with an Entrance into the same from the River Humber; and for granting certain Lands belonging to His Majesty in Aid of the said Works.*

[22d June 1802.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled *An Act for making and establishing public Quays or Wharfs at Kingston-upon-Hull, for the better securing His Majesty's Revenues of Customs, and for the Benefit of Commerce in the Port of Kingston-upon-Hull; for making a Bason or Dock, with Reservoirs, Sluices, Roads, and other Works, for the Accommodation of Vessels using the said Port; and for appropriating certain Lands belonging to His Majesty, and for applying certain Sums of Money, out of His Majesty's Customs at the said Port, for those Purposes; and for establishing other necessary Regulations within the Town and Port of Kingston-upon-Hull;* whereby His Majesty was empowered to appoint open Quays at the said Port as therein directed; and the Company therein described were empowered and required to make a Bason or Dock for the Reception of Ships and Vessels, and for the Benefit of the Trade and Commerce of the said Port, to extend from the River *Hull* to a Place in the said Town called *Beverley Gates*, or as near thereto as conveniently might be, of such Depth and Width, and in such Manner as therein particularly directed, together with a Quay or Wharf, and such Reservoirs, Sluices, Bridges, Roads, and other Works, Requisites, Matters, and Things, as should from Time to Time be adjudged necessary for the more convenient Use of the said Bason or Dock, and for the general Benefit of Shipping, and of the Trade and Commerce of the said Port; for which Purpose the Mayor and Burgesses of the said Town of *Kingston-upon-Hull*, the Guild or Brotherhood of Masters and Pilots, Seamen of the Trinity House of *Kingston-upon-Hull*, and the several Persons therein named, and all others who should become Subscribers towards the Expence of carrying on the said Works, their Successors, Executors, Administrators, and Assigns, together with such other Persons as they or the major Part of them should at any Meeting appoint, were united into a Company for the Purposes of the said Act, and were declared to be a Body Politic and Corporate, by the Name of *The Dock Company at Kingston-upon-Hull*, with a Common Seal, and with Powers to purchase Lands, and to take and use such Parts of His Majesty's Military Works at *Kingston-upon-Hull* aforesaid, as were thereby given and granted by His Majesty for those Purposes; and in order to facilitate the Execution of the said Works, the Sum of Fifteen thousand Pounds was directed to be paid out of His Majesty's Customs at the said Port, at the Times and in Manner therein mentioned; and the said Dock Company were authorized to raise amongst themselves a Sum of Money, not exceeding Eighty thousand Pounds, to be divided into such Number of Shares, and the Subscribers thereto were to receive, after the Works were completed, such Profits as directed in and by the said Act; and if the said Sum of Eighty thousand Pounds should not be raised, or be insufficient for making the said Dock and other Works, the said Dock Company were thereby authorized to borrow at Interest, on the Credit of the Rates and Duties granted by the said Act, so much Money as might make up the said Sum of Eighty thousand Pounds for completing the same; and in consideration of the Charges and Expences which the said Dock Company would be put unto in making, repairing, maintaining, and keeping in Repair the said Bason or Dock, and other Works directed by the said Act, several Rates and Duties were thereby granted to them, which were to commence as therein particularly mentioned: And whereas the said Dock Company made the said Bason or Dock, and built the Quay or Wharf within the Time limited

by the said recited Act, and of larger Dimensions than thereby directed; but by reason of the Increase of the Trade and Commerce of the said Port, the said Bason or Dock, and the Harbour at *Kingston-upon-Hull*, are not sufficient for the Reception and Accommodation of the Ships and Vessels belonging to and using the said Port, and by reason thereof Delays and Inconveniences have arisen in the lading and unlading of Ships and Vessels, and also by the confined and crowded State of the Shipping in the said Bason or Dock, the same cannot be conveniently cleansed and scoured, so as to prevent the Mud from warping up and lessening the Depth thereof; and in Cases of Accidents by Fire, much Danger may be apprehended to the Shipping therein, and to the said Town: And whereas it is expedient, for the greater Accommodation and Benefit of the Trade and Commerce of the said Port of *Kingston-upon-Hull*, and the increasing and better securing of His Majesty's Revenue at the said Port, and also for the Protection and Security of His Majesty's Ships of War stationed or to be stationed in the River *Humber*, that an additional Bason or Dock should be made at the said Port, in the Situation and of the Dimensions herein-after described: And whereas the said Dock Company have agreed to make such additional Bason or Dock at the said Town of *Kingston-upon-Hull*, and for that Purpose to appropriate a certain Piece or Parcel of Ground, heretofore Part of the Land belonging to His Majesty's Military Works at *Kingston-upon-Hull*, called *The Towns Ditches*, extending from a certain Place in the said Town called *Myton Gates*, Southward, to another Place in the same Town called *Hessle Gates*, being Parcel of the Military Works herein-before mentioned to have been by His Majesty granted to the said Dock Company: And whereas the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood, have severally agreed to and with each other, to contribute and pay the Expences attending the making of the said additional Bason or Dock, in the Proportions herein-after mentioned; but inasmuch as the making of the Works hereby intended cannot be accomplished and carried into Execution without the Aid and Authority of Parliament: 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 it shall and may be lawful for the said Dock Company and their Successors, and they are hereby empowered and required, within the Space of Seven Years, from and after the First Day of *January* One thousand eight hundred and three, to make and build, or cause to be made and built, an additional Bason or Dock capable of containing Seventy Sail of Ships or square-rigged Vessels, of the Average Tonnage of the Ships or Vessels usually frequenting the said Port of *Hull*, in and upon the said Piece or Parcel of Ground last herein-before described to be lying between *Myton Gates* and *Hessle Gates* aforesaid, and in and upon such other Ground adjoining thereto as shall be necessary for that Purpose, extending from *Myton Gates* aforesaid, or as near thereto as conveniently may be, Southward to *Hessle Gates* aforesaid, and from thence still Southward to the Low Water Mark of the said River *Humber*, and to make the said additional Bason or Dock in all Parts thereof of a sufficient Depth, and with a Lockpit or Entrance into the same from the said River *Humber*, of a sufficient Width and Depth to admit His Majesty's Ships

Present Dock and Harbour are insufficient.

That another Dock would tend to remove the present Inconvenience.

That the Three Corporations have agreed to defray the Expences of making another Dock.

of

of War of Fifty Guns; which said additional Bason or Dock shall from thenceforth be called *The Humber Dock*; and also that it shall be lawful for the said Dock Company and their Successors, and they are hereby empowered and required to build, or cause to be built, within the said Space of Seven Years, on the East Side of the said additional Bason or Dock, a Wharf, the whole Length thereof, which shall not exceed the Average Width of Seventy Feet, and on the West Side of the said Bason or Dock, a Wharf, the whole Length thereof, which shall not exceed the Average Width of Forty Feet, for the Trade and Business of the said Town and Port; together with a Drawbridge over the Lockpit or Entrance of the said intended Bason or Dock, proper for the Passage of Carriages, Cattle, and Foot Passengers, and such other Bridges, Roads, and Works, Requisites, Matters, and Things, as they the said Dock Company and their Successors shall from Time to Time adjudge necessary, for the more convenient Use of the said additional Bason or Dock, and Wharfs, and for the general Benefit of Shipping, and of the Trade and Commerce of the said Port.

Powers of former Act to extend to this Act.

II. And be it further enacted, That the said recited Act, and all and every the Rates and Duties, Powers, Authorities, Provisions, Regulations, Clauses, Penalties, Forfeitures, Matters, and Things, therein and thereby given, granted, vested, levied, or to be executed (except so far as the same or any of them are by this present Act enlarged, diminished, altered, qualified, or otherwise explained), shall be and they are hereby declared to be in full Force, as well in regard to the said additional Bason or Dock, and other Works hereby directed or intended to be made, and for effecting all other the Purposes of this present Act, as for the Purposes of the said recited Act, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes, as if the same were expressly repeated and re-enacted in the Body of this present Act.

For purchasing Land.

III. And whereas it will be necessary for the said Dock Company to purchase Lands and Tenements for the Purpose of making the said additional Bason or Dock, and Entrance, Wharfs, and other Works hereinbefore directed to be made, and for making the Road herein-after directed to be made, and for laying Soil, Utensils, and Materials, upon and for the Repairs of the said Bason or Dock, Entrance, and Wharfs, whenever such Repairs may become necessary; be it therefore further enacted, That it shall be lawful for the said Dock Company, and they are hereby empowered, within Twelve Calendar Months next after the passing of this Act, to treat and agree, and to employ any Person or Persons to treat and agree, with the Owners and Occupiers thereof, and other Persons entitled thereto or interested therein, for the Purchase of all such Lands, Tenements; and Hereditaments, and the Buildings thereon, which shall be necessary or requisite for effecting the Purposes aforesaid; and no more, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, or any of them; and after Payment of the Sum or Sums of Money which shall be agreed upon or ascertained for such Purchase or Purchases, the said Dock Company are hereby authorized to appropriate such Lands and Tenements respectively for the Purposes of this Act.

IV. And

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust for charitable or other Uses, and all other Trustees and Feoffees in Trust whatsoever, Guardians and Committees for Lunatics and Idiots, Executors, Administrators, and Guardians whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and to and for all Femes Covert who are or shall be seised in their own Rights, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments, which shall be necessary to be purchased for any of the Purposes last herein-before mentioned, to treat for, sell, and convey, assign or surrender all or any such Lands, Tenements, or Hereditaments, or any of them, or any Part or Parcel thereof, and all their respective Interests therein, of what Nature or Kind soever, to the said Dock Company and their Successors, or any Person or Persons in Trust for them; and that all Contracts, Agreements, Bargains, Sales, Conveyances, Assignments, Surrenders, and Assurances, which shall be made by such Persons as aforesaid, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; all which Conveyances and Assurances of Freehold Lands, Tenements, and Hereditaments, so to be made in pursuance of this Act, or a Memorial thereof, shall, within Six Calendar Months next after the making thereof, be registered at the Public Register Office established in *Beverley*, in the East Riding of the County of *York*, by an Act passed in the Sixth Year of the Reign of Her late Majesty *Queen Anne*, at the Expence of the Purchasers; and all which Surrenders of Copyhold Lands, Tenements, and Hereditaments, shall be entered upon the Rolls of the respective Manors of which the same shall be held; and that all such Persons so conveying as aforesaid, or making such Assurances as aforesaid, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, notwithstanding any Omission or Mistake of Matter or Form whatsoever; and if it shall happen that any Bodies Politic, Corporate, or Collegiate, or any other Person or Persons seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, shall refuse to treat or agree, or by reason of Disability cannot agree with the said Dock Company, or with any Person or Persons authorized by them for the Sale and Conveyance of their respective Estates and Interests therein, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Dock Company, or of the Person or Persons so authorized by them, then and in every such Case it shall be lawful for any One of His Majesty's Justices of the Peace for the East Riding of the County

Bodies Politic, &c. Trustees, and other Persons, empowered to sell and convey Lands.

Conveyances to be registered.

When Parties refuse to treat, &c. a Justice of Peace for the East Riding of the County of *York* to issue a Precept for impannelling a Jury;

of *York*, upon Application to him made by the said Dock Company, and such Justice of the Peace is hereby authorized and required, within Fourteen Days next after such Application to be made, to issue his Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the said County of *York*, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons of the said Riding, qualified to serve on Juries, not less than Twenty-four nor more than Forty-eight; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by some Person, to be by the said Justice appointed, in such Manner as Juries for the Trials of Issues joined in His Majesty's Courts at *Westminster*, are, by an Act made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Regulation of Juries*, directed to be drawn; which Persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Justice, at such Time and Place within the said Town of *Kingston-upon-Hull*, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend the said Justice from Day to Day until discharged by him; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at liberty to challenge the Array; and the said Justice is hereby authorized and empowered, by Precept or Precepts from Time to Time, as Occasion shall require, to call before him all and every Person and Persons whomsoever, who shall be thought proper and necessary to be examined as a Witness or Witnesses, on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justice, if he thinks fit, shall and may, on the Application of either Party, or otherwise, authorize the said Jury to view the Place or Places or Premises in question, in such Manner as they shall direct; and the said Justice shall have Power to adjourn such Meeting from Day to Day as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend, until all such Affairs for which they were summoned shall be concluded; and the said Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justice is hereby empowered and required to administer), shall enquire of the Value of such Lands, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof, or interested therein, or of or in any Part thereof, and shall assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and the said Justice shall and may give Judgment for such Sum or Sums of Money so to be assessed; which said Verdict or Verdicts, and the said Judgment and Judgments, Determination and Determinations thereupon (Notice in Writing being given to the Person or Persons interested or claiming so to be, at least Seven Days, before the Time of Meeting of the said Justice and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of some

who are to
be drawn as
the Act
3 Geo. 2.
directs.

Jury may be
challenged.

Jury to assess
the Value on
Oath.

Verdict of
the Jury, &c.
to be final.

of the said Lands, Tenements, or Hereditaments intended to be valued or assessed), shall be binding and conclusive to all Intents and Purposes whatsoever, as well against the King's Majesty, His Heirs and Successors, as against all Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons claiming any Estate, Right, Title, Trust, Use, or Interest, in, to, or out of such Lands, Tenements, or Hereditaments, and Premises, in Possession, Reversion, Remainder, or Expectancy, as well Infants as Issue unborn, Lunatics, Idiots, and Females Covert, and Persons under any other legal Incapacity or Disability, and all other Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgments, and Determinations, and all other Proceedings of the said Justice and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace for the said Riding; and in case it shall so happen, that the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal to treat and agree as aforesaid, as the Value of such Lands, Tenements, or Hereditaments, or such proportionable Value as aforesaid, shall not exceed the Sum or Sums of Money which the said Dock Company, or any Person or Persons authorized by them, shall have previously offered to pay as and for such Value, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Value to be assessed and awarded by a Jury as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the Bodies Politic, Corporate, or Collegiate, or other Person or Persons so seised or possessed of or interested in such Lands, Tenements, or Hereditaments, and so refusing to treat and agree as before mentioned, respectively; and the said Dock Company are hereby authorized and empowered to deduct and retain the said Costs, Charges, and Expences out of the Sum or Sums of Money so to be assessed or awarded as aforesaid, or out of any Part thereof.

V. And be it further enacted, That upon Payment of the Sum or Sums of Money so to be awarded and adjudged as aforesaid, after such Deduction as aforesaid, if the Case shall so require, to the Person or Persons to whom the same shall be so awarded, for the Purchase of the said Lands, Tenements, or Hereditaments, or for the Purchase of any Estate or Interest therein, such Person or Persons shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law, to the said Dock Company and their Successors, or any Person or Persons in Trust for them, of the said Lands, Tenements, and Hereditaments, or of such Estate or Interest for which such Sum or Sums of Money shall be so awarded, and shall procure all necessary Parties to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make and derive a good, clear, and perfect Title thereto, to the said Dock Company; and such Conveyances, Assignments, and Assurances, shall contain all such reasonable and usual Covenants as shall on the Part of the said Dock Company be required; and in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid, shall not be able

Upon Payment of the Value assessed, the Premises to be conveyed to the Dock Company.

When a good Title cannot be made, or

legal Con-
veyances ex-
ecuted,

or the Parties
are not to be
found,
Court to
order Pur-
chase Money
to be paid
into the
Bank, &c.

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

to evince and make out a good and sufficient Title to the Premises to the Satisfaction of the said Dock Company, and to make or procure to be made good, valid, and legal Conveyances thereof to the said Dock Company, or any Person or Persons in Trust for them, or shall refuse so to do being thereunto required; and such Sum or Sums so assessed or awarded as aforesaid, after such Deduction as aforesaid, being produced and tendered to be paid to him, her, or them, on their making such Title, and executing or procuring to be executed such Conveyances, Surrenders, Assignments, and Assurances as aforesaid, or shall refuse to accept or receive the same, being tendered to be paid to him, her, or them; or in case any such Person or Persons, to whom any Sum or Sums of Money as aforesaid shall be so awarded, cannot be found; or in case that, by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Dock Company what Person or Persons is or are entitled to the Premises in question, then and in every such Case it shall be lawful for the said Dock Company to order the said Sum or Sums of Money so assessed and awarded, as the Value and Purchase Money for the said Lands, Tenements, and Hereditaments as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to 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 Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as the same Court shall think just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person as shall pay any such Sum or Sums into the Bank as aforesaid.

Verdicts to
be recorded.

VI. And be it further enacted, That all such Verdicts, Judgments, Determinations, Orders, and other Proceedings of the said Justice and Juries, as relate to or concern any of the Cases before mentioned, and all Receipts which the said Cashier or Cashiers of the Bank shall give for any Sum or Sums of Money paid into the Bank, in consequence of any such Verdict and Judgment, shall be entered among the Records of the General Quarter Sessions of the Peace for the said Riding; and the said Verdicts, Judgments, Sentences, Decrees, and Orders, and other Proceedings, shall be deemed and taken to be Records to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same *gratis*, and to take Copies thereof, paying for every Copy, not exceeding One hundred Words, Six-pence,

penance, and so proportionably for any greater Number of Words; and immediately after such Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings of the said Justice and Juries, and Payment into the Bank as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given as before mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons to whose Credit such Money shall be paid, into and out of the Lands, Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall vest in the said Dock Company, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Credit such Payment shall have been made, but also shall extend to, and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates, in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Immediately after Verdicts and Payments, &c. Premises to vest in Dock Company.

VII. 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 the said recited Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as aforesaid, 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 High Court of Chancery, to be placed to his Account there *ex parte* the said Dock Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order, made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or to the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Pur-

Application of Compensation, where exceeding 200l.

chase shall be made the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Money does not exceed 200l. nor less than 20l.

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

Application where Money is less than 20l.

IX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Dock Company shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Money paid to the Mayor, &c. for the Purchase of Lands, to be applied towards their Proportion of the Expences.

X. And whereas it will be necessary for the said Dock Company to purchase, for the Purposes of this Act, certain Lands and Hereditaments belonging to the said Mayor and Burgesses; be it therefore further enacted, That the Value or Amount of the Purchase Money which shall be assessed or agreed to be paid for or in respect of any such Lands and Heredi-

Hereditaments, shall be paid and applied by the said Mayor and Burgesses towards their Share or Proportion of the Expences of making the additional Bason or Dock, and other Works herein-before directed to be made; any thing herein contained to the contrary notwithstanding.

XI. And be it further enacted, That the Conveyances of any such Estate or Interest of any Feme Covert to the said Dock Company, 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 inrolled at the said Register Office within Six 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 Lands, Tenements, and Hereditaments as shall be purchased by the said Dock Company by virtue of and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of any Estate in the Premises in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

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

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

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Dock Company.

XIII. And be it further enacted, That all and every Person and Persons whomsoever, having or claiming any Right, Title, Interest, Use, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, into or out of any Lands, Tenements, or Hereditaments, which by virtue and for the Purposes of this Act shall be purchased by and conveyed to the said Dock Company, or any Person or Persons in Trust for them, by any such Bargain and Sale as aforesaid, shall, within the Space of Five Years, to be computed from the Date of the Inrolment of such Bargain and Sale, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Town Clerk of the said Town of Kingston-upon-Hull; which Book the said Town Clerk is hereby required to prepare and keep accordingly, and for which Entry he shall be entitled to such Fee, and no other, as the Register of the East Riding of the County of York is by Law entitled to for the Registry of a Memorial containing the

Persons having any Right, &c. to enter their Claims within a limited Time or be barred;

the same Number of Words; and all and every Person and Persons whomsoever not entering such Right, Claim, and Demand, within such Time and in such Manner as aforesaid, or having so entered the same, and not prosecuting such their Right, Claim, or Demand with Effect, within the Space of Five Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, into, upon, or out of the said Premises, and every Part thereof; and the said Dock Company, and those claiming by, from, or under them, shall be quieted in the Possession of all such Lands, Tenements, Hereditaments, and Premises; any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

but may recover the Purchase Money, &c. from Persons receiving the same.

XIV. Provided nevertheless, and be it further enacted, That any Person or Persons barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, into or out of the said Lands, Tenements, or Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Use, against any Person or Persons, or the legal Representatives of any Person or Persons, who shall have received all or any Part of the Purchase Money arising from such Sale of the said Lands, Tenements, Hereditaments, and Premises aforesaid; and that in every such Case the respective Plaintiffs, on Proof of such Title as would enable them to recover such Lands, Tenements, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to the mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

Tenant at Will, &c. to deliver Possession on Six Months Notice.

XV. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, Hereditaments, and Premises, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Dock Company, or to such Person or Persons as the said Dock Company shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Dock Company, or the Person or Persons so authorized by them; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Dock Company, or the Person or Persons authorized by the said Dock Company to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall be lawful for any Justice of the Peace for the said Town and County of the said Town of *Kingston-upon-Hull*, to issue his Precept or Precepts to the Sheriff of the said Town and County, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said

said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

XVI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Dock Company, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Dock Company, or to such Person or Persons as they the said Dock Company shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Dock Company, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Dock Company, or such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Dock Company shall not be liable to pay to the Mortgagee or Mortgagees more than such real Value of such Premises so ascertained as aforesaid.

Mortgagees,
on Tender
of Principal
and Interest,
to convey;

on Refusal,
Interest to
cease.

XVII. And be it further enacted, That upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of England, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Dock Company, and they shall be deemed to be in the actual Possession of the Premises, comprized in such Mortgage or Mortgages to all Intents and Purposes whatsoever.

Upon Pay-
ment of Prin-
cipal and
Interest into
the Bank.

XVIII. And be it further enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be paid or made pursuant to any such Agreement or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or paid into the Bank of England as aforesaid, before the said Dock Company, or any Person or Persons authorized by

Monies to
be paid or
tendered
before any
Use made of
the Premises.

them, shall proceed to use any Lands, Tenements, or Hereditaments comprized in or affected by such Agreement, Verdict, or Mortgage respectively, for any of the Purposes of this Act.

Justice for
the East
Riding may
fine Sheriffs,
Juries, or
Witnesses
for not at-
tending.

XIX. And be it further enacted, That any Justice of the Peace for the said Riding shall have Power from Time to Time to impose a reasonable Fine, not exceeding the Sum of Twenty Pounds, on such Sheriff, or his Deputy, Bailiffs, or Agents respectively, making Default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, or being so sworn shall not give his or their Verdicts, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, unless for some sufficient Excuse, or shall refuse to be sworn or to affirm, or who shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act, and from Time to Time to levy such Fine or Fines by Order of the said Justice respectively, by Distress and Sale of the Offender's Goods and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) on Demand to the Owner or Owners thereof; and that a Copy of the Order of the said Justice, signed by the Clerk of the Peace for the said East Riding, or his Deputy for the Time being, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person or Persons acting, or aiding or assisting therein to make such Distress and Sale; and all such Fines shall be paid to the said Dock Company, and be applied to the Purposes of this Act.

For hiring
other Lands
to lay Soil
upon.

XX. And whereas besides the Lands, Tenements, and Hereditaments to be purchased by the said Dock Company for the Purposes last herein-before mentioned, it may also be necessary for the said Dock Company to lay Soil, Rubbish, Utensils, and Materials upon other Lands and Tenements, and to erect Conveniencies thereon for Workmen, or for other the Purposes of this Act, during the Execution of the Works hereby intended, and until the Completion thereof, and to leave the said Soil thereon; be it therefore further enacted, That the said Dock Company, their Agents, Servants, Workmen, and Persons to be employed by them, shall and they are hereby empowered, by a Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the East Riding of the County of York, who is hereby authorized and required to grant such Warrant or Warrants, upon Application to him made by the said Dock Company, or any such Person or Persons as last mentioned, within Ten Days next after such Application shall be made, to enter into and upon such Lands and Tenements as shall be necessary for those Purposes, and to lay Soil, Rubbish, Utensils, and Materials upon, and to erect Conveniencies thereon for Workmen, or for other the Purposes of this Act, during the Time of carrying on the said Works, and until the same shall be completed and finished, and to leave the said Soil thereon, on Payment or Tender of Payment by the said Dock Company, to the Owners or Occupiers respectively of such Lands and Tenements, of such Sum or Sums of Money as shall be equivalent to and a full Compensation for the Injury, Loss, Damage, or Inconvenience which such Owners and Occupiers may respectively sustain, be put unto, or experience by reason

of such Entry, or by the laying of Soil, Rubbish, Utensils, and Materials upon the said Lands, or by erecting Conveniencies thereon for Workmen, or in anywise relating to the Use of the said Lands and Tenements by the said Dock Company, or the Persons to be employed by them for the Purposes aforesaid; and in case of any Difference between the said Dock Company and the Owners or Occupiers of the said Lands and Tenements, or any of them, concerning such Payments, Compensations, and Damages as aforesaid, the same shall be ascertained by the Verdict of a Jury, in like Manner and by the like Means and Proceedings as are herein-before directed for ascertaining, awarding, and assessing the Price or Compensation to be paid or allowed to the Owners, Occupiers of, and Persons interested in the Lands, Tenements, and Hereditaments to be purchased by the said Dock Company as aforesaid, for the Purchase of their respective Estates and Interests therein.

XXI. And whereas it will be necessary in carrying this Act into Execution, to take and use a certain Road, extending from the Road leading from *Myton Gates* aforesaid into the Lordship of *Myton*, Southward, to the *Humber Bank*, along the West Side of a certain Piece or Parcel of Ground called *The Butt Croft*, and that another Road be laid out and made in lieu thereof; be it therefore further enacted, That the said Dock Company shall and they are hereby required to make or cause to be made a Road of the Width of Forty Feet at the least, proper for the Passage of Cattle, Carriages, and Foot Passengers, to lead from the said Road leading from *Myton Gates* aforesaid into the Lordship of *Myton*, Southward, to the said *Humber Bank*; which Road, when so made and put into good Repair, shall from thenceforth be deemed and taken, and is hereby declared to be a public Highway or Road, and shall be repaired and kept in Repair as the other public Highways and Roads within the Parish of the Holy Trinity, in the Town of *Kingston-upon-Hull* aforesaid, are now repaired.

For making a new Road from Myton to the Humber Bank.

XXII. Provided always, and be it further enacted, That it shall not be lawful to or for the said Dock Company to erect any other Kind of Fence than Posts and Rails of not more than Five Feet in Height, between the West Side of the said additional Bason or Dock and the public Highway or Road herein-before directed to be made.

To prevent Dock Company from erecting any Boundary Wall.

XXIII. And be it further enacted, That the said Dock Company shall and they are hereby required to leave sufficient Openings at the North and South Ends and West Side of the said Wharf herein-before directed to be made, on the West Side of the said Bason or Dock intended to be made by virtue of this Act, so as to form convenient Communications between the said Wharf and the Streets or Roads contiguous thereto, at all seasonable Hours.

For leaving Openings to communicate with the Wharf.

XXIV. And be it further enacted, That the said Mayor and Burgesses, and the said Guild or Brotherhood, shall and they are hereby respectively required to advance and pay, in equal Shares and Proportions between them, unto the Treasurer for the Time being of the said Dock Company, One full and equal Moiety or Half Part of the Expences of making and completing the said Bason or Dock, and Entrance, Wharfs, Bridges, Roads, and other Works herein-before directed to be made, and of purchasing Ground

Corporations of Mayor and Burgesses, and Trinity House, to pay One Half of the Expence of the Works.

for

for those Purposes, and all other Charges and Expences incident or in anywise relating thereto, at such Time or Times as the said Dock Company shall from Time to Time deem necessary, so as the Sums to be called for do not exceed the Amount of the Sums which the said Dock Company shall then advance of their own proper Monies, and lodge with their Treasurer for the Time being, for carrying on the said Works, and so as One Calendar Month's Notice at the least of each such Call, under the Hand of the Chairman of the said Dock Company for the Time being, be given to the Mayor or Deputy Mayor of the said Town for the Time being, or in his Absence to One of the Aldermen of the same Town; and so as the like Notice be given to the acting Warden of the said Guild or Brotherhood, or in his Absence to One of the Elder Brethren of the same Guild or Brotherhood, previous to the Time appointed in his Notice for Payment of the Money to be therein mentioned.

For enforcing
the Payments
of the Calls.

XXV. And be it further enacted, That in case the said Mayor and Burgesses, or the said Guild or Brotherhood, shall neglect or refuse to pay their respective proportionable Parts or Shares of the said last mentioned Expences, pursuant to such Calls as aforesaid, then it shall and may be lawful to and for the said Dock Company, into and upon all or any of the Estates, Lands, or Hereditaments of the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, or such of them as shall so make Default, when and as often as it shall so happen, to enter and distrain for the same, and the Distress or Distresses there found to take, carry away, sell, and dispose of at their free Will and Pleasure, rendering the Surplus of the Money to arise by such Sale or Sales, together with the Residue of the Goods and Chattels so to be distrained, and which shall not be sold or disposed of for the Purposes aforesaid (if any such there be), on Demand, to the Owner or Owners thereof, or otherwise to enter into and upon all or any of the Estates, Lands, or Hereditaments of the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, or such of them as shall so make Default in Payment as aforesaid, and by Sale or Mortgage of such Estates, Lands, Grounds, and Hereditaments, to raise the Sum or Sums which shall be so in Arrear or unpaid, and all Costs and Charges attending the same, or in anywise relating thereto.

Dock Com-
pany to keep
separate Ac-
counts of the
Expences of
making the
new Dock,
&c.

XXVI. And be it further enacted, That the said Dock Company shall keep or cause to be kept fair, regular, distinct, and separate Accounts of all Monies from Time to Time to be received, issued, paid, and applied, in, for, or about the making and completing of the said Bason or Dock, and Entrance, Wharfs, Bridges, Roads, and other Works herein-before directed to be made, and in, for, or about the purchasing of Ground for those Purposes, and in, for, or about any other Matter or Thing incident or in anywise relating thereto, expressing therein the Time or Times when, and Name of the Person or Persons from or to whom such Monies shall be received, paid, or applied respectively; and also shall from Time to Time, when thereunto required by the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, upon Seven Days previous Notice being left at the Dock Office in *Kingston-upon-Hull* aforesaid, to and for the said Dock Company

pany, produce and shew to the Mayor of the said Town, and acting Warden of the said Guild or Brotherhood for the Time being, and each of them, or to any Person or Persons to be for that Purpose appointed by the said Mayor and Burgesses, and the said Guild or Brotherhood, in Writing under their respective Common Seals, all and every or any of the Accounts and Vouchers concerning or relating to such Receipts and Payments.

XXVII. And be it further enacted, That the said Dock Company shall hold General Quarterly Meetings at their Office in the Town of *Kingston-upon-Hull* aforesaid, on the Second Day of *February*, the Second Day of *May*, the Second Day of *August*, and the Second Day of *November* in every Year, unless any of those Days shall be *Sunday*, and then on the following Day, until the said Bason or Dock, and Entrance, Wharfs, Roads, and other Works herein-before directed to be made, shall be completed and finished, and until all the Accounts relating thereto shall be finally settled and closed, at which General Meetings the Accounts relating to the Receipts and Payments in the preceding Quarter, in respect of the Works, Matters, and Things last herein-before mentioned, shall be audited and settled; and that the Mayor of the said Town for the Time being, and the acting Warden of the said Guild or Brotherhood for the Time being, or such Person or Persons as they shall respectively appoint, shall and may be present at every such Meeting if they shall think proper; which said Accounts, when so audited and settled, shall be signed by the Chairman for the Time being of such Meetings, and shall be admitted and allowed as Evidence in any Court of Law or Justice, of the Receipt, Payment, and Application of the several Sums of Money therein mentioned.

Dock Company to audit the Accounts of the new Dock.

XXVIII. And for the better enabling the said Dock Company to raise Money to carry on the necessary Works herein-before directed; be it further enacted, That it shall be lawful for the said Dock Company to create and sell Thirty new Shares in the Undertaking for making the Bason or Dock, Wharfs, and other Works in the Port of *Kingston-upon-Hull* aforesaid, by the said recited Act directed to be made, over and above the One hundred and twenty now existing Shares in the same Undertaking, either together or separately, and by public Auction, and at such Time or Times as to the said Dock Company shall seem meet, unto such Person or Persons, Bodies Corporate and Politic, as shall be willing to become the Purchaser or Purchasers thereof; and that the said several new Shares, when so sold, shall from thenceforth become vested in the respective Purchasers thereof, and their respective Successors, Executors, Administrators, and Assigns; and all and every the said new Shares shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and such respective Purchasers, their several and respective Successors, Executors, Administrators, and Assigns, shall from thenceforth be entitled to and receive in common with the Proprietors of the said One hundred and twenty Shares, a proportionable Part according to the Number of Shares of which he, she, or they shall be the Proprietor or Proprietors, of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of the said recited Act and of this Act, or either of them; and

Empowering the Dock Company to raise Money by Sale of Thirty new Shares.

each of such several Purchasers shall, in respect of each such Share to be purchased by him, her, or them as aforesaid, bear and pay an adequate Proportion and Sum of Money towards carrying on and supporting as well the Works made in pursuance of the said recited Act, as those directed to be made and executed by virtue of this Act.

Subscribers to have a Vote for every Share by themselves or Proxies.

XXIX. And be it further enacted, That all and every Person or Persons, Bodies Corporate and Politic, who shall by virtue of this Act become the Purchaser or Purchasers of the said new Shares, or any of them, shall have a Vote in every public Meeting to be held by the said Company by virtue of the said recited Act or of this Act, which Vote may be given by the said respective Persons, Bodies Corporate and Politic, either by themselves or by their Proxy or Proxies (every such Proxy being a Proprietor in the said Undertaking), duly constituted under the Seal of the respective Bodies Corporate and Politic, and under the Hand and Seal or Hands and Seals of all other Proprietors, and such Vote or Votes by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; and any Person or Persons, Bodies Corporate and Politic, who shall have One or more such Share or Shares, whether old or new Shares, shall have Liberty, by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly constituted as aforesaid, to give One Vote for each such Share, not exceeding Ten Shares for each such Body Corporate and Politic, and not exceeding Two such Shares for any One other Proprietor; and whatever Question, Matter, or Thing shall be proposed, discussed, or considered in any public Meeting of the said Dock Company, to be held by virtue of the said recited Act or of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share to the Extent aforesaid.

If a sufficient Number of the Company do not attend, the Meeting deemed adjourned.

XXX. Provided always, That if at any public Meeting of the said Dock Company there shall not be present, either as Principals or Proxies, Proprietors of Forty-one Shares, then the said Meeting shall be deemed to be adjourned to that Day Sevensnight, at the same Place where such Meeting was appointed to be held.

Mayor and Burgesses of the Trinity House to vote by the Mayor and Warden.

XXXI. And whereas by the said recited Act the Proprietors of Shares in the said Undertaking are empowered, in every public Meeting of the said Dock Company, to vote either by themselves or by their Proxy or Proxies (every such Proxy being a Proprietor in the said Undertaking), constituted as therein mentioned: And whereas the requiring such Proxy or Proxies to be a Proprietor or Proprietors in the said Undertaking has, so far as the same relates to the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, been found by Experience to be inconvenient; be it therefore further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses, by the Mayor for the Time being, or by any of the Aldermen of the said Town of *Kingston-upon-Hull*, to be deputed by such Mayor by Writing under his Hand and Seal, and for the said Guild or Brotherhood, by the acting Warden for the Time being, or by any of the Elder Brethren of the same Guild or Brotherhood, to be deputed by such Warden by Writing under his Hand and Seal, to represent the Corporations to which they shall respectively belong, at any Meetings of the said Dock Company; and for the said

Mayor and Warden respectively, or their respective Deputies constituted as aforesaid, to vote at all or of any such Meetings, whether such Mayor or Warden, or their respective Deputies, be Proprietors of Shares in the said Undertaking or not; notwithstanding any thing in the said recited Act or this Act contained to the contrary.

XXXII. And be it further enacted, That it shall be lawful for the said Dock Company to borrow and take up at Interest, on the Credit of the Rates and Duties by the said recited Act granted, such Sum or Sums of Money as shall be sufficient to defray the said Dock Company's Half Part of the Expences of executing and perfecting the Works hereby intended, or any other Works to be made and executed by the said Dock Company, or such Part or Parts thereof as the said Dock Company shall from Time to Time think proper to borrow and take up at Interest; and the said Dock Company are hereby fully authorized and empowered to assign over the Rates and Duties arising by virtue of the said recited Act and of this Act, or either of them, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates and Duties), as a Security for any such Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, in such Manner and by such Ways and Means as are prescribed and directed by the said recited Act, with respect to any Monies thereby authorized to be raised for carrying the same into Execution.

To authorize Dock Company to borrow Money on Mortgage of the Duties.

XXXIII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage of the Rates or Duties as aforesaid shall be paid Half Yearly to the several Parties entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of the said recited Act or of this Act to the said Dock Company.

Interest of the Money borrowed to be paid Half Yearly in Preference to the Dividends.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Dock Company from Time to Time, and as often as they shall judge necessary, to apply the Rates or Duties to be received by virtue of the said recited Act or of this Act, or the Rents and Profits arising or to arise from the Lands, Tenements, or Hereditaments of the said Dock Company, or any Part thereof, in Payment and Discharge of the Principal Monies to be borrowed by the said Dock Company as aforesaid:

For paying off Principal Monies.

XXXV. And whereas it hath been agreed by and between the said Mayor and Burgesses, the said Guild or Brotherhood, and the said Dock Company, that, in order to promote the making of the said Bason or Dock, and Entrance, Wharfs, Roads, and other Works as aforesaid, the said Mayor and Burgesses, and the said Guild or Brotherhood, shall respectively become Purchasers of so many of the said new Shares, not exceeding Ten, for each of the said Corporations, as the said Dock Company shall require them to take, at the Price or Sum of One thousand Pounds for each Share; be it therefore further enacted, That it shall and may be lawful for the said Mayor and Burgesses, and the said Guild or Brotherhood, and they are hereby respectively authorized, empowered, and required (on receiving Notice in Writing for that Purpose from the said Dock Company under their Common Seal, at any Time before the Completion of the Works herein-before directed to be made and executed),

Mayor and Burgesses, and Trinity House to purchase Ten new Shares each at 1,000l. per Share, if required so to do.

with

with the Monies or Effects belonging to the said Mayor or Burgesses, and the said Guild or Brotherhood respectively, to become Purchasers of so many of the said new Shares as shall be expressed in such Notice, not exceeding the Number last herein-before mentioned, at or for the Price or Sum of One thousand Pounds for each such Share; and in case the said Mayor and Burgesses, and the said Guild or Brotherhood, shall not be required to become the Purchasers of the said new Shares as last before mentioned, then it shall be lawful for the said Mayor and Burgesses, and the said Guild or Brotherhood, and each of them, of their own free Will and Pleasure, to become the Purchasers, at any other Price or Prices, of any Number of new Shares in the said Undertaking which the said Dock Company shall think proper to sell by Auction.

For laying excavated Earth on the Fore Shore of the Mayor and Burgesses.

XXXVI. And be it further enacted, That the said Dock Company shall and they are hereby required from Time to Time, upon Notice to them given by the said Mayor and Burgesses, or their Common Officer for the Time being, to lay or cause to be laid on the Fore Shore of the River *Humber*, belonging to the said Mayor and Burgesses, so much of the Earth to be excavated from the Ground where the said additional Bason or Dock and Entrance are intended to be made, when and as the same shall be excavated, as shall be required by the said Mayor and Burgesses, and which shall not be wanted for the Works of the said Dock Company; and that in all Cases where any additional Expence shall be occasioned by laying such excavated Earth on the Fore Shore of the said Mayor and Burgesses, in pursuance of any such Notice as aforesaid, over and above what it would have cost the said Dock Company to have laid the same elsewhere, such additional Expence shall be paid by the said Mayor and Burgesses to the said Dock Company.

Company to support and cleanse the new Dock and Wharfs.

XXXVII. And be it further enacted, That the said Dock Company shall, from Time to Time and at all Times hereafter, well and sufficiently repair, maintain, support, light, watch, and cleanse the Bason or Dock, Entrance, Wharfs, Bridges, and all other the Works, Matters, and Things by them to be made, built, and provided by virtue of this Act (except the public Highway or Road on the West Side of the said Works).

Mayor, &c. to contribute to the Repairs of the Dock, &c. for a limited Time.

XXXVIII. And, in order to aid the said Dock Company in paying and defraying the Expences of repairing, maintaining, supporting, lighting, watching, and cleansing the said Bason or Dock, Entrance, Wharfs, Bridges, and Works last herein-before mentioned, and in consideration of the Improvement of the Lands, Tenements, and Hereditaments of the said Mayor and Burgesses lying contiguous or near to the said intended Bason or Dock and Entrance, by the making thereof; be it therefore further enacted, That the said Mayor and Burgesses shall and they are hereby required to pay or cause to be paid after the Rate of One thousand Pounds *per Annum*, from the Opening of the said intended Dock, during such Time as the whole Amount of the Rates or Duties of Tonnage on Shipping at the said Port of *Kingston-upon-Hull*, payable to the said Dock Company by virtue of the said recited Act, shall not exceed the Sum of Nine thousand Pounds *per Annum*, to be calculated on an Average of the First Three Years after the Opening of the said intended Dock; and that whenever the said Rates or Duties shall amount on an Average of Three successive

successive Years, after the opening of the said intended Dock, to more than Nine thousand Pounds *per Annum*, then the said Payment of One thousand Pounds *per Annum* shall cease, and in lieu thereof the said Mayor and Burgesses shall, and they are hereby required, from thenceforward to pay or cause to be paid unto the said Dock Company One Half of the Difference between such Sum as the said Rates and Duties, calculated as aforesaid, shall amount unto, and the Sum of Eleven thousand Pounds: Provided always, that whenever the said Rates and Duties shall amount, after the opening of the said intended Dock, on an Average of Three successive Years, to the full Sum of Eleven thousand Pounds *per Annum*, the said Mayor and Burgesses shall from thenceforth be exonerated from all future Payments towards the Expences of repairing, maintaining, supporting, lighting, watching, and cleansing the said Bason or Dock, and Entrance, Wharfs, Bridges, and Works last herein-before mentioned.

XXXIX. And be it further enacted, That all Goods, Wares, and Merchandize, which shall be landed or discharged on any of the Wharfs which shall be made and built on the East and West Sides, or North and South Ends of the Bason or Dock, and Entrance, hereby directed to be made, shall be liable to pay, and shall be charged and chargeable with the like Rates of Wharfage and Payments to the said Dock Company, as are or may be taken or received by them for any Goods, Wares, or Merchandize loaded or discharged upon the Quays or Wharfs of the Bason or Dock made in pursuance of the said recited Act; and that the said Dock Company shall have and be entitled to the like Powers and Remedies for the Recovery thereof, as are given by the said recited Act for the Recovery of the Rates and Duties thereby granted.

Wharfage Rates.

XL. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons to have or keep, or cause to be had or kept, any Fire, Candle, or Lamp lighted (except in the Manner herein-after for that Purpose mentioned), on board any Ship or Vessel within the said Bason or Dock directed to be made by the said recited Act, or within the said additional Bason or Dock intended to be made by virtue of this Act (Candles or Lamps to be kept in Lanthorns by and for the Use of the Officers of His Majesty's Customs and Excise, during their Attendance on board Ships or Vessels within the said Docks or Basons, or either of them, only excepted), at any Time or Times whatsoever, either in the Day Time or in the Night Time, upon Pain of forfeiting for every such Offence any Sum not exceeding Five Pounds nor less than Three Pounds; any thing in the said recited Act contained to the contrary notwithstanding.

Against keeping Fires or Lights on board Ships.

XLI. And be it further enacted, That when and so soon as the Bason or Dock, and Entrance, Wharfs, Roads, and other Works herein-before directed to be made; shall be completed, the annual Salary of One hundred Pounds, by the said recited Act directed to be paid by the Treasurer of the said Dock Company to the said Guild or Brotherhood, to be by them applied as Salaries and Allowances to the Dock and Haven Master, and his Assistant or Assistants for the Time being, shall cease, and in lieu thereof the said Treasurer shall, and he is hereby required, from thenceforth to pay to the said Guild or Brotherhood, the annual Salary of

Dock Company to pay additional Salary for the Dock Master.

[Loc. & Per.]

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One hundred and sixty Pounds, to be by them applied to and for the Purposes last mentioned; which said annual Sum of One hundred and sixty Pounds shall be allowed to the said Treasurer in his Accounts.

Grant of Part of His Majesty's Military Works.

XLII. And whereas in regard that the said Mayor and Burgesses, and the said Guild or Brotherhood, have agreed to contribute and pay, in equal Shares and Proportions between them, One Moiety or Half Part of the Expences of making such additional Bason or Dock, and Entrance, Wharfs, Roads, and other Conveniences as aforesaid; and, in order to promote an Undertaking so beneficial to His Majesty's Revenue, and so conducive to the Advancement and Security of Commerce; and also for and in consideration of the Sum of Eight thousand Pounds of lawful *British* Money hereby secured, to be paid into the Treasury of His Majesty's Office of Ordnance at the Times and in Manner herein-after expressed, His Majesty has been graciously pleased to signify His Royal Pleasure and Consent, that all that Piece or Parcel of Ground belonging to His Majesty's Military Works at or near *Kingston-upon-Hull* aforesaid, and next herein-after mentioned and described, with the Appurtenances, shall be given and granted unto the said Mayor and Burgesses, and the said Guild or Brotherhood, and their respective Successors for ever; be it therefore further enacted, That, from and after the passing of this Act, all that Piece or Parcel of Ground, being Part of the Land belonging to His Majesty's Military Works at *Kingston-upon-Hull* on the East Side of the River *Hull*, containing by Estimation Thirty-seven Acres or thereabouts, situate, lying, and being in the County of the Town of *Kingston-upon-Hull* and County of *York*, or one of them, together with and including the Fore Shores of the same Piece or Parcel of Ground extending to the Low Water Mark of the River *Humber*, the Building called *The North Blockhouse*, and all other Buildings, Gates, Walls, inner and outer Ditches, Cuts, Land covered with Water, Ramparts, Jetties, Mooring Posts, and other Works in, upon, or belonging to the said Piece or Parcel of Ground and Premises, which said Piece or Parcel of Ground and Premises comprize the Whole of the Land and Buildings belonging to His Majesty's Military Works on the East Side of the said River *Hull* (save and except the Citadel, and the Fore Shore thereof; and which said Citadel and Fore Shore or Space comprehended between Two straight Lines, drawn on a Right Angle with the Curtain of the said Citadel, and extending from the said Citadel to the Low Water Mark of the said River *Humber*, are meant and are hereby declared to be reserved to His Majesty, His Heirs and Successors), shall be granted and confirmed; and the same are hereby declared to be accordingly granted and confirmed unto the said Mayor and Burgesses, and the said Guild or Brotherhood, and their respective Successors, to and for the sole and absolute Use, Benefit, and Advantage of the said Mayor and Burgesses, and the said Guild or Brotherhood, and their respective Successors for ever, freed and discharged of and from all Claim, Right, and Title whatsoever of His said Majesty, His Heirs and Successors, in Right of his Crown or otherwise.

Mode of Payment of 8,000l. for Government Grounds.

XLIII. And be it further enacted, That the said Sum of Eight thousand Pounds shall be paid into the Treasury of His Majesty's Office of Ordnance, to be applied to the current Service of the said Office of Ordnance, by the said Mayor and Burgesses, the said Guild or Brotherhood,

hood; and the said Dock Company, in the Proportions and at the Times herein-after mentioned; (that is to say), the Sum of Four thousand Pounds (being One Moiety or equal Half Part thereof) by the said Dock Company, and the further Sum of Four thousand Pounds, being the Residue, and in full of the said Sum of Eight thousand Pounds, by the said Mayor and Burgesses, and the said Guild or Brotherhood, in equal Shares and Proportions; and that the Sum of One thousand Pounds, Part of the said Sum of Eight thousand Pounds, shall be paid by the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, in the Proportions aforesaid, at the Expiration of One Year next after the said Dock and Entrance, Wharfs, Roads, and other Conveniences, shall be completed and finished, and the Sum of One thousand Pounds in like Manner and in the same Proportions on the First Day of *January* in every Year thereafter until the Whole of the said Sum of Eight thousand Pounds shall be paid.

XLIV. And be it further enacted, That the Treasurer for the Time being of His Majesty's said Office of Ordnance, or his Deputy, shall and he is hereby authorized and required to receive the said Sum of Eight thousand Pounds, at the Times and in the Proportions as the same is herein-before directed and agreed to be paid, and to give Receipts or Discharges from Time to Time for the same; which Receipts or Discharges so to be given as aforesaid, shall be in the Words or to the Effect following; (that is to say),

Treasurer of
the Ordnance
to give Re-
ceipts.

RECEIVED the _____ Day of _____ of the Mayor
and Burgesses of the Town or Borough of *Kingston-upon-Hull* [or
of the Guild or Brotherhood of Masters and Pilots, Seamen of the
Trinity House at *Kingston-upon-Hull*, or of the Dock Company at
Kingston-upon-Hull, as the Case may be] the Sum
of lawful *British* Money, being their Propor-
tion of the _____ Payment of Eight thousand Pounds,
which by an Act passed in the Forty-second Year of the Reign of
His Majesty King *George* the Third, intituled [*here insert the Title of
this Act*] is directed and agreed to be paid into the Treasury of His
Majesty's Office of Ordnance, for the Purchase of certain Lands and
Premises belonging to His Majesty's Military Works on the East Side
of the Town of *Kingston-upon-Hull*, and by the said Act granted to
the said Mayor and Burgesses, and the said Guild or Brotherhood,
and their respective Successors, and which is to be applied to the
current Service of His Majesty's said Office of Ordnance. As witness
my Hand

Treasurer or Deputy Treasurer.

Witness

And which Receipts or Discharges, when so signed by the said Treasurer or his Deputy for the Time being, shall be enrolled in the Office of the King's Remembrancer of His Majesty's Court of Exchequer at *Westminster*; and the proper Officer of the said Court is hereby required, upon the Production of such Receipts, to enrol the same accordingly, and at the Foot or on the Back thereof respectively, to give a Certificate of such Enrolment; and the said Receipts or Discharges, or a Copy of such Enrolment, duly attested by the proper Officer of the said Court of Exchequer,

Exchequer, shall at all Times thereafter be admitted and allowed as Evidence in any Court of Law or Equity, of the Payment of such Part or Parts of the said Sum of Eight thousand Pounds, as shall be expressed in such Receipt or Receipts to have been paid and received in pursuance of this Act.

For enforcing
Payment of
8,000l.

XLV. And be it further enacted, That until Payment shall be made of the said Sum of Eight thousand Pounds in manner aforesaid, or of the Shares or Proportions of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, on the several Days and Times herein-before limited and appointed for that Purpose, contrary to the true Intent and Meaning of this Act, the said Sum of Eight thousand Pounds shall be charged upon all and every the Estates, Lands, and Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, and that in Default of Payment thereof in manner aforesaid, it shall and may be lawful to and for His said Majesty, His Heirs and Successors, into or upon all and every or any of the Estates, Lands, or Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, or such of them as shall so make Default, when and as often as it shall so happen, to enter and distrain for the same, and the Distress or Distresses there found to take, carry away, sell, and dispose of, at his or their free Will and Pleasure, rendering the Overplus of the Money to arise by such Sale or Sales, together with the Residue of the Goods and Chattels so to be distrained, and which shall not be sold or disposed of for the Purposes aforesaid (if any such there be) on Demand to the Owner or Owners thereof, or otherwise to enter into and upon all and every or any of the Estates, Lands, or Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, or such of them as shall so make Default in Payment as aforesaid, and by Sale or Mortgage of such Estates, Lands, Grounds, and Hereditaments, to raise the Sum or Sums of Money which shall be so in arrear or unpaid, and all Costs and Charges attending the same, or in anywise relating thereto.

To enable
Corporations
of Mayor and
Burgesses,
and Trinity
House to
sell, &c.

XLVI. And be it further enacted, That it shall and may be lawful for the said Mayor and Burgesses, and the said Guild or Brotherhood, and their Successors respectively, from Time to Time, by Sale or Mortgage of all or any of the Lands, Grounds, and Hereditaments hereby granted, to raise Money towards defraying their respective Shares or Proportions of the Expences of making the said Dock and Entrance, Wharfs, Roads, and other Works herein-before directed.

For appoint-
ing a Com-
mittee for
the Garrison
Ground.

XLVII. And be it further enacted, That it shall and may be lawful for the said Mayor and Burgesses, and their Successors, from Time to Time to nominate and appoint Three of the Aldermen of the said Town of *Kingston-upon-Hull*, and for the said Guild or Brotherhood, and their Successors, from Time to Time to appoint Three of the Elder Brethren of the said Trinity House at *Kingston-upon-Hull*, which Six Persons so to be appointed shall be a Committee, with full Power for a Majority of them to act in the Management and Disposal of the Grounds, Hereditaments, and Premises hereby granted; and that upon all Questions where the said Committee shall divide equally, Two indifferent and disinterested
Persons

Persons residing in the said Town of *Kingston-upon-Hull*, or within Twenty Miles thereof, shall be appointed by the said Committee to determine the same; and if such Two Persons, so to be appointed as last mentioned, shall disagree therein, then the same shall be referred to and determined by One indifferent Person, to be by the said Referees appointed Umpire in the Premises; whose Determination thereon shall be final and conclusive to and upon all Parties.

XLVIII. And, in order to enable the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, to raise Money for the Purposes of this Act; be it further enacted, That it shall and may be lawful for the said Mayor and Burgesses, and the said Guild or Brotherhood, by Indenture under their respective Common Seals, to grant and convey in Fee, either for a Sum or Sums of Money in Gross, or for an annual Rent, or to mortgage or demise for a Term of Years, all and every or any of the Lands, Grounds, Hereditaments, and Premises hereby granted, for such Sum or Sums of Money, or under such yearly Rents, and to be reserved or limited in such Manner as the Committee, to be appointed as herein-before mentioned for the Management and Disposal of such Hereditaments and Premises, shall from Time to Time judge proper; and that all such Grants, Conveyances, Mortgages, and Demises respectively, shall be valid and effectual in the Law, any thing herein contained, or any other Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales, Mortgage or Mortgages, of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof respectively, it shall and may be lawful for the Treasurer or Treasurers for the Time being of the said Mayor and Burgesses, and of the said Guild or Brotherhood respectively, to sign and give Receipts for the Money for which the same shall be sold or mortgaged, which Receipts shall be sufficient Discharges to the Purchaser or Purchasers, Mortgagee or Mortgagees, for the Money for which such Premises shall be so sold or mortgaged, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase or Mortgage Monies, or any Part thereof.

To authorize
the Mayor and
Burgesses,
&c. to convey.

XLIX. And be it further enacted, That all and every the Occupiers of and Persons inhabiting, using, or carrying on any Trade or Business in or upon the said Piece or Parcel of Ground, Hereditaments, and Premises hereby granted, or any Part thereof, shall, and they and every of them are hereby severally and respectively strictly enjoined and required to surrender and relinquish the same, and peaceably and quietly to deliver up the Possession thereof to the said Mayor and Burgesses, and Guild or Brotherhood, or to such Person or Persons as the Committee of the said Two Corporations, to be nominated as aforesaid, shall authorize to take Possession thereof; and in case any such Occupier or Occupiers, or other Person or Persons as aforesaid, shall not deliver up such Possession as aforesaid, before the Expiration of Six Calendar Months next after being thereunto required, by a Notice in Writing under the Hand of any Clerk or Clerks to the said Committee left upon the Premises respectively, or given to or left at the last or usual Place of Abode of the Person or Persons who shall be so required to deliver up Possession, then it shall be lawful for the said Committee to issue a Precept or Precepts under the

To oblige
Occupiers,
&c. to quit.

Hands of the Persons composing the said Committee, or the Majority of them, to the Sheriff of the said Town of *Kingston-upon-Hull*, to cause Possession of the respective Premises to be delivered to such Person or Persons as shall be in such Precept or Precepts nominated to receive Possession of the same, and also to direct the said Sheriff to levy such Costs as shall accrue by means of the issuing and Execution of every such Precept, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused or neglected to pay the same Costs; and such Sheriff is hereby required to deliver Possession, and levy such Costs in Manner aforesaid.

Garrison Ground declared to be within the Town and County of *Kingston-upon-Hull*.

L. And be it further enacted, That the said Piece or Parcel of Ground, Hereditaments, and Premises granted, shall, from and after the passing of this Act, be, and the same are hereby declared to be within the County of the Town of *Kingston-upon-Hull*.

For making a new Road to the Garrison.

LI. And be it further enacted, That the said Mayor and Burgesses, and the said Guild or Brotherhood, and their respective Successors, shall at their joint and equal Expence, within Twelve Calendar Months next after the passing of this Act, make and for ever hereafter maintain a good and sufficient Road of the Width of Forty Feet at the least, leading from the Turnpike Road near the North Blockhouse, in a South-easterly Direction over the Ground hereby granted, to the ancient Gateway or Entrance in the North Wall of the said Citadel, in the Place where the Road anciently led to the same Gateway or Entrance, or as near thereto as conveniently may be, for the Passage of Horses, Carriages, and Foot Passengers, to and from the said Citadel; and that so soon as the same Road shall be made and put into proper Order and Condition, the Road along the West Side of the said Piece or Parcel of Ground and Premises hereby granted, and all other Roads in and upon the same Ground, shall cease to be used as a Road or Roads, and be for ever discontinued.

For purchasing Land for a Third Dock.

LII. And whereas it is probable, from the increasing Commerce of the said Port of *Kingston-upon-Hull*, that besides the Bason or Dock hereinbefore directed to be made, another Bason or Dock may soon become necessary: And whereas it is expedient, on account of the great and progressive Increase of Buildings at the Town of *Kingston-upon-Hull* aforesaid, and in the Neighbourhood thereof, that the said Dock Company should have Power to purchase, as soon after the passing of this Act as conveniently may be, Lands and Tenements for the making of a Bason or Dock to extend from *Myton Gates* to *Beverley Gates* aforesaid; be it therefore enacted, That it shall be lawful for the said Dock Company, or any Person or Persons by them in that Behalf to be appointed, to contract and agree with the Owner or Owners of any Parcel or Parcels of Lands, Tenements, or Hereditaments, for the Purpose of making the said Bason or Dock from *Myton Gates* to *Beverley Gates*, and for the Wharfs and Roads for the more convenient Use thereof, and for laying Soil, Utensils, and Materials upon, for the Repairs of the said last-mentioned Works, whenever such Repairs may become necessary, or for other Purposes relating to the said Bason or Dock, for the purchasing their respective Estates and Interests therein, and to purchase the same, and to take a Conveyance, Assignment, or Surrender thereof, and for such Price or Consideration as shall be agreed upon between the contracting Parties; and that it shall

be lawful for all Bodies Politic and Corporate, and all other Persons whomsoever, under any Disability or Incapacity whatsoever, to treat and agree with the said Dock Company for the absolute Sale and Conveyance of any Lands, Tenements, and Hereditaments which may be wanted to be purchased for the Purposes last herein-before mentioned, and to convey, assign, or surrender the same to the said Dock Company, or any Person or Persons in Trust for them; and that such Conveyance or Conveyances, Surrender or Surrenders, shall also be registered or inrolled, as the Case may require, in such and the like Manner, in all Respects, as is herein-before provided and enacted with respect to the Lands, Tenements, and Hereditaments to be purchased for the making of the said Dock between *Myton Gates* and *Hessle Gates*.

LIII. And be it further enacted, That the whole Monies which shall be agreed to be paid for any Lands, Tenements, and Hereditaments, purchased by the said Dock Company for the Purposes last herein-before mentioned, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity whatsoever, shall be laid out, by and with the Approbation of the Court of Chancery, in the Purchase of Manors, Messuages, Lands, Tenements, or Hereditaments, of an Estate in Fee Simple in Possession, situate in the Town or County of the Town of *Kingston-upon-Hull* aforesaid, and East Riding of the County of *York*, or One of them, whereof not more than One-Sixth shall be Copyhold; all which Premises so to be purchased as last aforesaid, shall be conveyed, settled, and assured to such Uses, and upon such Trusts, Intents, and Purposes, and under and subject to such Powers, Provisoes, Directions, and Limitations, as the Lands, Tenements, and Hereditaments to be purchased by the said Dock Company as last aforesaid shall, at the Time of such respective Purchases, stand limited, settled, and assured, or such of them as shall be then existing and undetermined, and capable of taking Effect, or as near thereto as the Nature and Quality of the Estates so to be purchased will admit of.

LIV. And be it further enacted, That the said Dock Company shall pay the Purchase Money which shall be agreed to be paid by them for the Purchase of any Lands, Tenements, or Hereditaments for the Purposes last herein-before mentioned, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as aforesaid, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to their Account *ex parte* the said Dock Company, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth; which Monies when so paid in shall be laid out in the Purchase of Navy or Victualling or Transport Bills, or Exchequer Bills; and the Interest arising from the Money to be laid out in the said Navy or Victualling or Transport Bills, or Exchequer Bills, and the Money received for the same as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling or Transport Bills, or Exchequer Bills; all which said

Application
of the Monies
to arise by
Sale of Land
for the Third
Dock.

Monies to be
paid into the
Bank with
the Privity of
the Accountant
General.

said Navy or Victualling or Transport Bills, and Exchequer Bills, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or proper Purchases shall be found and approved of as aforesaid, and until the same shall, upon a Petition to be preferred to the Court of Chancery in a summary Way, by or on the Behalf of the Person or Persons for the Time being entitled to the Freehold or Inheritance of the Lands or Hereditaments so to be purchased, be ordered to be sold by the said Accountant General, for completing such Purchase or Purchases, in such Manner as the said Court shall think just and direct; and if the Money arising by the Sale of such Navy or Victualling or Transport or Exchequer Bills, shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then, and in that Case only, the Surplus which shall remain shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Lands directed to be purchased, in case the same had been purchased pursuant to the Direction of this Act, or to the Representative of such Person or Persons.

Certificates of Accountant General to be good Discharges to Purchasers.

LV. And be it further enacted, That the Certificate and Certificates of the said Accountant General, together with the Receipt and Receipts of the Cashier of the Bank to be thereto annexed and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England*, by the said Dock Company, of their Purchase Money, shall from Time to Time be and be deemed and taken to be a good and sufficient Discharge to the said Dock Company, their Successors and Assigns, for so much of the said Purchase Money or Monies for which such Certificate or Certificates, and Receipt or Receipts as aforesaid, shall be given, and after giving such Certificate or Certificates, and Receipt or Receipts, the said Dock Company, their Successors and Assigns, shall be absolutely acquitted and discharged of and from the same Monies, and shall not be answerable or accountable for any Loss, Misapplication, or Non-application thereof, or of any Part thereof.

The Expences of Applications to the Court of Chancery to be paid by the Dock Company.

LVI. Provided always, and be it further enacted, That the Costs of the several Applications to be made to the said Court respecting the Matters last aforesaid, and the Costs of taking the said Monies out of the Bank, and investing the same in a new Purchase or Purchases as aforesaid, or such Part or Parts thereof as the said Court shall deem reasonable, shall be paid and defrayed by the said Dock Company, their Successors or Assigns.

For raising the Purchase Money for Land for a Third Dock.

LVII. And be it further enacted, That the Monies for the Purchase of the Lands, Tenements, and Hereditaments last herein-before mentioned, shall be advanced, raised, and paid by the said Mayor and Burgesses, the said Guild or Brotherhood, and the said Dock Company, in the several Proportions following; that is to say, One Fourth Part thereof by the said Mayor and Burgesses, One other Fourth Part thereof by the said Guild or Brotherhood, and the Two remaining Fourth Parts thereof by the said Dock Company; and that whenever the said Lands, Tenements, and Hereditaments, shall be applied and appropriated to the Purposes of making the said Dock from *Myton Gates* to *Beverley Gates*, and the Works thereto belonging, the Monies which shall have been paid by the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, for

for the Purchase of the same Lands, Tenements, and Hereditaments, shall be repaid to the said Mayor and Burgesses, and the said Guild or Brotherhood respectively; and that in the meantime and until the said last-mentioned Lands, Tenements, and Hereditaments shall be applied and appropriated to the Purposes last herein-before mentioned, the Rents and Profits to arise therefrom shall be paid to, and shared and divided amongst the said Mayor and Burgesses, the said Guild or Brotherhood, and the said Dock Company, in the several Proportions in which the Monies for the Purchase of the same Lands, Tenements, and Hereditaments shall have been advanced, raised, and paid by them respectively.

LVIII. And be it further enacted, That whenever the Average Tonnage of Ships and Vessels which after the passing of this Act shall resort to the said Port of *Hull*, and be subject by the said recited Act to the Payment of Rates and Duties to the said Dock Company, shall, on an Average of Three successive Years, bear as great a Proportion to the joint Area of the Bason or Dock made under the Authority of the said recited Act, and of the Bason or Dock to be made by this Act, as the Average Tonnage of the Ships and Vessels which resorted to the Port of *Hull*, and paid Rates and Duties to the said Dock Company, in the several Years One thousand seven hundred and ninety-one, One thousand seven hundred and ninety-two, and One thousand seven hundred and ninety-three, bears to the Area of the present Dock, the said Dock Company shall and they are hereby required to make another Dock from *Myton Gates* to *Whitefriar Gates*, to contain Sixty Sail of Ships or square-rigged Vessels of the average Tonnage of the Ships or Vessels usually frequenting the said Port, and to communicate with the said Two other Docks: Provided always, that nothing herein contained shall extend or be construed to extend to compel or oblige the said Dock Company to make the said last-mentioned Bason or Dock, until the Bason or Dock and Works herein-before directed to be made shall be completed, and until One Half of the Monies to be advanced and paid by the said Mayor and Burgesses, the said Guild or Brotherhood, and the said Dock Company, for the Purchase of Ground for the said Bason or Dock from *Myton Gates* to *Beverley Gates*, and also of the Monies to be expended in the making of the said last-mentioned Bason or Dock, and Works thereunto belonging, be first secured to be paid to the said Dock Company when and as the same shall be wanted for those Purposes.

For making a
Third Dock.

LIX. And be it further enacted, That it shall and may be lawful for the said Mayor and Burgesses, and they are hereby authorized and empowered, from Time to Time to lay or cause to be laid Pipes from their Waterworks at or near *Kingston-upon-Hull* aforesaid, through the Lands and Grounds of the said Dock Company, into the present Bason or Dock, and the Basons or Docks to be made by virtue of this Act, or any of them, for the Purpose of supplying the Ships therein with fresh Water, so as the same be laid by or under the Direction of the Surveyor for the Time being of the Works of the said Dock Company, but at the Expence of the said Mayor and Burgesses.

For laying
Pipes into the
Docks.

LX. And whereas the Manner of levying and recovering the Penalties and Forfeitures inflicted by the said recited Act have been found inconvenient; be it therefore further enacted, That from and after the passing of this Act the same shall be and is hereby declared to be repealed.

Manner of
recovering
Penalties
repealed.

[*Loc. & Per.*]

17 P

LXI. And

Recovery of Penalties.

LXI. And be it further enacted, That all Penalties and Forfeitures by the said recited Act or this Act inflicted or directed to be inflicted (the Recovery of which is not therein or herein otherwise directed) shall, if the same be not paid on Demand, be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, wheresoever the same can be found; and in case no such Distress can be had, then it shall be lawful for any Justice of the Peace of the said Town of *Kingston-upon-Hull*, by Warrant under his Hand and Seal to commit the Party offending to the Common Gaol or House of Correction of the said Town for the Space of Twenty Days, without Bail or Mainprize, unless the said Penalty and Charges shall be sooner paid and satisfied.

Incumbrances not to be affected.

LXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, impeach, or prejudice any existing Mortgage, Charge, Annuity, or other Incumbrance upon or affecting any of the Lands, Tenements, or Hereditaments of the said Mayor and Burgesses, and Guild or Brotherhood respectively.

Saving to the Trinity House.

LXIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect any of the Rights, Powers, Privileges, Jurisdictions, or Authorities of or in anywise belonging to the said Guild or Brotherhood; or which they might have used, exercised, or enjoyed by virtue of any Charter, Letters Patent, Grant, Right, or Title whatsoever, otherwise than as the same are by this Act expressly taken away, varied, altered, or restrained.

Saving to the Mayor and Burgesses.

LXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect any of the Rights, Dues, Duties, and Payments, Powers, Privileges, Jurisdictions, or Authorities of or in anywise belonging to the said Mayor and Burgesses, otherwise than as the same are by this Act expressly taken away, varied, altered, or restrained.

Saving to the Dock Company.

LXV. And be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect any of the Rights, Powers, Privileges, Jurisdictions, or Authorities given or granted to or vested in the said Dock Company in and by the said recited Act, otherwise than as the same are by this Act expressly taken away, varied, altered, or restrained.

Public Act.

LXVI. And be it further enacted and declared, That this Act shall be taken and allowed in all Courts of Judicature within this Kingdom as a Public Act, and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.