ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XLIX.

An Act for repairing, improving, and maintaining the Harbour of *Eyemouth* in the County of *Berwick*. [3d *May* 1797.]

WHEREAS the Port and Harbour of *Eyemouth*, in the County of *Berwick*, is a Place of conſiderable Trade, particularly for the Importation of Wood, Coal, and Lime, and is the only Port within the County for the Exportation of Corn or other Commodities; and is of ſingular Advantage to the Trade and Shipping upon the Coaſt by being of eaſy Acceſs in ſtormy Weather, and ſo ſituated that Ships taking Shelter there can ſail at all Times and in all Winds when it is ſafe to go to Sea: And whereas conſiderable Sums of Money have been raiſed from Time to Time by Subſcription, and expended in making Two Piers, and improving the Harbour, the Benefit of which cannot be ſecured to the Subſcribers or to the Publick unleſs a Fund be provided for keeping it in Repair, and enlarging and improving, when neceſſary, the Piers and Quays, and ſcouring, cleaning, and deepening the Harbour, and rendering it more ſafe and convenient for the Trade and Shipping: But as this cannot be done without the Authority of Parliament, may it therefore Preamble.

pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Firſt Day of *May* in the Year One thouſand ſeven hundred and ninety-ſeven, it ſhall and may be lawful for the Truſtees herein-after appointed, or any Three or more of them, or the Collector or Caſhier to be authorized by them, to demand and levy from the Maſters, or other Perſons having the Charge and Command of any Ship or Veſſel that may enter the ſaid Port and Harbour of *Eyemouth*, the following Duties, to wit,

Duties to be collected.

One Penny for every Quarter of all Grain, Malt, Meal, and Flour, ſhipped from or landed in the ſaid Harbour:

Sixpence *per* Ton on all Potatoes ſhipped from or landed in the ſaid Harbour:

One Halfpenny *per* Buſhel on all Salt ſhipped from or landed in the ſaid Harbour:

Two-pence *per* Ton Regiſter on all Ships or Veſſels which may arrive in the ſaid Harbour to load or unload their Cargoes, or any Part thereof:

One Penny *per* Ton Regiſter on all other Ships or Veſſels that may enter the ſaid Harbour:

One Pound and One Shilling for every Foreign Ship that ſhall enter the ſaid Harbour:

And the ſaid Truſtees, or any Three or more of them, with Conſent of any Two of the Overſeers after mentioned, when and ſo often, and for ſuch Periods of Time as to them may ſeem proper, are hereby authorized and empowered to reduce the ſaid Duties hereby impoſed to a leſſer Rate or Rates, or to omit levying ſuch of the ſaid Duties, or to reduce and leſſen the ſame, as to them may ſeem fit; and again at any Time or Times to demand and receive the Whole of the ſaid Duties, or any Part or Parts thereof, according to what may appear to them to be for the Intereſt and Advantage of the Trade and Shipping.

Act not to extend to Ships of War.

II. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge any Ships or Veſſels of War belonging to His Majeſty, His Heirs or Succeſſors, or any Packets employed by His Majeſty's Poſtmaſter General, or any Yachts, Cutters, Sloops, or other Ships or Veſſels, lawfully commiſſioned for the Suppreſſion of Smuggling or illicit Trade, with any of the Duties granted by this Act.

Truſtees.

III. And be it enacted, That *Patrick Home* of *Wedderburn*, *Robert Hay* of *Drummelzier*, *John Fordyce* of *Ayton*, *Alexander Boſwall* of *Blackadder*, *William Molle* of *Mains*, *Alexander Robertſon* of *Prendergueſt*, *George Johnſton* of *Highlaws*, *John Renton* of *Chetterbank*, *William Robertſon* Merchant in *Eyemouth*, *John Turnbull* Merchant there, *William Grieve* Merchant there, *James Wood* Merchant there, *Thomas Forreſt* Merchant there, and the Baron Baillie of *Eyemouth* for the Time being, ſhall be and are hereby nominated and appointed Truſtees for keeping in Repair and improving the ſaid Harbour, and the Piers and Quays, and other Accommodations for the Trade and Shipping connected therewith; and alſo for putting in Execution all the other Powers given by this Act, (any Three of them to be a Quorum),

Quorum), and that the Money to be raiſed and collected in virtue hereof ſhall be and is hereby declared to be veſted in the ſaid Truſtees, and the Survivors of them, and their Succeſſors, to be appointed in Manner herein-after mentioned; and the ſame and every Part thereof ſhall be paid, applied, and diſpoſed of or aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes before and after mentioned: But if any of the ſaid Truſtees ſhall accept of any Place of Profit under this Act, he ſhall *ipſo facto* be diſqualified from acting as a Truſtee during his Enjoyment of ſuch Place of Profit.

Recovery of the Duties.

IV. And be it enacted, That in caſe the aforeſaid Duties granted by this Act ſhall be unpaid by ſuch Maſter or Maſters, or other Perſon or Perſons having the Charge and Command of any Ship or Veſſel, upon Demand made thereof, according to the true Intent and Meaning of this Act, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the Collector or Collectors, appointed in Manner herein-after mentioned by the ſaid Truſtees, to diſtrain any of the Goods, Merchandiſe, Tackle, or Furniture, of ſuch Ship or Veſſel, and to keep the ſame until he or they be ſatisfied and paid the ſaid Duties impoſed by this Act; and in caſe ſuch Duties ſhall not be paid within Three Days next after ſuch Diſtreſs ſhall be ſo taken, then it ſhall and may be lawful to and for the ſaid Collector or Collectors to ſell the Goods, Merchandiſe, Tackle, or Furniture, ſo taken, by publick Auction, and with the Money ariſing from ſuch Sale to ſatisfy himſelf or themſelves, as well for the Duties ſo neglected to be paid, as for his or their reaſonable Coſts and Charges in diſtraining, keeping, and ſelling the ſame, rendering to the Perſon or Perſons whoſe Goods, Merchandiſe, Tackle, or Furniture, ſhall have been ſo diſtrained and ſold, or to his or their Agent or Agents the Overplus, if any be.

Maſters of Ships to produce Regiſters.

V. And be it enacted, That the Maſters or other Perſons having the Charge and Command of all Ships or Veſſels that may enter the ſaid Port and Harbour, liable to the Payment of the Duties by this Act given and granted, ſhall give a juſt and true Account of their Lading, and ſhall produce their Regiſters, where they any have, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall from Time to Time appoint for that Purpoſe; and ſhall alſo permit and ſuffer the ſaid Ships or Veſſels to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall from Time to Time appoint; and ſhall pay the Duties aforeſaid according to ſuch Account rendered, Production of Regiſters, or according to ſuch Meaſurement, in the Option of the Perſon appointed by the Truſtees for that Purpoſe as aforeſaid; and that all Maſters and other Perſons aforeſaid refuſing to give an Account of their Lading, to produce their Regiſters, or to have their Ships or Veſſels meaſured as aforeſaid, ſhall for every ſuch Offence reſpectively forfeit and pay to the ſaid Truſtees, or to the Perſon appointed for that Purpoſe as aforeſaid, the Sum of Five Pounds Sterling.

Appointing Collectors.

VI. And be it enacted, That all and every Sum and Sums of Money ariſing from the ſaid Duties or Forfeitures ſhall be paid to, and collected and received by ſuch Perſon or Perſons as, by a Writing under the Hands of the ſaid Truſtees, ſhall be for that Purpoſe nominated and appointed (ſuch Perſon or Perſons being always ſubject to be removed by the ſaid

Truſtees, and new ones appointed in caſe of Death or Removal, the Salary to be allowed to ſuch Collector or Collectors being always to be paid out of the ſaid Duties); and the Perſon or Perſons ſo to be nominated and appointed to collect the ſaid Duties or other Monies paid under the Authority of this Act, before entering upon his or their Office or Offices, ſhall be obliged to give ſufficient Security for the faithful Adminiſtration of his or their reſpective Office or Offices; and when the ſaid Duties or other Monies raiſed under the Authority of this Act ſhall be ſo collected and received, ſuch Perſon or Perſons ſo nominated and appointed as aforeſaid ſhall pay the ſame to ſuch Perſons, and in ſuch Manner and Proportions, as the ſaid Truſtees ſhall direct and appoint.

and a Harbour Maſter.

VII. And be it enacted, That the ſaid Truſtees ſhall alſo have Power to appoint a Harbour Maſter from Time to Time, who ſhall have the Direction of the Anchorage and Mooring of all Ships or Veſſels entering the ſaid Harbour, as well as of pointing out to the Maſters and others having the Command of ſuch Ships or Veſſels where to take in or land their Cargoes or Ballaſt, and likewiſe to remove Ships or Veſſels to give neceſſary Room for others; and ſuch Maſters or Commanders ſhall be obliged to obey the ſaid Harbour Maſter in all legal Orders they may receive from him under the Authority of this Act, under the Penalty of any Sum not exceeding Five Pounds for each Act of Diſobedience, to be recovered and applied in Manner after-mentioned; the ſaid Harbour Maſter ſo to be appointed always making Oath before One or more of the ſaid Truſtees for the faithful and impartial Diſcharge of his Office; and the ſaid Truſtees or their Quorum ſhall and may allow to ſuch Harbour Maſter ſuch Salary or Gratification out of the ſaid Duties as to them ſhall ſeem reaſonable.

Harbour Maſter to take the following

VIII. And be it enacted, That no Perſon ſhall be capable of acting as a Harbour Maſter in Execution of the Powers given by this Act, until he ſhall have taken and ſubſcribed the Oath following:

Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, to the beſt of my Skill and Judgement, diſcharge the Duties of Harbour Maſter, according to the Powers and Authorities given by virtue of an *Act for repairing, improving, and maintaining the Harbour of* Eyemouth *in the County of* Berwick.'

Which Oath it ſhall be lawful for any Three or more of the ſaid Truſtees to adminiſter; and the ſaid Oath ſo taken and ſubſcribed, ſhall be inrolled in the Book or Books herein-after directed to be kept of all Monies which ſhall be received in virtue or in purſuance of this Act.

Treaſurer to give Security.

IX. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby required to take ſuch Security as they ſhall think proper, from the Treaſurer or Treaſurers, and other Officers who ſhall be appointed for the Purpoſes of this Act, for the due Execution of their reſpective Offices.

Application of the Duties.

X. And be it further enacted, That the Money ſo to be raiſed in virtue of this Act (after Deduction of the neceſſary Expences of carrying this Act into Execution) ſhall be applied by the ſaid Truſtees in repairing, ſcouring, deepening, and improving the ſaid Harbour, the Piers, Wharf Walls,

and Quays thereof, and in ſupporting, repairing, and keeping the ſame in Repair, and in repaying ſuch Sums of Money as the ſaid Truſtees may find neceſſary to borrow in Manner after-mentioned.

Truſtees to borrow Money.

XI. And be it likewiſe enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, provided the Intereſt of the Sums ſo to be borrowed do not exceed One Third Part of the Annual Produce of the net Duties by this Act given and granted, taken upon an Average of the Three laſt Years; and to grant, aſſign, and ſet over the ſaid Duties, or a ſufficient Proportion thereof, to any Perſon or Perſons whatſoever who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame with Intereſt reſpectively; and that the Money ſo to be borrowed and advanced ſhall be employed for the Ends and Purpoſes of this Act, and no otherwiſe.

Truſtees may leaſe the Duties.

XII. And be it further enacted, That the ſaid Truſtees, at their Annual Meeting aſſembled, are hereby authorized and empowered, by Publick Auction, to let the Duties hereby granted, in Whole, or in Parts or Shares, from Time to Time, during the Continuance of this Act, by Leaſe or otherwiſe, for any Term not exceeding Three Years, for the higheſt Rent or Rents they can get for the ſame, to ſuch Perſon or Perſons as ſhall from Time to Time give ſuch good and ſufficient Security for paying thereof as ſhall be approved of by the ſaid Truſtees.

Collectors of Cuſtoms not to grant Clearances till Duties paid.

XIII. And, to prevent any Delay or Evaſion in the Payment of the Duties aforeſaid, be it further enacted, That, from and after the Firſt Day of *May* in the Year One thouſand ſeven hundred and ninety-ſeven, there ſhall be produced to the Collector, or other Officer of His Majeſty's Cuſtoms reſiding at *Eyemouth*, by the Maſter or other Perſon having the Charge and Command of any Ship or Veſſel that may enter the ſaid Port or Harbour, or that may ſail out of the ſame, or liable in Payment of the Duties by this Act given and granted, a Receipt, or other ſufficient Voucher of the Payment of the ſaid Duties; and that until ſuch Production be made, and the Collector or other Officer aforeſaid be ſatisfied with the ſame, the ſaid Collector or other Officer ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward of any Ship or Veſſel liable or ſubject to the Payment of the ſaid Duties, under the Penalty of Five Pounds Sterling.

To prevent evading Duties.

XIV. And be it further enacted, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee of any Ship or Veſſel, ſhall at any Time, after the Commencement of this Act, elude or evade the Payment of any of the Rates and Duties hereby granted, by any Method whatſoever, every ſuch Maſter, Commander, or other Perſon, or ſuch Owner, Factor, or Conſignee, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees any Sum not exceeding Five Pounds Sterling, and ſhall notwithſtanding ſtand charged with and be liable to the Payment of the ſaid Duties.

For appointing new Truſtees.

XV. And, for continuing a proper Number of Truſtees to put this Act in Execution, be it further enacted, That when the Number of Truſtees ſhall

ſhall be reduced to Twelve by Death, Removal, Reſignation, Incapacity, or Refuſal to act, it ſhall and may be lawful for the remaining Truſtees, or any Three or more of them, by any Writing under their Hands, from Time to Time to elect, nominate, and appoint One or more fit Perſon or Perſons, reſiding not more than the Diſtance of Twelve Miles from the ſaid Town and Harbour of *Eyemouth*; provided always, as it is hereby ſpecially provided and declared, that there ſhall always be at the leaſt Eight of the ſaid Truſtees on the Roll of Freeholders, or in the Commiſſion of the Peace for the ſaid County of *Berwick*; and that at leaſt Six of the ſaid Truſtees ſhall be Perſons reſiding within the Town or Pariſh of *Eyemouth*, or within the Diſtance of Four Miles thereof, in the Room or Place of ſuch Truſtee or Truſtees ſo dying, removing, reſigning, being incapable, or refuſing to act; and ſuch Perſon or Perſons ſo elected ſhall be joined with ſuch ſurviving or remaining Truſtees in the Execution of the Powers in them repoſed by this Act; and all and every ſuch Perſon or Perſons, who ſhall be choſen and appointed to be joined with ſuch ſurviving or remaining Truſtees, ſhall and may, and they are hereby authorized and empowered to act to all Intents and Purpoſes in as full, large, and ample a Manner as the ſaid Truſtees, nominated and appointed by this Act, are hereby authorized and empowered to act.

Accounts to be kept.

XVI. And be it enacted, That the ſaid Truſtees ſhall, from Time to Time, order and direct One or more Book or Books to be provided, wherein ſhall be fairly entered and kept an Account of all Monies which ſhall be received in virtue or in purſuance of this Act, and all Payments and Diſburſements out of the ſame; and ſhall expreſs the Time when received, paid, and diſburſed; and alſo for what Uſe ſuch Diſburſements were made; and that Once in every Year, to wit, the Second *Tueſday* of *September*, beginning the Firſt Meeting upon the Second *Tueſday* of *September* One thouſand ſeven hundred and ninety-ſeven, the ſaid Truſtees ſhall meet at *Eyemouth*, and audit and ſettle the Accounts of the ſaid Duties for the Time or Year preceding, and take the Oaths of their Collector and Clerk, if neceſſary, upon the Verity of the ſaid Accounts, or any Particular thereof, which Oaths they are hereby empowered to adminiſter, and to adjourn from Time to Time as they may think proper; and at all ſuch Meetings the Truſtees are to bear their own Expences.

Freeholders of the County of *Berwick* to ſuperintend the Execution of the Act.

XVII. And be it further enacted, That the Freeholders of the ſaid County of *Berwick* ſhall be and are hereby appointed Overſeers and Superintendants of the ſaid Duties, and of the Application thereof, and a Copy of the ſaid Annual Proceedings of the ſaid Truſtees, and of the Annual Accounts of the Duties and Diſburſements thereof, ſhall be yearly preſented to the ſaid Freeholders at their *Michaelmas* Head Court; and they, or any Committee of their Number to be named and appointed at ſuch Head Court, ſhall have full Power and Authority to canvaſs and examine the whole Proceedings and Accounts of the ſaid Truſtees, and their Clerks, Collectors, and Treaſurers, and to approve, alter, or reject all or any Part thereof; and in caſe the ſaid Freeholders, or Majority of them preſent, or their Committee, ſhall find any Miſapplication of the Money collected in virtue of this Act, or any other Abuſes of the Powers and Authority hereby given, the ſaid Freeholders, or the Majority of them preſent, or the Committee appointed by them, are hereby authorized and empowered to hear and examine the accuſed, and alſo to examine, upon Oath, ſuch

Witneſſes as ſhall be adduced upon either Side; and if it ſhall appear to them that there has been any Embezzlement, or other Abuſe of Powers and Authority by this Act given, the ſaid Freeholders, or the Majority of them preſent, or their Committee, are hereby empowered to make ſuch Order thereupon as they ſhall think juſt and reaſonable, and ſhall and may adjudge the Offenders or Embezzlers of any Money received, to pay the Value of what ſhall appear to be embezzled, or the Perſons concerned in any Abuſe of the Powers granted by this Act, to pay ſuch Sum as they ſhall think reaſonable, with full Coſts and Damages in either Caſe; which Order or Sentence ſhall be final and not challengeable in or before any Court of Law whatever.

For Recovery of Penalties.

XVIII. And be it enacted, That it ſhall and may be lawful to the ſaid Truſtees, or any Collector or Collectors to be appointed by them, to proſecute and recover any Penalty or Forfeiture by this Act impoſed, by Action, Bill, Complaint, or Information, before any Two or more Juſtices of the Peace of the County of *Berwick*, or any other Judge competent for Civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide or be apprehended; and the ſaid Juſtices of the Peace, or other Magiſtrate aforeſaid, ſhall be, and they are hereby empowered and required to proceed to the Trial of ſuch Offences in a ſummary Way, and upon Conviction of the Offender or Offenders, by his, her, or their own Confeſſion, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, to award ſuch Order or Judgement as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and, in Default of Payment of the Penalties or Forfeitures herein-before enacted, which ſhall be awarded as aforeſaid, the Perſon or Perſons convicted ſhall and may be ſent by them to the Priſon neareſt to the Place where the Offender or Offenders ſhall be apprehended, for ſuch Time as the ſaid Juſtices or Magiſtrates ſhall direct, not exceeding Three Calendar Months; and that the ſaid Penalties, when recovered, ſhall, after Deduction of the neceſſary Charges of recovering the ſame, be paid and applied in the ſame Manner as the Duties by this Act given and granted are to be paid and applied.

Mitigation of Penalties.

XIX. Provided always, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, or other Magiſtrate aforeſaid, from Time to Time when they ſee Cauſe, to mitigate, compound, or leſſen any Penalty or Forfeiture aforeſaid as they or he in their or his Diſcretion ſhall think fit, ſo as ſuch Compoſition or Mitigation do not extend or remit above one Moiety of the Penalty inflicted and directed to be levied by this Act.

Limitation of Actions.

XX. And be it enacted by the Authority aforeſaid, That all Actions or Complaints for all and every the Penalties and Forfeitures impoſed by this Act, or for any Wrongs done or Injuries ſuffered in any Matter relative thereto, or in conſequence of any of the Powers by this Act given and granted, ſhall be commenced within the Space of Twelve Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury ſuffered, and not afterwards.

Truſtees to make Rules and Bye Laws.

XXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, at any Time or Times hereafter,

hereafter, in General Meetings aſſembled, to make, ordain, and eſtabliſh ſuch Orders, Rules, Regulations, and Bye Laws, for the better deepening, cleanſing, ſcouring, and keeping in Repair the ſaid Harbour of *Eyemouth*, and piloting of the Ships and other Veſſels going into and coming out of the ſame; and for the better regulating, governing, and managing the Docks, Piers, Quays, and Jettees, and every other the Works erected and to be erected, made, and ſet up in the ſaid Harbour; and the Goods, Wares, and Merchandiſe that from Time to Time may be laid or landed thereon, and for the better executing the other Purpoſes of this Act, and for their own Rule, Order, Direction, and Government in carrying this Act into Execution; and alſo from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, all or any of ſuch Rules, Orders, Regulations, and Bye Laws, as to them ſhall ſeem moſt fitting and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance or other Breach of all or any ſuch Rules, Regulations, or Bye Laws, or any Part of them, to be recovered and applied in ſuch Manner as the Fines and Penalties, by this Act impoſed, are ordered to be recovered, levied, and applied: Provided always, that ſuch Orders, Rules, and Bye Laws, Regulations or Orders, or Amendments to be made thereupon, or Repeals, or other Alterations thereof, be previouſly approved of by the Overſeers hereby appointed, or Committee of their Number herein-before mentioned: And the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye Laws to be printed and diſtributed, and ſtuck up at the moſt conſpicuous Places in the Town and Harbour of *Eyemouth*, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Recovery of Subſcription Money.

XXII. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed towards carrying into Effect the Purpoſes of this Act, ſhall refuſe or neglect to pay his, her, or their Subſcription Money at ſuch Time and Place as ſhall be appointed by the ſaid Truſtees, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame in any Court competent in *Great Britain*.

Commencement and Continuance of the Act.

XXIII. And be it enacted, That this Act ſhall have Effect from the Firſt Day of *May* One thouſand ſeven hundred and ninety-ſeven, and have Continuance in Time coming until the ſame be repealed or altered.

Perſons aggrieved may appeal.

Limitation.

XXIV. Provided always, and be it enacted, That if any Perſon ſhall think him or herſelf aggrieved by any Proceeding in the Execution of this Act, it ſhall and may be lawful for ſuch Perſon within Six Months after the Matter complained of ſhall have been done, but not afterwards, to appeal to the Sheriff Depute for the Shire of *Berwick*, the Appellant lodging at the Time of entering the ſaid Appeal with the Sheriff Clerk, a Recognizance to proſecute the ſame; and the ſaid Sheriff Depute, or his Subſtitute, is hereby authorized and required to take Cognizance of ſuch Complaint and Appeal, and to make ſuch Determination thereon as he ſhall ſee juſt, awarding to the Party prevailing his full Coſts, and ſuch Determination ſhall be final.

The Act to be produced and pleaded

XXV. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Truſtees,

or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Suit or Action may produce this Act, and plead that the ſaid Things were done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, that then the Defendants ſhall be abſolved from every ſuch Suit, Action, or Actions, and ſhall have Double Coſts and Expences in the Defence thereof awarded to them from and againſt the Proſecutor or Proſecutors of the ſame. in Actions brought againſt Truſtees and others.

XXVI. And be it enacted, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame. Publick Act.

FINIS.