Anno sexto

Georgii III. Regis.

CAP. XXXI.

An Act for taking down and removing certain Light-houses now standing near the *Spurn Point*, at the Mouth of the *Humber*, and for erecting other fit and convenient Light-houses instead thereof.



WHEREAS His late Majesty King Charles the Second, by his Letters Patent, bearing Date at Westminster the Twenty fifth Day of October, in the Twenty eighth Year of His Reign, reciting therein, that His said Majesty had been informed, by the Petition of several Persons therein named, that they, and other Masters of Ships using the Northern Coasts, had had great Losses at Sea, near the Mouth of the Humber, upon a very broad long Sand, thrown up and discovered about Six or Seven Months then since, by reason whereof they sailed in great Danger in the Night; and considering that Lights erected upon the Spurn Point, at the Mouth of the Humber, would for the future prevent such Danger, they applied to Justinian Angell of London, Merchant, he being Proprietor of a Piece of Ground fit for such Purpose; and proposed, that if he would

Preamble, reciting Letters Patent of 28 Car. II.

would erect Two Lights upon the said Ground, they would contribute to pay him towards the Charges and Maintenance thereof, One Farthing a Ton; and reciting, that the said Justinian Angell had accordingly erected Two Lights, which the said Petitioners found to be of great Benefit, and an absolute Safety to all Navigators on that Coast, there being no Ground upon all the Coast that any Light could be erected upon to do any Service to the Navigators, tending to the aforesaid Sands and Harbour, but the aforesaid Place; therefore they prayed His said Majesty to grant to the said Justinian Angell full Power to kindle and maintain the said Lights; and the Master, Wardens, Assistants, and elder Brethren, of the Trinity House of Newcastle, having examined, and certified to His said Majesty, the Necessity of the said Lights, and that the same would be of great Benefit to Navigation, His said Majesty, for promoting and continuing so good a Work, and for the Safety of his Subjects, was pleased to grant to the said Justinian Angell, his Heirs, and Assigns, full and free Liberty and Authority to continue, renew, and maintain, the said Light-houses with Lights, to be continually burning therein in the Night Season, whereby the said Ships might the better come to their Ports without Peril; and for defraying the necessary Charges and constant Maintenance of the said Light-houses, His said Majesty was pleased to declare and grant, that for ever thereafter there might be collected and taken, and that the said Justinian Angell, his Heirs, and Assigns, might collect, have, and take, for every Ship or Vessel passing by the said Light-house, and belonging or trading to the Ports of Newcastle or Sunderland, or any of the Creeks or Members thereof, One Farthing the Ton, according to the Burthen of such Ships or Vessels; to hold the said Liberties, Powers, and Authorities, Contributions, Duties, and Sums of Money, to the said Justinian Angell, his Heirs, and Assigns for ever, as fully, to all Intents and Purposes, as the Masters of the Trinity House at Deptford Strond in Kent, or any other Person or Persons, any the like Licences, Powers, and Authorities, then had, held, or enjoyed, or might have, hold, or enjoy, in any other Place or Places, subject to the yearly Rent of Five Pounds, in manner in the said Letters Patent mentioned; and His Majesty was also pleased thereby to grant divers other Powers and Authorities relative to the collecting and receiving the said Duties; but in the said Letters Patent it is provided, that if at any Time thereafter it should

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be made appear to his said Majesty, his Heirs, or Successors, that such Grant was prejudicial or inconvenient, or not of publick Use or Benefit; then, upon Signification or Declaration to be made by his said Majesty, his Heirs, or Successors, under his or their Signet or Privy Seal, of such Prejudice or Inconvenience, the said Letters Patent were to be void and determine: And whereas by certain other Letters Patent, bearing Date at Westminster the Fourteenth Day of June, in the Thirtieth Year of the Reign of his said late Majesty, and 30 Car. II. reciting (among other Things) that the said Justinian Angell having complained to the Petitioners, in the said Letters Patent named, that the said Receipt of One Farthing a Ton would not maintain the said Light-houses, they had considered the Charge of maintaining the said Light-house, and of the other Light by him since erected and added, and that the said Petitioners had requested his said Majesty to grant a further Duty for the Maintenance of the said Lights; His said Majesty, for the necessary Charges and constant Maintenance of the said Light-houses, was pleased to declare and grant, that, for ever thereafter, there might be collected and taken, and that the said Justinian Angell, his Heirs, and Assigns, might, from thenceforth, have, collect, and take, for every Ship or Vessel passing by or crossing the said Light-houses, whether outward or homeward bound, and belonging and trading to any of the Ports and Creeks aforesaid, or any ways Northward, the further and additional Sum of One Farthing a Ton, more than he ought to receive by virtue of the said first mentioned Letters Patent, for all English Ships or Vessels; and also One Penny per Ton for all Foreign Bottoms; to hold the same to the said Justinian Angell, his Heirs, and Assigns, for ever, at the yearly Rent of Five Pounds, payable as in the said Letters Patent is mentioned, and subject to a like Proviso as is contained in the said first mentioned Letters Patent: And whereas Edward Thompson, late of the City of York, Esquire, (since deceased) being Owner and Proprietor of One fourth Part of the Land whereon the said Light-houses were erected, and of other Land there, containing about Ten Acres; and likewise of One fourth Part of the said Light-houses, and of all Dues, Duties, Sum and Sums of Money, Benefits, Advantages, and Profits, whatsoever, to be had, gotten, or received, for and in respect of the said Lights, or either of them, which had descended to him from his Ancestors, by whom the same was formerly purchased; did, by his

laſt Will and Teſtament, duly executed, bearing Date the Twenty third Day of November, One thouſand ſeven hundred and forty nine, after charging his Real Eſtate with the Payment of all his juſt Debts and Funeral Expences (in caſe his Perſonal Eſtate was not ſufficient to pay the ſame) and after giving ſeveral very conſiderable Annuities, payable out of his Real Eſtates, and ſeveral Legacies, give and deviſe to Thomas Busfield and Leuyns Boldero Eſquire, and their Heirs, all and ſingular his Manors, Meſſuages, Farms, Lands, Tenements, Hereditaments, and Premiſſes, whatſoever and whereſoever, to hold to them, their Heirs and Aſſigns, to the Uſe of his Nephew Leonard Thompſon, of Sheriff Hutton in the ſaid County of York, Eſquire, and his Aſſigns, during his Life, without Impeachment of Waſte, with Remainder to the ſaid Truſtees and their Heirs, during the Life of the ſaid Leonard Thompſon, to preſerve contingent Remainders; with Remainder, after the Death of the ſaid Leonard Thompſon, to Solomon Fell Gentleman, for One thouſand Years, on certain Truſts in the ſaid Will mentioned; with Remainder to the Firſt and other Sons of the ſaid Leonard Thompſon, in Tail Male, with divers Remainders over: And whereas, notwithſtanding at the Time of erecting the ſaid Light-houſes, the Ground on which they were built was very near the Spurn Point, and was then the moſt proper Situation for anſwering the good Purpoſes for which the ſame were erected; yet by the flowing and ebbing of the Sea ſince the Time of their Erection, Part of the Ground at or near the Spurn Point has been waſhed away, and other Ground hath been left and thrown up, ſo that the Light-houſes now ſtand at a conſiderable Diſtance from the Point of the Spurn, by reaſon whereof the Maſters of Veſſels are deceived, and many very great Loſſes have lately happened to Ships and Veſſels employed in the Northern Navigation, to the great Detriment of ſeveral Branches of Trade in this Kingdom: And whereas it is abſolutely neceſſary for the Safety of the Northern Navigation, that Two New Light-houſes ſhould be erected in a proper Place nearer to the Spurn Point than the Place where the preſent Light-houſes ſtand: And whereas John Angell, now of Stockwell, in the County of Surrey, Eſquire, as Owner of Three fourth Parts of the ſaid Light-houſes, Revenues, Duties, and Profits, having had frequent Applications made to him, or his Agents, by the Corporations of the Trinity Houſes at Deptford Strond, and Kingſton upon Hull commonly called Hull, and

alſo by the ſaid Leonard Thompſon; and all poſſible Means having been uſed to prevail on him to change the Situation thereof, in ſuch a Manner as that they may anſwer the good Ends and Purpoſes for which they were originally deſigned, hath, from time to time, wholly neglected or refuſed ſo to do, or to contribute his Proportion of the Expence of taking down and removing the ſaid preſent Light-houſes, and of erecting and building others in the ſtead thereof as aforeſaid; whereby, and by Petitions to His Majeſty for that Purpoſe, and by References thereon, the ſaid Corporations, and alſo the ſaid Leonard Thompſon, have been put to conſiderable Charges and Expences: And whereas the ſaid Leonard Thompſon is ready and willing to take down and remove the ſaid preſent Light-houſes, and to erect and build others inſtead thereof, in ſuch Place or Places near to the preſent Point of the Spurn, and in ſuch Manner and Form as ſhall be thought moſt proper and convenient by the ſaid Corporation of the Trinity Houſe of Deptford Strond, and under their Inſpection and Direction, upon his being enabled to borrow and raiſe Money for that Purpoſe, and for repaying to the ſaid Corporations of the Trinity Houſes of Deptford Strond and Hull, and him the ſaid Leonard Thompſon reſpectively, their ſaid reſpective Charges and Expences incurred concerning the ſaid Light-houſes, and alſo for defraying the Charges of ſoliciting and obtaining this preſent Act; and ſo that the Three Fourth Parts of the ſaid Revenues, Duties, and Profits, belonging to the ſaid John Angell, may be a redeemable Intereſt in him, or the Perſon or Perſons intitled thereto, on his or their paying the whole Amount of the ſaid Expences of the ſaid Corporations of Deptford Strond and Hull, and of him the ſaid Leonard Thompſon, and the Intereſt thereof, and Three Fourth Parts of the Expences of obtaining this Act, and removing and rebuilding the ſaid Light-houſes, and the Intereſt of ſuch Three Fourth Parts, to the Perſon or Perſons who ſhall advance and lend the ſame, his, her, or their Executors, Adminiſtrators, or Aſſigns; but by reaſon of the Eſtate and Intereſt which the ſaid John Angell hath in the ſaid Three Fourth Parts of the ſaid Lands, Light-houſes, Revenues, Duties, and Profits, and by reaſon that the ſaid Leonard Thompſon is only Tenant for Life, with ſuch Remainders over as aforeſaid in the ſaid Fourth Part of the ſaid Premiſſes, the Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament: Therefore, for promoting a Work ſo conducive to the Safety of His Majeſty's Subjects,

sects, and to remedy so great a Detriment to Trade and Navigation; may it please Your Majesty, at the humble Suit of the said Leonard Thompson, 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 to and for the said Leonard Thompson, and other the Person or Persons who shall, for the time being, be intitled to his Fourth Part of the Duties and Profits hereby granted or continued, by and under the said recited Will of the said Edward Thompson; and he and they are hereby authorized and required, with as much Speed as conveniently may be, after the First Day of June, One thousand seven hundred and sixty six, to erect and build, or cause to be erected and built, Two new and sufficient Light-houses, with suitable Offices and Conveniencies, at or near the said Spurn Point, and according to such Plan and Estimate, as the Master, Wardens, and Assistants, of the said Corporation of the Trinity-House of Deptford Strond, shall, by Writing under their Common Seal, specify, appoint, and approve of; and, for that Purpose, to take down the said present Light-houses, and to make use of all or any Part of the Materials thereof, or otherwise to sell and dispose of the same, and to apply the Money arising therefrom towards building such new Light-houses; and, in the mean Time, and until the said new Light-houses shall be compleated, to erect and continue Two temporary Lights, as near as may be to the respective Places where the said new Light-houses shall, as aforesaid, be appointed to be built; and also to keep sufficient Lights and Fires burning continually in the Night-season, so as to answer the Purposes intended by this Act for the Benefit of Navigation; and, from time to time, to enlarge, contract, alter, or remove the said new Light-houses, or either of them, as Occasion may require, with the Consent and by the Direction of the same Corporation, to be signified as aforesaid; and for any of the Purposes aforesaid, to enter upon and use such Part or Parts of the Land at or near the Spurn Point, (be it the Soil or Ground of the King's most Excellent Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate) as the Corporation of the Trinity House of Deptford Strond, shall, from time to time, by Writing under their Common Seal, appoint.

New Light-houses to be built, and the old ones taken down.

And,

And, to the End that those Purposes may be better attained, and that the Management of the said Light-houses may not be neglected or badly conducted; be it hereby further enacted by the Authority aforesaid, That from and after the erecting and building the said Light-houses, the same shall, from time to time, and at all Times thereafter, be subject to the Visitation and Inspection of the said Corporations of the Trinity Houses of Deptford Strond and Hull, for the time being, or either of them, who may enter into the same, and examine whether they are well and sufficiently repaired and maintained, so as to answer the Purposes aforesaid; and shall and may leave Notice or Warning in Writing, with the Keeper or Keepers of the said Light-houses, requiring such Defects or Wants of Reparations, as shall be found therein, to be remedied and amended within Forty Days from the Delivery of such Notice or Warning as aforesaid. Light-houses to be under Inspection of the Trinity Houses of *Deptford Strond* and *Hull*.

And be it further enacted by the Authority aforesaid, That in case the said Light-houses, to be erected pursuant to this Act, shall be at any Time not kept duly lighted and properly attended; it shall and may be lawful for the Corporation of the Trinity House of Hull, to examine into such Neglects, and effectually to Remedy the same; and also to depute and appoint some fit and proper Person or Persons to enter into the said Light-houses, or either of them, with full Power and Authority to remain therein, until such Neglects shall be remedied in such Manner as the said Corporation shall think necessary; and the Owner or Owners of such Light-houses shall, and they are hereby required to pay and satisfy the said Corporation all such Charges and Expences as shall be thereby incurred; and in Default of Payment thereof, within One Month after the same shall be demanded of the said Owner or Owners for the time being, it shall and may be lawful for the Collector or Collectors of the Duties by this Act directed to be received, to pay and satisfy the same to the said Corporation, and is and are hereby declared to be indemnified for so doing; any thing herein contained to the contrary notwithstanding. Trinity House of *Hull* to see that they are properly attended.

And be it further enacted by the Authority aforesaid, That from and after the erecting and compleating the said new Light-houses, according to the said Plan, and the kindling and placing Lights therein, for the Benefit of Navigation; the said Leonard Thompson and John Angell, according to the proportionate Share, Estate, and Interest, which they now respectively have in the Duties.

said present Light-houses; and the Duties granted by the said recited Letters Patent, and the Persons who shall, for the time being, after their several Deceases, be intitled to the same, and their Agents, Collectors, and Deputies, or other Person or Persons by them appointed, may (subject nevertheless to such Mortgage and Mortgages as shall be made thereof, by virtue of the Power herein after given) from thenceforth collect, have, and take, of and from the several Persons, who are now or hereafter may be liable to pay the same, the several and respective Duties which have been usually taken and collected by and under the said Patents before recited, and no others.

Method for securing Payment of the Duties,

And, to the Intent the said Duties may be truly answered and paid, be it further enacted by the Authority aforesaid, That no Customer, Collector, Comptroller, Surveyor, Searcher, or Waiter, nor any of their respective Clerks, within any of His Majesty's Ports, Havens, Creeks, or Harbours, belonging to the Northern Coasts aforesaid, or elsewhere; nor any Captain, Lieutenant, or other Officer belonging to them, or any of them; nor any Warden, Port Reeve, or Keeper, of any of His Majesty's said Ports, Roads, Harbours, and Havens; nor any Wharfinger, Porter, or Harbourer, belonging to the Water-side; nor any Officer of the Customers belonging to His Majesty, or to his Heirs and Successors, now being, or which for Time hereafter shall be in the said Ports, Harbours, Roads, Creeks, Havens, and Places; shall any of them at any Time hereafter take or receive any Entry or Cocquet, or give, make, or certify any Cocquet, Return, or Victualling Bill, or discharge or permit any Goods or Stores to be laid on Land, or discharged or shipped, out of or from any of the said Ships, or suffer any Ships or other Vessels trading or liable to the Payment aforesaid, to pass by or from them without a Ticket or Note under the Hand Writing of the Person or Persons in whom the said Duties are vested by this Act respectively, his, her, or their Agents or Deputies, testifying the Payment of the said several Allowances and Sums hereby respectively granted.

and for recovering the same.

And be it further enacted by the Authority aforesaid, That every Collector and Collectors, or any other Person or Persons authorized and deputed by the Person or Persons in whom the said Duties are hereby vested, shall and may, for the better Management and Collection thereof, have a Place in all Custom-houses in the Ports

Ports and Places where the same are or shall be collected.

And whereas it is reasonable that a proper Satisfaction and Recompence should be made to William Constable, of Burton Constable in the County of York Esquire, or to such other Person or Persons who now is or are, or hereafter shall be, Owner or Owners of the Soil or Ground whereon such new intended Light-houses, suitable Offices or Conveniencies, shall or may hereafter be built; be it therefore enacted by the Authority aforesaid, That the Duties hereby granted or continued, shall for ever hereafter be charged and chargeable with and subject and liable to the Payment of the Sum of One hundred Pounds yearly, clear of all Cares and Deductions whatsoever, unto the said William Constable, his Heirs or Assigns, or other Owner or Owners of such Soil or Ground for the time being, his, her, or their Heirs or Assigns, by Four equal quarterly Payments; such Payments to be made by the Collector or Collectors of the said Duties at Kingston upon Hull, for the time being, out of the first Monies that shall come to his or their Hands; the First Payment thereof to be made on the Twenty fifth Day of December, One thousand seven hundred and sixty six; and in Default of Payment of the said yearly Sum, or any Part thereof, for the Space of Twenty Days next after the Days appointed for Payment thereof, it shall and may be lawful to and for the said William Constable, his Heirs or Assigns, or the Owner or Owners of the Soil or Ground for the time being, or his, her, or their Heirs and Assigns, to recover by Action of Debt in any of His Majesty's Courts of Record at Westminster, from the said Collector or Collectors of the said Duties within the Port of Kingston upon Hull aforesaid, so much of the said yearly Sum as shall remain unpaid as aforesaid, together with all Costs and Charges attending the Recovery of the same: But in case there shall be no Collector of the said Duties at the said Port of Kingston upon Hull, or there shall not be sufficient Money in his or their Hands arising from the said Duties to answer such Purposes; then it shall and may be lawful to and for the said William Constable, his Heirs and Assigns, and such other Owner or Owners as aforesaid, from time to time, and his, her, and their Heirs and Assigns, to collect, have, and take, the Duties by this Act authorized to be received by the Proprietors of the said Duties, of such Persons, and in such Manner, as the same are herein before authorized to be collected and taken, until therewith or otherwise

Recompence to Owners of Grounds.

otherwise all such Arrears, together with the Costs and Charges attending such Collection, shall be fully paid and satisfied.

Powers to raise Money on Credit of the Duties.

And, to the End that the Completion of so necessary a Work may not be obstructed by the said John Angell's persisting in his Refusal to co-operate with the said Leonard Thompson therein, and for the enabling the said Leonard Thompson, or other Person or Persons who shall come into Possession of his Share and Interest in the said Premisses, to discharge and reimburse to the said Corporations of the Trinity Houses of Deptford Strond and Hull, and to him the said Leonard Thompson respectively, the Expences which they and he have respectively been put to on the Occasions aforesaid, and to discharge the Expences of soliciting and obtaining this present Act; (all the said Expences to be ascertained and allowed by the Commissioners herein after named, or any Three or more of them) and to raise Money sufficient for the taking down the said present Light-houses, and erecting and building the said temporary Lights and new Light-houses, according to the Plan and Estimate of the said Corporation of the Trinity House of Deptford Strond, as herein before directed (and in and by which Plan and Estimate the Sum of Money for that Purpose shall be fixed and ascertained under the Common Seal of the same Corporation) be it hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Leonard Thompson, or other Person or Persons in Possession of his said Fourth Part, to borrow and raise any Sum or Sums of Money, not exceeding in the Whole the Amount of the aforesaid Expences and Estimate ascertained in manner as aforesaid; and for securing the Repayment of the said Sum or Sums of Money so to be borrowed, with Interest for the same, to grant, mortgage, lease, or demise, the Ground, which shall be assigned in manner aforesaid, for erecting the said Light-house thereon, together with the Light-houses which shall be erected thereon, with their Appurtenances, and the Duties, and Profits, hereby granted, unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years, not exceeding Five hundred Years; so as such Grant or Demise be made with a Proviso or Condition to be void, or with an express Covenant to be surrendered, as to the Three Fourth Parts of the said John Angell, upon Payment by him, or other the Person or Persons who for the time being shall be intitled to the same, of the whole Amount of

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the said Expences of the said Corporations of Deptford Strond and Hull, and of him the said Leonard Thompson, and the Interest thereof, and Three Fourth Parts of the Expences of obtaining this Act, and removing and rebuilding the said Light-houses and temporary Lights, and the Interest of such Three Fourth Parts, within the usual Time for the Redemption of Mortgages; and with a Proviso or Condition to be void, or with an express Covenant to be surrendered, as to the Fourth Part of the said Leonard Thompson, on Payment, by the Person or Persons, for the time being, intitled thereto (under the Will of the said Edward Thompson) of the remaining Fourth Part of the Expences of obtaining this Act, and removing and rebuilding the said Light-houses, and the Interest of such One Fourth Part; and so as every such Grant or Demise, so to be made, shall contain a Proviso, that the Person or Persons intitled to the Remainder or Reversion of the said Leonard Thompson's One Fourth Part of the said Duties and Profits shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue and commence; and every such Grant, Mortgage, Lease, or Demise, to be made in pursuance of this Act, and to be registered in the publick Office kept at Beverley in and for the East Riding of the said County of York, shall be good, valid, and effectual, in the Law, notwithstanding the said Leonard Thompson's being only a Tenant for Life, and notwithstanding any thing in the Will of the said Edward Thompson his late Uncle, to the contrary thereof; and notwithstanding any Settlement, Will, or other Instrument, or Conveyance, to the Uses or Trusts whereof the Share of the said John Angell, in the said Premisses and Duties, may be subject or liable; and the Person or Persons who shall advance and lend any Money on the Security aforesaid, shall not be liable to see to the Application, nor answerable for the Non-application or Mis-application thereof.

Surplus of Money raised, how to be applied:

Provided always, That the said Leonard Thompson, or other the Person or Persons hereby impowered to remove and rebuild the said Light-houses, shall, within Six Months next after the removing and rebuilding the same, produce and lay before the Commissioners, herein after named, or any Three or more of them, a true Account of his or their Disbursements for or on account of the same (together with the Vouchers thereof)

to be verified by his or their Affidavit or Affidavits; and also a true Account of all such Sum and Sums of Money as shall have been raised in manner aforesaid, to be in like manner verified; and in case it shall appear that any Surplus shall remain in the Hands of the said Leonard Thompson, or such other Person or Persons, unapplied for the Purposes aforesaid, to be certified under the Hands and Seals of the said Commissioners, or any Three or more of them, such Surplus shall be paid to such Mortgagee or Mortgagees, in Part of the Principal Money due upon their respective Mortgages, unless the Share of the said John Angell, of and in the said mortgaged Premisses, shall have been sooner redeemed; in which Case, Three Fourth Parts of such Surplus shall be paid to the said John Angell, or the Person or Persons then intitled to his Share in the Premisses, and the remaining Fourth Part thereof shall be paid in manner before directed; or in case, upon taking the aforesaid Accounts before the said Commissioners, it shall appear that the said Leonard Thompson, or other the Person or Persons hereby impowered to remove and rebuild the said Light-houses, shall have expended more Money in effecting the Purposes aforesaid, than shall have been raised in manner above directed; and the said Commissioners, or any Three or more of them, shall, in manner aforesaid, certify the particular Sum; that then it shall and may be lawful to and for the said Leonard Thompson, or such other Person or Persons, to raise such further Sum of Money, by the Ways and Means herein before prescribed, on the Credit of the said Premisses.

In case of Deficiency, more to be raised.

Provided always, and it is hereby further enacted and declared, That if the said Leonard Thompson, or other Person or Persons who shall come into Possession of his Share and Interest in the said Premisses, shall neglect or refuse to take down and remove the present Light-houses near the Spurn Point, and to erect and build other Light-houses instead thereof, in the Manner herein before directed, or (if required) to give Security to the said Corporation of the Trinity House of Deptford Strond, for the due Application of the Money to be borrowed, within Two Years after his or their Receipt of the said Plan and Estimate, under the Common Seal of the said Corporation, and their Appointment of the Place whereon the said Light-houses shall be erected; then, and in such Case, the said Masters, Wardens, and Assistants, of the same Corporation, and their Successors, for the time being, shall and may take down and

In Default of Proprietors, the Power of rebuilding, &c. given to the Corporation of *Deptford Strond*;

and remove the preſent Light-houſes, and erect and build other fit and proper Light-houſes in manner aforeſaid, and repair, light, and maintain, the ſame, ſo as to anſwer the Intention of this preſent Act; or if, after the ſaid Leonard Thompſon, or ſuch other Perſon or Perſons, ſhall have built and compleated the ſaid new Light-houſes, the ſame ſhall at any Time thereafter be out of Repair, ſo as not to anſwer the Purpoſes hereby intended, and ſhall not within the Space of Forty Days after giving or leaving ſuch Notice in Writing, as herein before is mentioned, be repaired purſuant to ſuch Notice; then, and from thenceforth, the ſaid Maſter, Wardens, and Aſſiſtants, and their Succeſſors, for the time being, ſhall, and they are hereby required to cauſe the ſaid Light-houſes to be repaired; and from and after the Erection of ſuch new Light-houſes, and placing Lights therein by the ſaid Corporation, as alſo from and after their repairing ſuch Light-houſes as ſhall or may be built by the ſaid Leonard Thompſon, or other Perſon or Perſons intitled to his ſaid Share (upon any Default as aforeſaid) the ſaid Duties hereby granted or continued, with the Powers and Authorities for demanding, collecting, and recovering the ſame, ſhall immediately veſt in the ſame Corporation, and their Succeſſors, who may, from time to time, appoint proper Perſons to receive the ſame Duties, and thereout reimburſe themſelves all the Expences, Coſts, and Charges, which they ſhall have ſuſtained in or about the removing, erecting, or repairing, the Light-houſes which may, as aforeſaid, be erected by the ſaid Corporation, or in or about the repairing ſuch Light-houſes as ſhall or may be built by the ſaid Leonard Thompſon, or other Perſon or Perſons intitled to his ſaid Share, upon any Default as aforeſaid, and all other incident Charges, rendering the Overplus (if any) to the ſaid John Angell and Leonard Thompſon, according to their ſaid reſpective Proportions and Intereſts therein, or to ſuch other Perſon or Perſons as ſhall, for the time being, be intitled thereto; yet nevertheleſs ſo as not to affect or prejudice the Security or Securities which ſhall have been made by the ſaid Leonard Thompſon, his Heirs, or Aſſigns, by virtue of this Act, to the Perſon or Perſons who ſhall advance Money for the Purpoſes aforeſaid, nor the annual Rent aſcertained for the Grounds to be made uſe of for the Purpoſes of this Act; and from and after Payment and Satisfaction to the ſaid Corporation, their Succeſſors, or Aſſigns, by Receipt of the ſaid Duties, or otherwiſe, ſhall have been made for all their Coſts, Charges, and Expences, in or about the removing, re-

and the Duties veſted in them,

until Re-payment of their Expences.

building, and repairing, the said Light-houses, and the receiving the said Duties, the Power of the Receiver or Receivers to be appointed by the said Master, Wardens, and Assistants, shall cease and determine; and the said Duties shall thenceforth vest in the said Leonard Thompson and John Angell, according to their said proportionate Estate and Interest, or in the Persons, for the time being, intitled to the same (subject as aforesaid) with the Powers and Authorities hereby granted for demanding, collecting, and recovering the same.

Commissioners Names,

And, for effecting the several Purposes herein before referred to Commissioners, be it hereby further enacted by the Authority aforesaid, That Henry Willoughby of Birdsall, in the County of York, Esquire; Henry Brewster Darley of Aldby Park, in the same County, Esquire; Barnard Foord of Heslerton, in the same County, Esquire; Isaac Broadley of Kingston upon Hull aforesaid, Esquire; and Henry Maister of the same Place, Esquire; shall be, and they are hereby constituted Commissioners, to execute the Powers vested in them by this Act.

Power, and Office.

Their Decrees to be registered at *Beverley*.

And be it further enacted, That all the Orders and Determinations so to be made by the said Commissioners, shall be set down in Writing, under the Hands and Seals of such of the said Commissioners as shall make the same, and shall be entered at Length in the publick Office kept at Beverley, in and for the East Riding of the County of York; and the same, or a true Copy or Copies thereof, certified as such, under the Hand of the Register of the said Office, or his Deputy, shall be taken, deemed, and adjudged, good and sufficient Proof in all Courts of Law or Equity whatsoever.

Upon Death or Refusal to act of any Commissioner, another may be chosen.

And be it further enacted, That upon the Death or Refusal to act of any Commissioner hereby appointed, or hereafter to be elected, the surviving Commissioners, or any Three or more of them, shall and may, from time to time, elect One other Commissioner in the Room of every such Commissioner deceased or refusing to act; and every Person so elected shall have the same Authority, to all Intents and Purposes, as if he had been named a Commissioner in this Act.

Act not to affect Wills, Settlements, &c.

Provided always, and it is hereby further enacted and declared, That nothing in this Act contained shall extend, or be construed, adjudged, deemed, or taken, to revoke any Will, or to make void, alter, annul, or any ways affect any Settlement, Mortgage, Incumbrance, or Deed, which shall have been executed on or before the Fourteenth Day of February, One thousand seven hundred

dred and sixty six, or any Part thereof, so as to prejudice any Person or Persons having any Right or Claim under the same, out of, upon, or affecting the Ground whereon the present Light-houses stand, or the said Light-houses, or the Duties granted by the said Letters Patents; but that all such Rights and Claims on the said Premisses and Duties shall respectively be and remain a Charge and Lien on the new Light-houses hereby directed to be built, and on the Duties hereby granted or continued; and the respective Shares and Interests of the said John Angell and Leonard Thompson, of and in the same Light-houses, Duties, and Profits, shall be subject and liable to the same Uses, Trusts, Charges, Powers, Provisoes, Limitations, Remainders, Rents, Annuities, Services, Incumbrances, and Demands, as their Shares and Interests of and in the said present Light-houses, and the Duties and Profits granted by the said Letters Patents, would have been respectively subject and liable to in case this Act had not been made; any thing herein contained to the contrary notwithstanding.

Reservation of Rights of the Lord of the Manor,

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, lessen, or prejudice, the Right, Title, and Interest, of the said William Constable, his Heirs, and Assigns, as Lord or Lords of the Manor of Kilnsea, or as Lord or Lords of the Seignory or Dominion of Holderneſſe, in the said County of York, except so far only as the same is or are hereby bound or affected; any thing in this present Act to the contrary notwithstanding.

and of the Trinity House.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prejudice, lessen, or defeat, any of the Powers, Privileges, Immunities, or Jurisdictions, of or belonging to the Corporation of the Trinity House of Deptford Strond.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act; that then, and in every such Case, the Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and shall be laid in the County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit, so to be brought, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon:

General Issue.

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And if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Actions, Suit or Suits; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants shall and may have in any Cases by Law.

Treble Costs.

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

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FINIS.