



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 71.

An Act to continue the Term, and enlarge the Powers of Two Acts, passed for amending the Road from *Sacred Gate*, in the Parish of *Thorngumbald*, to *Pattrington Creek or Haven*, and from the Guide Post in *Winestead* to *Frodingham Gate*, in or near *Widow Branton's Farm* in the County of *York*.

[11th June 1803.]

WHEREAS an Act was passed in the First Year of the Reign of His present Majesty King George the Third, intituled, *An Act for amending the Road from Sacred Gate, in the Parish of Thorngumbald, to Pattrington Creek or Haven, and from the Guide Post in Winestead to Frodingham Gate, in or near Widow Branton's Farm in the County of York; and for scouring and cleansing the said Creek or Haven*: And whereas an Act was passed in the Twentieth Year of His said Majesty's Reign, to enlarge the Term and Powers of the said recited Act, whereby so much of the said Act as relates to the said Creek or Haven was made perpetual: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, which still remain due, and cannot be paid off; nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, Exemptions, Penalties, and Clauses therein contained (except such as relate to Exemptions from

1 Geo. 3.

20 Geo. 3.

Acts further continued.

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Stamp Duties, and as are hereby varied, altered, or repealed; shall, so far as the said Acts relate to the said Road, be and continue in full Force, and be executed for and during the Term herein after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted; but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the Tolls granted by the said recited Acts, or hereafter to be borrowed on the Credit thereof and of this Act, and of all Interest due and to grow due for the same.

Trustees for executing the said Acts, to execute this.

II. And be it further enacted; That the Trustees named in or appointed in pursuance of the said recited Acts, and their Successors, to be chosen and appointed in pursuance of the same Acts, shall be and are hereby appointed Trustees for putting in Execution the said Acts and this Act, and shall continue to meet and adjourn from Time to Time pursuant to the Directions of the said Acts.

For lowering the Tolls granted by the General Turnpike Acts.

III. And whereas the Trustees acting in the Execution of the said recited Acts, have, in pursuance of an Act passed in the Thirteenth Year of His said Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for the regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, built and erected a Machine or Engine, for the weighing of Carts, Waggon, or Carriages, conveying of Goods or Merchandize at or near a certain Toll Gate or Bar upon the said Road, called *The Haven Side Bar*, and have taken at the said Toll Bar and Engine the several additional Tolls authorized and directed to be taken in such Cases: And whereas an Act was passed in the Fourteenth Year of His said Majesty's Reign, for explaining and altering the said Act: And whereas much Inconvenience has been found to arise from the additional Tolls authorized and directed to be taken by the said last mentioned Act, and it is necessary to make some Alteration with respect to such additional Tolls, and the Weights to be allowed in respect thereof at different Seasons of the Year on the said Road, and according to the State of the said Road; be it therefore further enacted, That the Trustees acting in the Execution of the said first recited Acts and this Act, may and they are hereby empowered, at any Meeting or Meetings to be holden in pursuance of the same several Acts, to lower the several additional Tolls directed to be taken by the said Act of the Fourteenth Year of His said Majesty's Reign, or to encrease the Weights to be allowed in respect of such additional Tolls from Time to Time, and in such Manner as to them shall seem fit and convenient; any Thing in the said last mentioned Acts contained to the contrary thereof in anywise notwithstanding.

Trustees may sue and be sued in the Name of their Clerk.

IV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk; and that no Action to be brought or commenced by or against the said Trustees, or any Five or more of them, by virtue or on account of the said recited Acts or of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them; but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff

tiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of the said recited Acts or of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of the said Acts and this Act, all such Costs, Charges, and Expences as by the Event of any such Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant therein as aforesaid.

Clerk to be reimbursed Expences.

V. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used by virtue of the Powers of the said first recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, 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 *ex parte* the Trustees for executing the said first recited Acts and this Act, 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 and 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 and Hereditaments, or affecting other Lands and Hereditaments standing settled therewith, to the same or 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 Messuages, Lands, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and 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 mean Time and until such Purchase 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 mean Time, 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 said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money when amounting to or exceeding 200 l.

VI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity

Where less than 200 l. and exceeding 20 l.

as

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 and 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, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (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 arising 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.

Where less
than 20 l.

VII. 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 and Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, 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.

For paying
Expences of
the Act.

VIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, together with Interest for all Money which shall be advanced from Time to Time for that Purpose, shall be defrayed out of the Tolls already collected or received by virtue of the said recited Acts, or either of them, on the said Road, or out of the first Monies to arise by virtue of the said Acts and this Act, in Preference to all other Payments whatsoever.

Publick Act.

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

Term of this
Act.

X. And be it further enacted, That the Term granted and continued by the said recited Acts, so far as the same relates to the said Road, shall, upon the passing of this Act, cease and determine; and that the said Acts (subject as herein-before mentioned) and this Act, shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.