ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

****

Cap. 40.

An Act to alter and amend an Act paſſed in the Twenty-fifth Year of His preſent Majeſty, for draining, preſerving, and improving certain Low Grounds and Carrs in the ſeveral Pariſhes of *Saint John* of *Beverley*, and of *Skidby*, in the Eaſt Riding of the County of *York*. [27th *May* 1808.]

WHEREAS an Act was paſſed in the Twenty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for draining,* 25 G. 3.
preſerving, and improving certain Low Grounds and Carrs in the ſeveral Pariſhes of Saint John *in* Beverley, *and of* Skidby, *in the East Riding of the County of* York; and certain Perſons in the ſaid Act named and their Succeſſors, to be elected in Manner therein mentioned, were thereby appointed Commiſſioners for putting the ſaid Act in Execution: And whereas the ſaid Commiſſioners, or ſome of them, have in purſuance of the ſaid Act proceeded in the Execution of the Powers thereby veſted in them; and conſiderable Benefit hath already accrued to the Proprietors of the ſaid Low Grounds and Carrs, and to the Public, from the ſeveral Works of Drainage which have been made and completed: but in as much as ſome of the Powers and Authorities in the ſaid Act contained for the future Management of the Drainage of the ſaid Low Grounds and Carrs have been found defective and inadequate to the Purpoſes

thereby intended, and ſeveral Alterations and Amendments are neceſſary to be made therein, in order to the more eaſy and effectual Drainage, and Improvement of the ſaid Low Grounds and Carrs: 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 Act, and all and every the Powers, Proviſoes, Exemptions, Privileges, Forfeitures, Penalties, Clauſes, Matters, and Things, therein contained, (ſave and except ſuch Parts thereof as are hereby varied, altered, or repealed) ſhall be as good, valid, and effectual for carrying this Act into Execution, to all Intents and Purpoſes whatſoever, as if the ſame had been repeated or re-enacted in the Body of this preſent Act.

Clauſe in the 25 G 3 for appointing Commiſſioners repealed.

II. And be it further enacted, That ſo much of the ſaid recited Act as appoints *John Wood* of *North Cave*, in the County of *York*, Gentleman, *Joſeph Dickinſon* of *Beverly Parks*, in the Pariſh of *Saint John* in *Beverly*, in the ſame County, Gentleman, and *Jonathan Teal* of *Leeds*, in the ſame County, Gentleman, Commiſſioners for putting the ſame in Execution, ſhall be and the ſame is hereby repealed and declared to be null and void, to all Intents and Purpoſes whatſoever.

Clauſe in the 25 G. 3. for the Election of new Commiſſioners on Death or refuſal to act repealed.

III. And be it further enacted, That ſo much of the ſaid recited Act as directs that as often as any Commiſſioner appointed or to be appointed in purſuance of ſuch Act, ſhall die or refuſe to act, it ſhould and might be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner, at any of their Public Meetings, aſſembled within Twelve Calendar Months after ſuch Death or Refuſal reſpectively, or ſo ſoon after as conveniently might be, to elect One other Perſon to be a Commiſſioner in the Stead of each ſuch Commiſſioner ſo dying or refuſing to act, and every Commiſſioner ſo elected ſhould have the like Power and Authority to act in the Execution of ſuch Act, as the Commiſſioner in whoſe Stead he ſhould be elected was inveſted with, but Ten Days previous Notice ſhould be given on a *Sunday* immediately after Divine Service, in the Pariſh Church of *Saint John* in *Beverly* aforeſaid, and alſo in the Church of *Skidby* aforeſaid, of the Intention of chuſing ſuch Commiſſioner or Commiſſioners; and in caſe the ſaid Commiſſioner or Commiſſioners ſhould neglect or refuſe, for the Space of Three Calendar Months to elect One other Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Stead of each ſuch Commiſſioner or Commiſſioners ſo dying or refuſing to act, then and in that Caſe it ſhould be lawful for the Proprietors of Ten Acres or upwards, in the ſaid Low Grounds and Carrs, or the major Part of them aſſembled at any Meeting for that Purpoſe, (of the Intention of which Meeting Ten Days previous Notice ſhould be given, on a *Sunday* immediately after Divine Service, in the Pariſh Church of *Saint John* in *Beverly* aforeſaid, and alſo in the Church of *Skidby* aforeſaid,) to elect one other Perſon or Perſons in the Stead of the Commiſſioner or Commiſſiners ſo dying or refuſing to act; and in the Choice of ſuch new Commiſſioner or Commiſſioners a Preference ſhould at all Times be given to ſuch Perſon or Perſons as ſhould at the Time of ſuch Vacancy be the Owner or Owners of Ten Acres at the leaſt of the ſaid Low Grounds and Carrs, and ſhould be willing to act as a Commiſſioner under ſuch Act;

ſhall be and the ſame is hereby repealed and declared to be null and void, to all Intents and Purpoſes whatſoever.

Truſtees to be elected.

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Proprietors of Ten Acres or upwards of the ſaid Low Grounds and Carrs, (other than and except the Mayor, Aldermen, and Burgeſſes of *Beverley* aforeſaid,) by the ſaid recited Act directed to be drained, preſerved, and improved, and which ſhall have been taxed or aſſeſſed by virtue of the ſaid recited Act, or the major Part of them, who ſhall be preſent at a Meeting to be holden at *Beverley* aforeſaid on the Firſt *Monday* in the Month of *June* next after the paſſing of this Act, between the Hours of Ten and Twelve of the Clock in the Forenoon to proceed to the Election of Two diſcreet Perſons from amongſt the Proprietors or Occupiers of ſome Part of the ſaid Low Grounds and Carrs, and alſo that it ſhall and may be lawful to and for the ſaid Mayor, Aldermen and Burgeſſes, by ſome Inſtrument in Writing, under their Common Seal, to nominate and appoint One other diſcreet Perſon from amongſt the Proprietors of or Perſons intereſted in or Occupiers of ſome Part of the ſaid Low Grounds and Carrs, which ſaid Three Perſons to be elected and appointed as aforeſaid, ſhall be Truſtees for carrying into Execution this Act and the ſaid recited Act or ſo much of the ſaid recited Act as is not hereby varied, altered, or repealed, until the Firſt *Monday* in the Month of *April* in the Year then next following, in the Place and Stead of the Commiſſioners now acting under or by virtue of the ſaid recited Act; and the ſeveral Proprietors of the ſaid Low Grounds and Carrs for the Time being, ſo qualified as aforeſaid, other than except the ſaid Mayor, Aldermen, and Burgeſſes, ſhall afterwards, Once in each and every Year, to wit, on the Firſt *Monday* in the Month of *April*, meet at *Beverley* aforeſaid, between the Hours of Ten and Twelve of the Clock in the Forenoon, and it ſhall and may be lawful to and for ſuch Proprietors ſo qualified as aforeſaid, or the major Part of them who ſhall be preſent at ſuch Meeting, to proceed in like Manner, either to re-elect One or both of the former Truſtees by them elected as aforeſaid, or to elect One or Two other diſcreet Perſons from amongſt the Proprietors or Occupiers of ſome Part of the ſaid Low Grounds and Carrs, to be Truſtees for the Year then next enſuing; and that the ſaid Mayor, Aldermen, and Burgeſſes, and their Succeſſors, ſhall alſo afterwards, Once in every Year, by ſome Inſtrument in Writing under their Common Seal, either re-appoint the Truſtee by them before appointed, or appoint ſome other diſcreet Perſon from amongſt the Proprietors of or Perſons intereſted in or Occupiers of ſome Part of the ſaid Low Grounds and Carrs, to be a Truſtee for the Year then next enſuing; and that ſuch Perſons ſo to be elected Truſtees as aforeſaid ſhall, and they are hereby declared to be Truſtees for carrying the ſeveral Purpoſes of the ſaid recited Act and this Act into Execution, until another or others ſhall be choſen in his or their Stead, in Manner by this Act directed, and all ſuch Truſtees ſhall be inveſted with ſuch and the like Powers and Authorities, and ſhall be ſubject to ſuch and the like Proviſions, Regulations, Reſtrictions, and Directions, and ſhall have and enjoy ſuch and the like Privileges as the Commiſſioners acting in the Execution of the ſaid recited Act were inveſted with, or were ſubject to or had or enjoyed, ſave only and except ſo far as the ſame are hereby varied, altered or repealed; and all Acts, Matters, and Things, authorized and neceſſary to be done and executed by the ſaid Truſtees in purſuance of the Directions of the ſaid recited Act

and

and this Act, or either of them, may be done and executed by any Two of them, and the ſame ſhall be as good, valid and effectual, as if the ſame had been done and executed by all the ſaid Truſtees.

Appointment of new Truſtees in caſe of Death or Incapacity.

V. And be it further enacted, That if at any Time the Truſtee who ſhall have been appointed by the ſaid Mayor, Aldermen, and Burgeſſes as aforeſaid, ſhall before the Execution of all the Powers and Authorities hereby veſted in him, die or become incapable to act, then in every ſuch Caſe it ſhall be lawful for the ſaid Mayor, Aldermen, and Burgeſſes, within Thirty Days next after ſuch Death or Incapacity ſhall be made known to them, or as ſoon after as conveniently may be, to appoint ſome other diſcreet Perſon from amongſt the Proprietors of or Perſons intereſted in, or Occupiers of ſome Part of the ſaid Low Grounds and Carrs, to be a Truſtee during the Remainder of the then Current Year, in the Room or Stead of the Truſtee ſo dying or becoming incapable to act as aforeſaid; and if at any Time either or both of the Truſtees who ſhall have been elected by the Proprietors as aforeſaid, ſhall before the Execution of all the Powers and Authorities hereby veſted in him or them die or become incapable to act in the Execution of the ſaid recited Act and this Act, then and in every ſuch Caſe it ſhall be lawful for the Proprietors of the ſaid Low Grounds and Carrs for the Time being, qualified as aforeſaid, to meet at ſome convenient Place in *Beverley* aforeſaid within Thirty Days next after ſuch Death or Incapacity ſhall be made known to them, or as ſoon after as conveniently may be, (of which Meeting Ten Days Notice at the leaſt, and of the Purpoſe thereof, and of the Time and Place of holding the ſame ſhall be given, with the Name or Names of any One or more of the ſaid Proprietors ſo qualified as aforeſaid ſubſcribed thereto, by Writing to be affixed on the Outſide of one of the Outer Doors of the Pariſh Churches of *Saint John* of *Beverley* and *Skidby* aforeſaid, and alſo by Public Advertiſement to be inſerted in One or more Newſpaper or Newſpapers printed and publiſhed in the Town of *Kingſton-upon-Hull*, or the City of *York*); and it ſhall and may be lawful to and for the major Part of ſuch Proprietors, qualified as aforeſaid, who ſhall be preſent at ſuch Meeting, to nominate and appoint One or more diſcreet Perſon or Perſons from amongſt the Proprietors or Occupiers of ſome Part of the ſaid Low Grounds and Carrs to be a Truſtee or Truſtees during the Remainder of the then current Year, in the Room and Stead of the Truſtee or Truſtees ſo dying or becoming incapable to act as aforeſaid; and the Truſtee or Truſtees ſo nominated and appointed ſhall have, uſe, and exerciſe ſuch and the like Powers and Authorities, and be ſubject to the like Proviſions, Regulations, and Reſtrictions, as the Truſtee or Truſtees in the Room of whom he or they ſhall have been ſo nominated and appointed were inveſted with or ſubject to.

Truſtees to take the following Oath.

VI. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid recited Act and this Act (except in adminiſtering the following Oath or Affirmation) until he ſhall have taken and ſubſcribed an Oath or Affirmation to the Effect following; (that is to ſay),

'I do ſwear (*or*, being One of the People called *Quakers*, do ſolemnly affirm) That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers

'Powers and Authorities veſted and repoſed in me, and hear and determine 'all ſuch Matters and Things as ſhall be brought before me as a Truſtee 'for draining, preſerving, and improving certain Low Grounds and 'Carrs in the ſeveral Pariſhes of *Saint John* of *Beverley* and of *Skidby*, in 'the Eaſt Riding of the County of *York*, without Favor or Affection, 'Prejudice or Malice to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for any One of the ſaid Truſtees to adminiſter, and he is hereby required to adminiſter the ſame to any other of the ſaid Truſtees; and the ſaid Oath or Affirmation ſo taken and ſubſcribed by each Truſtee ſhall be lodged in the Hands and Cuſtody of the Clerk to be by them appointed as herein-after mentioned,

Meeting of Truſtees.

VII. And be it further enacted, That the ſaid Truſtees ſhall meet together at ſome convenient Place in *Beverley* aforeſaid, within Fourteen Days next after ſuch their Election, Nomination or Appointment, reſpectively, of which Meeting Six Days Notice at leaſt ſhall be given by Writing to be affixed on the Outſide of One of the outer Doors of the ſame Pariſh Churches of *Saint John* of *Beverley* and *Skidby* aforeſaid, and alſo by Public Advertiſement to be inſerted in One or more Newſpaper or Newſpapers printed and publiſhed in the Town of *Kingſton upon Hull*, or the City of *York*, and ſhall then and there proceed to the Execution of the Powers hereby veſted in them, and ſhall then or at any ſubſequent Meeting appoint a Clerk to write their Orders and make Entries of their Proceedings, and alſo to collect the Aſſeſſments to be laid by virtue of this Act, and for other Purpoſes; and ſuch Clerk to the ſaid Truſtees ſhall be paid an annual Salary, not exceeding the Sum of Five Guineas, and the ſaid Truſtees ſhall have full Power and Authority from Time to Time to adjourn themſelves and to meet at the Place aforeſaid, or at ſome other Place to be appointed by them for carrying this Act and the ſaid recited Act into Execution; and if it ſhall happen that at any Meeting which ſhall be appointed to be held, Two of the ſaid Truſtees ſhall not appear at ſuch Meeting, then and ſo often as ſuch Caſe ſhall happen the Truſtee who ſhall ſo attend, or the Clerk to the ſaid Truſtees, in caſe neither of the ſaid Truſtees ſhall attend, ſhall adjourn ſuch Meeting to and appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to be holden on that Day Fortnight, and ſo on until Two of the ſaid Truſtees ſhall attend to act in the Execution of the Powers hereby veſted in them by the ſaid recited Act and this Act; and the Truſtee or Clerk ſo adjourning ſuch Meeting ſhall cauſe Notice thereof in Writing to be given at leaſt Six Days before any ſuch Meeting, by Writing to be affixed on the Outſide of One of the outer Doors of the ſeveral Pariſh Churches of *Saint John* of *Beverley* and *Skidby* aforeſaid, and alſo by Public Advertiſement, to be inſerted in One or more Newſpaper or Newſpapers printed and publiſhed in the Town of *Kingſton upon Hull*, or the City of *York*: Provided always, that it ſhall and may be lawful to and for any One of the ſaid Truſtees to call a Meeting of the ſaid Truſtees to be holden at the Place where the laſt Meeting was holden; and of every ſuch Meeting the Truſtee ſo calling the ſame ſhall cauſe Notice thereof in Writing, ſigned by him, to be given in Manner aforeſaid, Six Days at leaſt before ſuch laſt mentioned Meeting.

Truſtees to make Aſſeſſments for defraying the Expences of the Act and Drainage.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees and they are hereby authorized and required from Time to Time to aſſeſs, tax, and charge all and every the Owner and Owners of or Perſons intereſted in, and Occupier and Occupiers of the ſaid Low Grounds and Carrs proportionably, according to the Tenor of a certain Award or Inſtrument in Writing, made in purſuance of the ſaid recited Act, containing the Arrangements and Taxation of the ſaid Low Grounds and Carrs, and inrolled at the Public Regiſter Office for the ſaid Eaſt Riding, and ſuch Award is declared to be the Rule or Precedent of Proportion for all future Taxations of ſuch Low Grounds and Carrs with ſuch Sum or Sums of Money as ſhall be neceſſary for the Purpoſe of defraying the Expences of obtaining and paſſing this Act, and the Expences from Time to Time to be incurred in repairing and maintaining the Works of Drainage and Improvements which have been already made and completed, or in making and repairing ſuch new Works as ſhall from Time to Time be found neceſſary or expedient for the better draining, preſerving, and improving the ſaid Low Grounds and Carrs, and in paying and diſcharging all other Charges and Expences incident to or attending the Execution of the ſeveral Purpoſes of this Act, and the ſaid recited Act, or either of them, and all ſuch Aſſeſſments, Taxes, and Charges ſhall be paid to the ſaid Clerk, or to ſuch other Perſon as the ſaid Truſtees ſhall nominate and appoint to collect and receive the ſame, and at ſuch Time or Times and Place or Places as the ſaid Truſtees ſhall direct or appoin.

No new Works to be made without the Conſent of a Majority in Value of the Proprietors aſſembled at a Meeting.

IX. Provided always, and be it further enacted, That no new Works for the Drainage, Preſervation, or Improvement, of the ſaid Low Grounds and Carrs, or any Part thereof, ſhall be made or undertaken, without the previous Conſent in Writing of a Majority in Value, according to the Aſſeſſment in the ſaid Award, of all the Proprietors of the ſaid Low Grounds and Carrs, who ſhall from Time to Time be preſent at any Meeting, to be holden for the expreſs Purpoſe of obtaining the ſame, of which Meeting, and the Purpoſe thereof, and of the Time and Place of holding the ſame, Ten Days previous Notice at the leaſt ſhall be given, by Writing, to be fixed on the Outſide of one of the Outer Doors of the Pariſh Churches of *Saint John* of *Beverley* and *Skidby* aforeſaid, and alſo by public Advertiſement to be inſerted in one or more Newſpaper or Newſpapers, printed and publiſhed in the Town of *Kingſton-upon-Hull*, or the City of *York*.

If Aſſeſſments not paid within Ten Days after Demand, Truſtees may diſtrain.

X. And be it further enacted, in caſe any ſuch Owner, Perſon intereſted, or Occupier, ſhall refuſe or neglect to pay any ſuch Tax or Aſſeſſment at the Time or Times, Place or Places ſo directed or appointed as aforeſaid, within Ten Days after Demand made thereof in Writing, under the Hand of any One of the ſaid Truſtees, or of the ſaid Clerk, or other Perſon ſo nominated and appointed to collect and receive the ſame, and given to ſuch Owner, Perſon intereſted in, or Occupier, or left at his or her uſual or laſt known Place of Abode, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to cauſe the ſame to be levied and recovered by ſuch and the like Ways and Means as any of the Taxes or Aſſeſſments laid by virtue of the ſaid recited Act are thereby directed to be recovered and raiſed.

XI. And

Allowance to Trustees for Expences.

XI. And be it further enacted, That the said Trustees for the Time being, and every of them, shall be allowed and paid by and out of any Money to arise by virtue of this Act, or the said recited Act, or either of them their reasonable Expences, not exceeding Five Shillings each *per* Day when they shall necessarily meet or attend for the Execution of the Powers hereby reposed in them.

Trustees, &c. not to have any Interest in Contracts under a Penalty not exceeding 500 *l.*

XII. Provided always, and it is hereby declared and enacted, That no Trustee, Clerk, Collector, or other Officer employed in the Execution of this Act, or the said recited Act, shall have or receive, or agree to have or receive, directly or indirectly, any Benefit or Interest whatsoever in or from any Contract to be made for any Works to be executed under the Authority of this Act, or the said recited Act, and if contrary to the true Intent and Meaning of this Act, any Trustee, Clerk, Collector, or other Officer employed in the Execution of this Act or the said recited Act, shall have or receive, or agree to have or receive directly or indirectly, any Benefit or Interest whatsoever in or from any Contract to be made for any Works to be executed under the Authority of this or the said recited Act, he shall, on Confession or Conviction before any Two or more of His Majesty's Justices of the Peace for the said East Riding of the County of *York*, upon the Oath of One or more credible Witness or Witnesses (which Oath any One of the said Justices is hereby empowered and required to administer) forfeit and pay such Sum or Sums of Money as shall be thought reasonable by such Justices not exceeding the Sum of Five hundred Pounds, to be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of the said Justices, and to be applied and disposed of towards the General Purposes of this Act.

Present Commissioners to account with new Trustees.

XIII. And be it further enacted, That the Commissioners acting under or by the Authority of the said recited Act shall, and they are hereby required to settle and adjust all their Accounts respecting the said Drainage, with the Trustees to be appointed by virtue of this Act, or any Two of them, within the Space of Six Calendar Months from the Day of the Nomination and Appointment of the said Trustees by virtue of this Act; and the said Commissioners shall thereupon pay or deliver, or cause to be paid and delivered, unto the said Trustees or any Two of them, all and every such Sum and Sums of Money as shall then appear to be in the Hands of the said Commissioners, or their Clerk, Collector, or Treasurer, on Account of the said Drainage, and all such Books, Plans, Papers, Matters, and Things in their or any of their Custody or Power, as relate to the said Drainage, and all such Sums of Money when so received by the said Trustees shall be by them applied for the Purposes by this and the said recited Act directed.

Trustees to account.

XIV. And be it further enacted, That the Trustees to be chosen from Time to Time under or by virtue of this Act shall, and they are hereby required within Fourteen Days next after the annual Nomination and Appointment of new Trustees as aforesaid, to make up and settle all their Accounts respecting the said Drainage, with such new Trustees, or any Two of them, and shall at the same Time pay over and deliver to such new Trustees, or any Two of them, the Balance of the Monies received and paid by them, or by or under their Direction, in the Execution of this Act;

or

or the ſaid recited Act, and all Books, Plans, Papers, Matters, and Things then in their or any of their Cuſtody or Poſſeſſion relating to the ſaid Drainage.

Truſtees not to be accountable for each other.

XV. Provided always, and be it further enacted, That the ſaid Truſtees ſhall not be anſwerable One for another, but each for himſelf and his own Acts only, nor for any Sum or Sums of Money but what each of them reſpectively ſhall actually receive.

Application of Compenſation, if amounting to 200 l.

XVI. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid, for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid Act, and this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for and on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 Truſtees for executing the ſaid Act and this Act, to the Intent that ſuch Money may be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſumary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, 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 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 Directions and Approbations 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 mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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, Tenements, and Hereditaments, to be purchaſed by virtue

of the ſaid recited Act, and this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation, if leſs than 200 l. and exceeding 20 l.

XVII. 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 any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to 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, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-after 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 Two of the Truſtees for executing the ſaid recited Act, and this Act, (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 and Approbation of the Court of Chancery.

Application of Compenſation, if leſs than 20 l.

[XVIII. 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 the ſaid recited Act, and this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy, Idiocy, or Lunacy, then ſuch Money ſhall be paid 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.

In caſe of not making out Title to Land, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery, on Petition or Motion.

XIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Act, and this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Two of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Two of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of 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 of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Orders in the Premises, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what End, and for whose Use, the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Persons who shall be in Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled thereunto, according to such Possession, unless, &c.

XX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Title in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act, and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXI. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporations entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of the said recited Act and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Act and this Act, or so much of such Expences as the said Court shall deem reasonable to be paid

by the ſaid Truſtees out of the Monies to be received by virtue of the ſaid Act and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Actions, &c. to be brought and defended in the Name of the Clerk.

XXII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, in the Name of their Clerk for the Time being, and that all Actions or Suits, that may be neceſſary or expedient to be brought and preferred by the ſaid Truſtees, for or in reſpect of any Matter or Thing relating to this Act, may be brought and preferred in the Name of the ſaid Clerk, and that no Action or Suit which may be brought or preferred by or againſt the ſaid Truſtees by virtue or on Account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued or quaſhed by the Death, Suſpenſion, or Removal of ſuch Clerk, or by any Act or Default of ſuch Clerk done or ſuffered without the Conſent or Direction of the ſaid Truſtees, but the Clerk to the ſaid Truſtees for the Time being ſhall be always deemed Plaintiff or Defendant, in every ſuch Action or Suit, as the Caſe may be, except in ſuch Actions as ſhall be inſtituted between the ſaid Truſtees and their Clerk for the Time being, in which Actions any one of the ſaid Truſtees ſhall and may be Plaintiff or Defendant, as the Caſe may be.

Clerk to be reimburſed Expences, &c.

XXIII. Provided always, and be it further enacted, That every ſuch Clerk in whoſe Name any Action or Proſecution ſhall be brought or defended in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, and Expences, as ſuch Clerk ſhall be put to or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant therein, and ſhall not be perſonally anſwerable or liable for the Payment of the ſame, or any Part thereof, unleſs ſuch Action or Proſecution ſhall ariſe in conſequence of his own wilful Neglect or Default, or ſhall have been brought or defended without the Order or Direction of the ſaid Truſtees.

Appeal.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Act, Matter, or Thing, done or ordered to be done by the ſaid Truſtees, or any of them, (except ſo far as concerns the Quota or Proportion of Taxation of the ſpecific Parts of the ſaid Low Grounds and Carrs, originally fixed by the ſaid Award or Inſtrument before mentioned), or by any other Matter or Thing done in purſuance of the ſaid recited Act and this Act, or either of them, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Perſon and Perſons to appeal to the Juſtices of the Peace for the Eaſt Riding of the County of *York*, at the then next General Quarter Seſſions of the Peace to be holden for the ſaid Riding, within the Space of Six Calendar Months next after the Cauſe of ſuch Appeal ſhall have ariſen, the Appellant or Appellants firſt giving or cauſing to be given Eight Days Notice in Writing at the leaſt of his, her, or their Intention to bring ſuch Appeal and of the Matter thereof, to the Party or Parties appealed againſt, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Eaſt Riding with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of and to pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices at ſuch General Quarter Seſſion, and upon due Proof of ſuch Notice being given, and of ſuch Recognizance being entered into as aforeſaid, the ſaid Juſtices

ſhall

shall and they are hereby authorized and required to hear and determine the Matter of every such Appeal in a summary Way, and to make such Order and award such Damages and Costs to the Party appealing or appealed against, as the said Justices shall think fit and proper; and also shall and may by their Warrant levy the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Order and Determination of the said Justices in their said General Quarter Sessions shall be final and conclusive to all Persons interested, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Form of Conviction.

XXV. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this or the said recited Act, or either of them, or against any Order of Sessions, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

'BE it remembered, That on this Day of in the
'Year of the Reign of *A. B.* is convicted
'before of His Majesty's Justices of the Peace,
'for the of having (*as the Offence shall be*) and
'and I (*or* we) the said do adjudge him, (her, *or* them) to
'forfeit and pay for the same the Sum of Given under
'my Hand and Seal (*or* Hands and Seals) the Day and Year aforesaid.'

Public Act.

XXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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