ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 63.

An Act for enlarging the Term and Powers of Two Acts of the Fifth and Twenty-sixth Years of His present Majesty, for amending the Road from the North End of *Old Malton Gate*, in the Town and Borough of *New Malton*, to the Town of *Pickering*, in the County of *York*. [29th *June* 1804.]

WHEREAS an Act was made in the Fifth Year of the Reign of His present Majesty, intituled, *An Act for amending and widening the Road from the North End of* Old Malton Gate *in the Town and Borough of* New Malton, *to the Town of* Pickering, *in the County of* York, *and certain Tolls, Powers, and Authorities, were given and granted for those Purposes*: And whereas another Act was made in the Twenty-sixth Year of the Reign of His present Majesty, for enlarging the Term and Powers of the said recited Act: And whereas the Trustees appointed to put the said Acts into Execution, have borrowed several considerable Sums of Money on the Credit of the Tolls, which still remain due, together with an Arrear of Interest, and great Progress has been made in the Repairs of the said Road: But the same cannot be effectually amended and kept in good Repair, and the Money due and owing as aforesaid be paid off, unless the Term of the said Acts be further continued, the Tolls increased, and some further and other Powers given for those Purposes: 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 5 & 26 G. 3.

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 immediately after the Commencement of this Act, the said recited Acts, and all the Powers, Authorities, Privileges, Matters, and Things, therein respectively contained, and which are now in force, (except such as relate to Exemption from Stamp Duties, and also such as are hereby altered, varied, or repealed), shall be and remain in full Force and Effect for and during the Term herein-after mentioned, as fully and effectually in all Respects, and to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and that this Act and the Term hereby granted shall be subject and liable to the Payment of the Money borrowed and due as aforesaid, and also of all Money which shall hereafter be borrowed for the Purposes of the said recited Acts or either of them, and this Act, and of all Interest due and to grow due thereon respectively.

Additional Trustees.

II. And be it further enacted, That *William Wood Watson*, *William Middleton*, the Reverend *Thomas Harrison*, the Reverend *Robert Harrison*, the Reverend *Henry Brown*, *Joseph Rider*, *Jonathan Briggs*, *David Priestman*, *Henry Harding*, *Thomas Grayson*, and *Roger Dobson*, being qualified according to the Directions of the said first-recited Act, shall be and are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said recited Acts, for putting the said recited Acts and this Act in Execution, and shall have the like Powers for that Purpose as if they had been named and appointed Trustees in or by virtue of the said recited Acts or either of them.

Directing how and where the Meetings of the Trustees shall be holden.

III. And be it further enacted, That all the Meetings of the Trustees for carrying the said recited Acts and this Act into Execution, to be held in each Year, shall for the future be held within the Borough of *New Malton*, and the Town of *Pickering*, alternately; (that is to say), all the Meetings, in the First Year after and to commence from the passing of this Act, shall be held at *New Malton* aforesaid, and the Meetings in the Next succeeding Year shall be held at *Pickering* aforesaid, and so in every future Year alternately as aforesaid; and the First of the said Meetings so to be held at *New Malton* aforesaid shall be held on the Fourteenth Day next after the passing of this Act; any Thing in the said recited Acts or either of them to the contrary hereof notwithstanding; and in case it shall at any Time happen that a sufficient Number of the Trustees to act in the Execution of the said recited Acts, and this Act, shall not meet at the Time and Place for holding any such Meeting, then and in every such Case the Meeting shall be deemed to be adjourned to be held upon the Fourteenth Day then next following at the Place where the same was to have been holden as aforesaid.

For discontinuing the present Tolls, and granting new ones.

IV. And be it further enacted, That the several Tolls now payable by virtue of the said recited Acts shall cease, determine, and be no longer payable; and that instead thereof the following Tolls shall be demanded and taken; (that is to say),

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Caravan, or Hearse, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Four Horses, Mares, Geldings,

or

or Mules, the Sum of One Shilling and Sixpence; and drawn by Three Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Four-pence; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling:

For every Chaiſe or Chair, drawn by One Horſe, Mare, Gelding or Mule, the Sum of Sixpence:

For every Waggon, Wain, Cart, or Carriage, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Five Oxen, Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Nine-pence Halfpenny; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Sixpence; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence Halfpenny:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and One Penny Halfpenny *per* Score, and ſo in proportion for any leſs Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence *per* Score, and ſo in proportion for any leſs Number:

Which ſaid Tolls hereby granted ſhall be recovered and applied in like Manner as the Tolls by the ſaid firſt-recited Act granted are authorized and directed to be recovered and applied, and ſhall be collected at all or any of the Toll Gates now erected or hereafter to be erected upon the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct; any Thing in the ſaid Act to the contrary in anywiſe notwithſtanding.

Exemptions from Tolls,

V. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Road lies, or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners; or for any Horſe, Cattle, or Beaſt, employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure employed in Huſbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, or for any Horſes or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed or farried; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Townſhips or Pariſhes, or from any

any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage, or for any Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

For repealing Exemptions respecting Statute Work.

VI. And be it further enacted, That so much of the said first-recited Act as directs the Performance of Six Days Statute Work in every Year upon the said Road, by the respective Owners or Occupiers of certain Farms lying within a Place called *The Marishes*, within the Parish of *Pickering* aforesaid, therein mentioned to be in the several Occupations of *Marmaduke Hick*, *Peter Smith*, and *Thomas Clifford*, and as exempts the said Owners and Occupiers from more than the said Six Days Statute or other Work upon the said Road, shall be and is hereby repealed.

Directing 100 *l. per Annum* to be applied out of the Tolls in repairing a certain Part of the Road.

VII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby authorized and directed, from Time to Time, to apply the yearly Sum of One hundred Pounds out of the Tolls hereby granted, towards amending and keeping in Repair such Part of the said Road as lies within and leads through the said Place called *The Marishes*, in Aid of the Statute Duty to be done and performed thereon by the Persons who for the Time being shall by Law be liable to do and perform the same, which said Money, so to be applied by the said Trustees, shall from Time to Time be laid out and expended upon the Whole of the same Part of the said Road, so as that the respective Owners and Occupiers for the Time being of the Three Farms in the said first-recited Act mentioned, to have been, at the Time of the passing thereof, in the several Occupations of *Marmaduke Hick*, *Peter Smith*, and *Thomas Clifford*, may, in the Judgement of the said Trustees, all Circumstances duly considered, be equally benefited thereby; any Thing in the said recited Acts or this Act contained to the contrary notwithstanding.

Empowering the Trustees to borrow a

VIII. And, forasmuch as the said Sum of One hundred Pounds, so as aforesaid directed to be laid out yearly upon and towards the Repair of

of that Part of the ſaid Road leading through the *Mariſhes* aforeſaid, will not at preſent be ſufficient for the immediate Repair thereof, wherefore it may be neceſſary that the ſaid Truſtees ſhould borrow, to be ſo applied, the Sum of Three hundred Pounds, or ſome Part thereof, upon the Credit of the ſaid Tolls; be it therefore further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby empowered and required to borrow and take up at Intereſt, on the Credit of the ſaid Tolls, in the Manner mentioned in and provided by the ſaid firſt-recited Act, the Sum of Three hundred Pounds from any Perſon or Perſons who ſhall be willing to lend ſuch Sum of Money, for the expreſs Purpoſe of repairing ſuch Part of the ſaid Road, and ſuch Sum of Money when ſo borrowed, ſhall be laid out and applied in the immediate Repair of the ſame Part of the ſaid Road in ſuch Manner as is herein-before laſt mentioned, and for no other Uſe, Intent, or Purpoſe whatſoever; any Thing in the ſaid recited Acts or this Act contained to the contrary notwithſtanding.

certain Sum of Money on Credit of the Tolls.

IX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Grounds, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Acts and 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 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 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, Grounds, or other Hereditaments, in the Purchaſe of the Land Tax, or towards the 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, Grounds, or other Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Grounds, or other 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, Grounds, or other 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 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

Application of Compenſations where exceeding 200*l.*

from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, or other Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

X. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments, purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or 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, Grounds, or other Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Commitees, 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 for executing the ſaid recited Acts 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 or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XI. 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, Grounds, or other 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.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank,

XII. 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 Acts 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 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 Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid

to

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 same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the repective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order 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 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.

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

XIII. 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 the said recited Acts or this Act, for the Purchase of any Lands, Grounds, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Grounds, or Hereditaments, to be purchased in pursuance of the said recited Acts, or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Grounds, 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, Grounds, 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 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, Grounds, or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

XIV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Grounds, or Hereditaments, to be purchased under the Authority of the said recited Acts or 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, Grounds, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts, or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time

Court of Chancery to direct the Payment of Expences.

to

to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For paying the Expences of this Act.

XV. And be it further enacted, That all the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing of this Act, together with lawful Intereſt for the ſame, ſhall be paid out of any Money now remaining in the Hands of the Treaſurer to the ſaid Truſtees, or out of the firſt Money to ariſe by virtue of the ſaid recited Acts and this Act.

Publick Act.

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

Term of this Act.

XVII. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall, upon the paſſing of this Act, ceaſe and determine; and that the ſaid Acts 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1804.