1823

ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxviii.

An Act to amend an Act of the last Session of Parliament for erecting and maintaining Ferries across the River *Tay*, in the Counties of *Fife* and *Forfar*. [17th *June* 1823.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for erecting, improving, regulating, and maintaining Ferries and Passages across the River* Tay, *in the Counties of* Fife *and* Forfar, certain Trustees were appointed for carrying the said Improvements into Execution, and the said Trustees were authorized and empowered to levy at the said Ferries certain Rates and Duties, upon the Security of which they were authorized and empowered to borrow certain Sums of Money to enable them to complete the said Improvements: And whereas by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to alter, amend, and enlarge the Term and Powers of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty for erecting and maintaining Ferries across the River* Tay, *in the Counties of* Fife *and* Forfar, the Trustees thereby appointed were authorized and empowered to borrow upon the Credit of the said Rates and Duties given by the aforesaid Act of the Fifty-ninth Year of the Reign of His late Majesty, and by the said last-mentioned Act, any Sum or Sums of Money not exceeding Twenty-five thousand Pounds: And whereas by an Act passed in the Third Year of His

59 G. 3. c. cxiii.

3 G. 4. c. lxxvi.

3 G. 4. c. 86. present Majesty's Reign, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, certain Commissioners named and appointed in and by the said Act, and the Acts therein recited or referred to, were authorized and empowered to issue and advance Exchequer Bills under the Restrictions and Regulations therein specified for the carrying on of public Works in *Great Britain*, and for other the Purposes in the said Acts particularly mentioned and referred to: And whereas the erecting and maintaining the said Ferries across the River *Tay* will not only greatly contribute to the Safety and Accommodation of the Public, and to the more convenient Communication between various populous Districts, but will also give Occupation to a large Proportion of the labouring Poor in the Neighbourhood of the said Ferries: And whereas the said Trustees have applied to the said Commissioners for the Issue of Exchequer Bills for an Advance of Money for the Purpose of making and completing the said Ferries, and the several Works connected therewith, and for providing Steam Boats for the Use thereof; but Doubts have arisen whether the said Commissioners are authorized to grant such Application under the Provisions of the said last-mentioned Act, and the several Acts thereby referred to: And whereas it is highly expedient that the said Commissioners should be empowered to grant a Loan or Loans in Exchequer Bills for the Completion of the said Ferries in the Manner, and upon the Security hereinafter mentioned; be it therefore 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 for the said Commissioners, and they are hereby authorized and empowered, upon Application being made to them by the said Trustees, to advance to them the said Trustees any Sum or Sums of Money in Exchequer Bills, not exceeding in the Whole the Sum of Twenty-five thousand Pounds, upon the Security of an Assignment or Assignments of the Rates and Duties authorized to be levied by the said Two first recited Acts, and which Assignments respectively the said Trustees, or any Three or more of them, are hereby authorized and directed to give and execute in such Manner and Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint; and in the said Assignment or Assignments the said Trustees shall covenant, undertake, and agree, for themselves and their Successors, with and to the said Commissioners for the Issue of Exchequer Bills, or as they may direct, to render a Yearly Account of the Produce of the said Rates and Duties to the Secretary for the Time being of the said Commissioners, or otherwise, as they the said Commissioners may direct, and also to pay the Amount of such Produce in each and every Year from and after the Date of the said Assignments respectively, (after deducting all necessary Expences for managing and carrying on the said Ferries,) to the said Commissioners, or as they may direct, until the Whole of any Advance or Advances

Exchequer Bills Commissioners may advance 25,000l. to the Trustees of Tay Ferries.

Advances which may be made by the said Commissioners as aforesaid shall be fully paid and satisfied, together with Interest thereon at the Rate of Four Pounds *per Centum per Annum*.

Assignment to the Commissioners to have Priority.

II. And be it further enacted, That the Assignment or Assignments so to be given and executed by the said Trustees to the said Commissioners as aforesaid, shall be considered in all respects as if given and executed under the Powers and Provisions of the said last recited Act of the Third Year of the Reign of His present Majesty and the Acts therein recited and referred to, and shall have Priority over and shall precede all Mortgages, Assignments, or other Securities given, or which shall hereafter be given on the said Rates and Duties, in Consideration of any Sum or Sums advanced or contributed, or which may hereafter be advanced or contributed, for carrying on and completing the said Ferries, until the whole of any Advance or Advances which shall be made by the said Commissioners as aforesaid, together with Interest thereon at the Rate aforesaid, shall be fully paid and satisfied; any thing contained in the said recited Acts, or any of them, or this Act, or any other Act or Acts to the contrary in anywise notwithstanding.

Expence of this Act.

III. And be it further enacted, That the Expences of procuring and passing this Act shall be paid by the said Trustees of the said Ferries out of the Rates and Duties levied or to be levied under the said recited Act, or out of the Monies subscribed or to be borrowed for the Purposes thereof.

Public Act.

IV. 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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