



ANNO QUADRAGESIMO OCTAVO
GEORGI II. REGIS.

Cap. 53.

An Act for continuing the Term and enlarging the Powers of Three Acts of His late and present Majesty, for repairing the Road leading from the Town of *Kingston-upon-Hull* to and through the Town of *Anlaby*, and from thence to the Town of *Kirk Ella*, in the County of the said Town of *Kingston-upon-Hull*. [27th May 1808.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing the Road leading from the Town of Kingston-upon-Hull to and through the Town of Anlaby, and from thence to the Town of Kirk Ella, in the County of the said Town of Kingston-upon-Hull*: And whereas an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers granted by an Act passed in the Eighteenth Year of His late Majesty, for repairing the Road from the Town of Kingston-upon-Hull, to and through the Town of Anlaby, and from thence to the Town of Kirk Ella, in the County of the said Town of Kingston-upon-Hull*: And whereas an Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and Powers of Two Acts passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, and the Seventh Year of the Reign of His present Majesty for repairing the Road leading from the Town of Kingston-upon-Hull, to and through the Town of Anlaby, and from thence to the Town of Kirk Ella, in the County of the said Town of Kingston-upon-Hull*: And whereas the Trustees appointed in and by virtue of the said Acts have borrowed on the Credit thereof a very considerable Sum of Money, which, together with the Tolls, have been duly applied in the Repair of the said Road: And whereas the Money borrowed as aforesaid is still remaining due and unpaid, and cannot be repaid, and the said Road effectually amended and kept in Repair, unless the Terms of the said Acts be further continued, and the Powers thereof further 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

[Loc. & Per.] 11 P Advice

Act further
continued.

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 of the Eighteenth Year of His said late Majesty and the Seventh and Twenty-eighth Years of His present Majesty, and the Tolls and Duties thereby respectively granted, and all and every the Clauses, Powers, Authorities, Provisions, Articles, Rules, Penalties, Orders, and Directions, therein contained (except such as relate to Exemptions from Stamp Duties) shall be and are hereby continued for and during the Term herein-after mentioned, in as full and ample Manner as if the same were repeated and re-enacted in the Body of this Act; and that the additional Term hereby granted shall be and is hereby declared subject and liable to the Payment of all Monies due, or that shall hereafter become due on the Credit of the said former Acts and this Act, and of all Interest due and to grow due thereon.

Trustees under former
Acts to act
under this.

II. And be it further enacted, That the Trustees appointed or to be appointed in or by virtue of the said recited Acts shall be and are hereby appointed Trustees for putting the said Acts and this Act in Execution.

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

III. And be it further enacted, That all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever to be had, taken, prosecuted, or defended by or against the said Trustees, shall be had, taken, prosecuted, or defended in the Name of their Treasurers or Clerk; and that no Action, Suit, Proceeding, Information, Appeal or other Proceeding to be had, taken, prosecuted, or defended by or against the said Trustees or any of them, by virtue of this or the said recited Acts or any of them, shall abate or be discontinued by the Death or Removal of any such Treasurers or Clerk; but that the Treasurers or Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, Informant or Informants, Appellant or Appellants, Defendant or Defendants, Respondent or Respondents in any such Action, Suit, Prosecution, Information, Appeal, or other Proceeding, as the Case shall be: Provided always, that all and every such Treasurers, or Clerk in whose Names or Name any such Action, Suit, Prosecution, Information, Appeal, or other Proceeding shall be had, taken, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this or the said recited Acts, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal, or other Proceedings, he or they shall pay, bear, sustain, expend or be put unto, or become chargeable with or liable for or be fairly entitled to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, Informant or Informants, Appellant or Appellants, Respondent or Respondents as aforesaid.

General
Exemptions.

IV. And be it further enacted, That from and after the passing of this Act, all the Exemptions granted and continued by the said recited Acts shall cease and determine, and that no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse, 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 doth lie;

or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Garths, Outhouses, or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horses, 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, Rape, Dust, Soot, Compost, or Manure employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management or Occupation of any Farm or Lands and hereby exempted from Toll; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of religious Worship, tolerated by Law on a *Sunday*, or on 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 Parishes in which the said Road lies, or from 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 Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails or Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggons attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them laden with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them in going to or returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Horses, Carts, or Waggons employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, or of a Burgess or Burgesses to serve in Parliament for the Town of *Kingston-upon-Hull*; 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 aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

V. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing or amending the Road comprized in the said Acts or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Town and County, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more

Statute
Labour.

more of them, or by their Treasurers, Clerk, Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise; and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are, or may be directed by any Law or Statute in force and effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer or Treasurers, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and liable to by any Law or Statute in force or effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road;

Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

VI. 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 Acts and this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for and on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any 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 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, Tenements, or 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 Direction and Approbation 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 Acts and this Act, in case such Purchase or Settlement were made.

Application
of Compensation
when ex-
ceeding 200l.

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

VII. 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-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 of the 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 Manner herein-before directed, so far as the Case may be applicable, without obtaining, or being required to obtain, the Direction and Approbation of the Court of Chancery.

Application
of Compensation if less
than 20l.

VIII. Provided also, and be it 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 Acts and this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, 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
Titles.

IX. 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 any Five or more 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 Five or more 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,

tion, 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 respective 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.

X. 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 Privy 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 Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Acts 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 the 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 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 and Interest therein.

Where any Question shall arise as to the Title, the Person in Possession shall be deemed entitled to the Purchase Money.

XI. Provided always, 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, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts 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 Acts 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 Acts, and 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, out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XII. And be it further enacted, That if any Person shall ride upon any Footpath formed on the Side of or adjoining to the said Road or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause

Penalty on Persons damaging Foot ways, &c.

any Damage to be done to any such Footpath; or if any Person shall cause to be haled or drawn upon any Part of the said Road any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages; or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road, and meeting another Carriage, shall not keep his or her Carriage on his or her left or near Side of the said Road; or if any Person shall in any manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road, or on the Banks or Lands adjacent or lying open thereto; or if any Person shall without sufficient Cause leave any Carriage upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid, and applied in the Manner directed by the said recited Acts or some or one of them.

For paying
the Expences
of this Act.

XIII. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, shall be defrayed out of the Monies already received, or the First Monies which shall arise or be received by virtue of the said Acts or of this Act, in preference to all other Payments whatsoever; and that after Payment thereof the Tolls authorized to be collected by the said recited Acts and this Act shall during the Continuance of the Term hereby granted be and remain subject and liable to the Payment of all Monies now due and owing, and which shall or may hereafter be borrowed and become due on the Credit of the said Tolls, and of all Interest due and to grow due respectively.

Publick Act.

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

Commence-
ment and
Continuance
of Act.

XV. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said Acts, and from the Expiration thereof for and during the further 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. 1808.