ANNO DECIMO NONO & VICESIMO

# VICTORIÆ REGINÆ.

## *Cap.* 1.

**An Act to amend and extend the Provisions of the Act relating to the *Knaresbrough and Pateley Bridge* Turnpike Road, and to create a further Term therein, and for other Purposes.**

[23d *June* 1856.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, Chapter Fourteen, intituled *An Act for improving the Turnpike Road from* K aresbrough *to the Junction of the Road from* Ripon *to* Pateley Bridge *in the West Riding of the County of* York: And whereas the Trustees acting by virtue of the said recited Act have proceeded to carry the same into execution, and in pursuance of Powers for that Purpose therein contained have made a Diversion out of the said Road at the West End of a Place called *Burnt Yates*, and joining the Main Road near *Wilsill*, and terminating at the Junction of the Road between *Ripon* and *Pateley Bridge*, and have also widened and improved various Parts of the said Main Road: And whereas the Powers granted by the said recited Act have been continued from Time to Time by divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, and such Powers will expire on the First 7 G. 4. c. xiv.

Day of *November* One thousand eight hundred and fifty-six unless Parliament shall in the meantime continue the same: And whereas there is now due and owing upon the Credit of the Tolls authorized to be taken on the Road now subject to the Provisions of the said Act the Principal Sum of Five thousand and forty-one Pounds Twelve Shillings and Sixpence, and that Sum is now due or reputed to be due to the several Persons named in the Schedule to this Act, or their Representatives, in the Proportions or Sums set opposite to their respective Names in that Schedule, and such Principal Sum cannot be paid off unless further Powers are granted and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Recited Act repealed and this Act to be put in force.

I. That from and after the Commencement of this Act the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes hereinafter mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, or in any Instrument or Document whatever, it shall be sufficient to use the Expression "The *Knaresbrough and Pateley Bridge* Turnpike Road Act, 1856."

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Word "Person" shall be understood to include Corporation:

The Expression "the Trustees," or "the said Trustees," shall mean the Trustees for the Time being acting in the Execution of this Act:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Expression "Toll Gate" shall include Turnpike, Side Gate, Side Bar, or Chain, either on the said Road or on the Sides thereof.

All Arrears of Tolls and Monies due

IV. That all Rents, Arrears of Rents, Tolls, Arrears of Tolls, and other Monies due or reserved or belonging to, and all Monies, Property,

perty, and Choses in Action vested in the Trustees under the Act hereby repealed, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been due or reserved, belonging to, or invested in them under the said repealed Act; and they shall be liable to the Payment of all Sums of Money, Debts, and Demands at the Commencement of this Act due and owing on the Credit or Security of the said repealed Act, and to all the Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof, save and except such Debts and Liabilities as are by this Act reduced, varied, or extinguished.

under recited Act vested in Trustees under this Act.

V. That, subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said repealed Act, or with any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity until the same be fully satisfied and performed, on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said repealed Act with or to any Person or Persons for any Purpose relating to the Road therein comprised, or to the Execution of the said Act, or any of them, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Conveyances &c. under former Act to continue in force.

VI. That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the Act hereby repealed, or any of the Acts therein recited, or by their Treasurer or Clerk under their Direction according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts and by all Judges, Justices, and others.

Former Books to be Evidence.

VII. That all Roads and Parts of Roads diverted or discontinued under or by virtue of the Powers and Provisions of the said recited and repealed Act, shall remain and continue diverted and discon-

Roads shut up under repealed Act to remain shut up.

discontinued in such and the same Manner as if the said recited Act had not been repealed.

Trustees appointed.

VIII. That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, and residing within the Wapentake of *Claro* or the Liberty of *Ripon*, together with Sir *Charles Slingsby* Baronet, Sir *Joseph Radcliffe* Baronet, the Reverend *Thomas Collins* Clerk, *William Collins*, the Reverend *James Collins* Clerk, *Thomas Collins*, the Reverend *William Collins* Clerk, the Reverend *John Charge* Clerk, *Hugh George Christian*, *John Dury*, *Christopher Earnshaw*, the Reverend *James Fawcett* Clerk, *George James Watson Farsyde*, the Reverend *James William Geldart*, LL.D., *Hanley Hutchinson*, *Thomas Harrison*, the Reverend *James Bishop Hartley* Clerk, the Reverend *George Holdsworth* Clerk, the Reverend *Henry John Ingilby* Clerk, the Reverend *Henry Day Ingilby* Clerk, *Charles Letch*, *John Metcalfe*, *George Metcalfe* the younger, the Reverend *Aaron Manby* Clerk, *Samuel Powell*, the Reverend *Danson Richardson Currer Roundell* Clerk, the Reverend *John Swire* Clerk, *George Snowden*, the Reverend *James Tripp* Clerk, the Reverend *Thomas Charles Thompson* Clerk, *Marcus Worsley*, *Henry Wormald*, *Bilton Josephus Wilson*, the Reverend *John M Ward* Clerk, *Henry Andrew Vivian*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IX. That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

X. That the said Trustees shall hold their First Meeting at the Court House in *Knaresborough*, or at some other Place in the Neighbourhood of the said Road, on the Second *Wednesday* next after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

Present Officers to be continued.

XI. That the Clerk, Treasurer, Surveyor, and all other Officers who have been appointed under and employed in the execution of the said repealed Act, shall respectively continue to exercise their Offices under

under this Act until they respectively shall die, resign, or be deposed or removed by the Trustees, or be incapable of executing such Offices; and be subject to the like Rules and Regulations, and Pains and Penalties in all respects whatsoever as if they had been appointed under or by virtue of this Act.

Power to appoint Committees.

XII. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and the Surveyor of the Trust may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which this Act is applicable.

XIII. That this Act shall be put in execution for the Purpose of more effectually improving maintaining, and keeping in repair the Road herein-after mentioned; that is to say,

The said Turnpike Road leading from the Junction with the Turnpike Road from *Harrowgate* to *Boroughbridge* at the Bond End in *Knaresbrough* to the Junction of the Road from *Ripon* to *Pateley Bridge*, as deviated and altered under the said recited Act.

Style of the Trust.

XIV. That the Road comprised in this Act shall be called "the *Knaresbrough and Pateley Bridge* Turnpike Road;" and the Trustees for executing this Act shall be styled "the Trustees of the *Knaresbrough and Pateley Bridge* Turnpike Road."

Present Tolls continued until the 31st Day of December 1858.

XV. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road until the Thirty-first Day of *December* One thousand eight hundred and fifty-eight: Provided always, that it shall be lawful for the Trustees, with the Consent of the Lessee of the existing Tolls and the Mortgagees for the Time being, to direct that the Tolls by this Act authorized shall commence and be taken at any Time before the said Thirty-first Day of *December* One thousand eight hundred and fifty-eight.

For erecting Turnpikes.

XVI. That, subject to the Provisions of this Act, the several Toll Gates and Weighing Machines now standing or being upon the said Road or on the Sides thereof shall be continued until removed by an Order of the said Trustees, and it shall be lawful for the said Trustees to order and cause to be set up, upon, in, or across the said Road by this Act directed or authorized to be maintained, and upon the Sides thereof, or any Part thereof respectively, any Toll Gate and any

Weighing Machine, and from Time to Time to remove the present or any future Toll Gates or Weighing Machines as they shall think proper: Provided always, that no Toll Gate which by this Act is authorized to be maintained or set up on the said Road or the Sides thereof shall be removed or set up upon or across the said Road or the Sides thereof, except the same shall be ordered to be removed or set up at a Special Meeting of the said Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the Act of Ninth *George* the Fourth, Chapter Seventy-seven.

Power to take Tolls.

XVII. That upon and after the Thirty-first Day of *December* One thousand eight hundred and fifty-eight it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates which shall be continued or set up by virtue of this Act in, upon, across, or on the Side or Sides of the said Road such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; that is to say,

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Omnibus, Van, Caravan, Berlin, Landau, Barouche, Chariot, Chaise, Marine Chair, Curricle, Phaeton, Calash, Sociable, Car, Gig, Hearse, Litter, Break, taxed Cart, or other Carriage or Cart used for the Conveyance of Persons or light Goods or Articles, the Sum of Sixpence:

For every Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, if having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Fourpence; if having the Fellies of the Wheels thereof of the Breadth of Four-and-a-Half Inches or upwards and less than Six Inches, the Sum of Sixpence; and if having the Fellies of the Wheels thereof of less Breadth than Four-and-a-Half Inches at the Bottom or Soles thereof, the Sum of Eightpence:

For every Horse, Mule, or Ass laden or unladen, and not drawing, the Sum of Three Halfpence:

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Fivepence *per* score, and so in proportion for any greater or less Number:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery, or otherwise than by Animal Power, the Sum of One Shilling for each Wheel:

Which said several and respective Tolls or Sums of Money shall and may be demanded and taken as aforesaid before any Horse, Mule, Ox, or other Beast or Cattle, Coach, Waggon, Cart, or other Carriage whatsoever

whatsoever shall be permitted to pass through any such Toll Gate; and such several or respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to the Fraction of a Halfpenny in Tolls.

XVIII. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting the Number of Tolls on the whole Line of Road.

XIX. That no more than Two full Tolls shall be demanded or taken of or from any Person for or in respect of the same Horses or other Beasts or Cattle or Carriages in any One Day (to be computed in manner next herein-after directed) for passing or repassing through all the several Toll Gates erected or to be erected on the whole Line of the said Road.

Tolls to be paid but once a Day.

XX. That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Ox, Beast, Cattle, Animal, or Carriage through any or either of such Toll Gates, such Horse, Beast, Ox, Mule, Ass, Cattle, Animal, or Carriage shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass and repass Toll-free through the same Toll Gate, and also through such other Toll Gate or Gates (if any) as the Ticket for such Payment shall free at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night.

Stage Coaches, &c. to pay each Time of passing.

XXI. That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Omnibus, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll has been paid, and which shall return on the same Day through the same Toll Gate, the Tolls hereby made payable shall be paid for each and every Time of passing and repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat.

Tolls on Horses, &c. drawing different Waggons, &c.

XXII. Provided always, That Tolls shall be paid for every Time during the same Day that any Horse, Mule, Ass, Ox, or other Beast shall pass through any Toll Gate on the said Road drawing any laden Waggon, Wain, Dray, Cart, Van, Caravan, or such like Carriage other than that which such Horse, Mule, Ass, Ox, or other Beast shall have been employed in drawing at any former Time during the same Day when Toll shall have been paid in respect of such Horse, Mule, Ass, Ox, or other Beast.

XXIII. That

Postchaises to pay on every new Hiring.

XXIII. That the Tolls hereby made payable for or in respect of Horses, Animals, or Beasts of Draught let out to Hire, and drawing any Postchaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Animals, or Beasts had been made on the same Day.

Lime for Manure exempted from Toll.

XXIV. Provided always, That no Toll shall be demanded or payable for any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage going empty for or returning laden with Lime or Limestone for the Purpose only of improving or manuring Land, anything in any of the Acts now in force relating to Turnpike Roads to the contrary notwithstanding.

Certain exempted Articles subject to Toll if conveyed during the Winter Months.

XXV. And whereas the carrying and conveying Stone, Dross, Ashes, and other Materials upon the said Road for the making and repairing Turnpike Roads and Highways, and for building, rebuilding, or repairing Bridges upon or over the same in the Winter Season, which are exempted from Toll, do considerably more Injury to the said Road than if the same were conveyed during the Summer Months: Be it therefore enacted, That it shall be lawful for the said Trustees, between the First Day of *October* in One Year and the last Day of *March* in the succeeding Year (both Days inclusive), if they shall think it expedient so to do, but not otherwise, to demand and take at the several and respective Toll Gates to be continued or erected on the said Road, for every Horse, Animal, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage carrying or laden with Stones, Dross, Ashes, or other Materials which may be used for making or repairing any Roads or Highways whatsoever, or for building, rebuilding, or repairing any Bridges whatsoever, One Half the same Tolls as are by this Act authorized to be taken in respect of Horses, Animals, Beasts, and Cattle drawing any Waggons, Wains, Drays, Carts, or other Carriages, any Exemptions granted by any Law or Statute to the contrary notwithstanding.

Defining the Amount of the Principal Debt.

XXVI. That after the Commencement of this Act the Principal Monies owing on the Security of the Tolls taken on the said Road shall consist of the several Sums mentioned in the Schedule to this Act annexed, amounting together to the Sum of Five thousand and forty-one Pounds Twelve Shillings and Sixpence, and from and after the Commencement of this Act Interest after the Rate of Three Pounds *per Centum per Annum* shall be paid on the said several Sums mentioned in the said Schedule, or on so much thereof as for the Time being shall be due and owing on the Credit of the said Tolls.

XXVII. That

Application of Monies and Tolls.

XXVII. That all Monies and Tolls vested in or which shall be received by the said Trustees under or by virtue of this Act, and which shall be applicable to the Purposes thereof, shall be applied as follows; that is to say,

First, In paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, In defraying the necessary Expenses of erecting, providing, maintaining, altering, and repairing the Toll Gates, Toll Houses, and Weighing Machines, the Salaries of the Clerk, Treasurer, Surveyor, and other Officers employed by the said Trustees, and the other Costs and incidental Expenses attending the Management of the said Road: Provided, that such Expenses shall not exceed in any One Year the Sum of Fifty Pounds, exclusive of any Payment to Toll Collectors for collecting Tolls if necessary, and of any Expenses to which the said Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace, or any other Proceeding for maintaining and protecting their Trust:

Thirdly, In paying Interest from the Commencement of this Act after the Rate of Three Pounds *per Centum per Annum* on the several Sums mentioned in the said Schedule, or on so much thereof respectively as shall for the Time being be unpaid, such Interest being paid to and amongst the Persons entitled to such Sums in proportion to the Amount of their respective Claims, and without any Priority or Preference the one over the others or other of them:

Fourthly, In paying from and after the Twenty-fifth Day of *March* One thousand eight hundred and fifty-seven the Expenses of repairing and maintaining the said Road and the Burr Walls on the Sides thereof which the said Trustees are by this Act required to repair and maintain, provided that such Expenses shall not exceed in any One Year the Sum of One hundred and thirty-five Pounds, and that such Sum shall be apportioned by the Trustees in such Manner as they shall think fair and reasonable among the Townships through which the Road passes:

Fifthly, In reducing, paying off, and discharging in manner hereinafter provided the several Sums mentioned in the said Schedule, or so much thereof respectively as shall for the Time being be unpaid.

Sixthly, In paying the Expenses of further maintaining, improving, and keeping in repair the said Road, and in putting this Act into execution with reference thereto.

Interest not to accrue until Ex-

XXVIII. That no Interest shall accrue due on the said Principal Sums owing on the Credit of the Tolls authorized to be taken on the said

penses of this Act are paid.

said Road until the Trustees shall have received sufficient Sums to pay and discharge, and shall have paid and discharged, the Expenses of obtaining and passing this Act and incident thereto.

Burr Walls to be maintained on the Sides of the Road.

XXIX. And whereas some Part of the said Road is made on the Side of steep Declivities where it has been necessary to support the Road by Burr Walls, which occasionally fall down or require to be repaired: And whereas, no Compensation was made to the Owners of the Land in which such Burr Walls have been made for the Injury they might sustain from their Liability to repair such Burr Walls: For Remedy thereof, be it enacted, That whenever any Burr Wall supporting the said Road or any Part thereof shall fall down or require to be repaired, the same shall be rebuilt or repaired up to the Level of the Road by the Surveyor of the said Road at the Expense of the Trustees thereof, whose Surveyor and Workmen in making such Repairs shall have Power to enter upon the Grounds or Places where such Repairs are necessary for the Purpose of making and executing the same without being considered as Trespassers, and without being required to make any Compensation for Damages reasonably arising or caused thereby; and the Occupier of the Land for the Time being to which such Wall belongs or adjoins shall make and keep in repair a good and sufficient Fence Wall upon the said Burr Walls after the same shall have been so rebuilt or repaired where necessary by the said Trustees.

In case Fence Walls are out of repair.

XXX. That if any such Occupier shall neglect to make and keep in repair such good and sufficient Fence Wall from the Level of the said Road in such Case as before mentioned, or if such Part as aforesaid of such Wall or any other Wall or Fence adjoining the said Road shall from any Neglect be out of repair or not of sufficient Height above the Road, and shall not be repaired within Ten Days after any Notice in Writing to be given to or left at the Dwelling House of such Occupier, by or under the Hand of the Surveyor or Clerk of the said Trustees, it shall be lawful for the said Surveyor to rebuild or repair the same, and to charge the Costs and Expenses thereof to such Occupier; and if such Occupier shall neglect or refuse to pay the same Costs and Expenses to the said Surveyor within Ten Days after Demand thereof, it shall be lawful for the said Surveyor to make Complaint before One of Her Majesty's Justices of the Peace for the West Riding of the County of *York*, who shall thereupon proceed to summon such Defaulter, and if he fail to appear to such Summons, or to show sufficient Cause for the Nonpayment of such Costs and Expenses, it shall be lawful for such Justice, upon the Evidence of One or more Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), to determine the Amount of the Costs and Expenses of any such Repair, and to cause the same to be levied, together

together with the Cost of such Complaint, Information, and Conviction, by Distress and Sale of the Goods and Chattels of such Defaulter by Warrant under his Hand and Seal.

Mortgagees not to take possession but for Arrears of Interest.

XXXI. That whenever and so long as the Interest by this Act allowed upon all existing Mortgages, Securities, and Charges upon the Tolls of the said Road shall be duly paid at the Rate by this Act authorized within Three Calendar Months next after the same shall become due, no Holder of any Mortgage or Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road or the Sides thereof, or into the Receipt of the Tolls arising therefrom, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due upon all the then existing Mortgages and Securities without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages and Securities shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate by this Act authorized on such Mortgages and Securities up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rents as aforesaid to the said Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

XXXII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due in respect of any of the Debts or Sums mentioned in the Schedule to this Act annexed shall amount to the Sum of Two hundred Pounds, the said Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or Purposes thereof,

so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *York* or by Letter sent by Post to each Mortgagee directed to his usual Place of Residence or last known Place of Abode; and at such Meeting the said Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing in respect of the said Debts or Sums to the Creditor who shall, by Proposal in Writing transmitted to the Clerk to the said Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Payment of the other Monies owing, on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the said Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors as the said Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the said Trustees may apply the Sum applicable to such Payments or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the said Trustees shall think fit.

The Trustees may grant Mortgages for the Sums authorized by this Act.

XXXIII. That the said Trustees may, if they shall think fit so to do, at the Costs and Expenses in every Case of the Person applying for the same, make and deliver to the several Parties now entitled to the said several Sums mentioned in the said Schedule to this Act annexed, or any Part thereof, a Mortgage of the Tolls authorized by this Act for securing to such Party the Sums set opposite to his Name in the said Schedule, or so much of those Sums as may be due to him, together with Interest thereon not exceeding the Rate of Three Pounds *per Centum per Annum;* and such Mortgage or any Assignment or Transfer thereof may be made in the Form, as far as the same may be applicable, and in such Manner as is directed by any Law or Statute relating to Turnpike Roads in *England;* and such Mortgage, when so granted and delivered, shall be deemed and taken to be substituted for the existing Security in the Hands of or for the Sums owing to the Person applying for and obtaining such Mortgage.

XXXIV. That

XXXIV. That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Road not exempt from Provisions of present and future General Acts.

XXXV. That this Act shall commence and take effect on the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Commencement and Term of Act.

## The SCHEDULE referred to by the foregoing Act;

CONTAINING

### The NAMES of the CREDITORS of the TRUST whose CLAIMS are to be CHARGES thereon.

| No. | Name of Creditor. | Amount of Principal Sum now owing. | | |
|---|---|---|---|---|
| | | £ | s. | d. |
| 1 | John Yorke, Esquire - - - - | 2,000 | 0 | 0 |
| 2 | Mr. Matthew Gill - - - - | 480 | 10 | 0 |
| 3 | The Reverend Danson Richardson Currer Roundell - - - - - | 402 | 4 | 0 |
| 4 | The Executors of Mr. John Brewerton - - | 354 | 0 | 0 |
| 5 | Mr. Edmund John Jennings, Executor of the Will of the late Charles Jennings - - | 300 | 0 | 0 |
| 6 | Mr. Hanley Hutchinson - - - | 200 | 0 | 0 |
| 7 | Trustees of Burnt Yates School - - | 140 | 0 | 0 |
| 8 | Edward Norton, Esq. - - - - | 134 | 8 | 0 |
| 9 | The Rev. John Swire - - - - | 133 | 8 | 0 |
| 10 | Christopher Earnshaw, Esq. - - - | 127 | 16 | 9 |
| 11 | The Executors of Sir William Amcotts Ingilby, Baronet - - - - - | 100 | 0 | 0 |
| 12 | The Executors of Mr. George Ingleson - - | 100 | 0 | 0 |
| 13 | The Executors of Mr. Francis Thorpe - - | 100 | 0 | 0 |
| 14 | Miss Isabella Gill - - - - | 100 | 0 | 0 |
| 15 | Miss Mary Anne Frances Hopper - - | 87 | 2 | 6 |
| 16 | The Executors of John Williamson, Esquire - | 80 | 11 | 0 |
| 17 | The Executors of Daniel Tuke and Mr. John Ayer - - - - - | 60 | 0 | 0 |
| 18 | John and George Metcalfe - - - | 50 | 0 | 0 |
| 19 | Mr. W. H. Yatman, Executor of the Will of Mrs. Mitchell - - - - | 36 | 18 | 9 |
| 20 | William Collins, Esq. - - - - | 29 | 5 | 6 |
| 21 | Mr. James Powell - - - - | 25 | 8 | 0 |
| | | £5,041 | 12 | 6 |

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