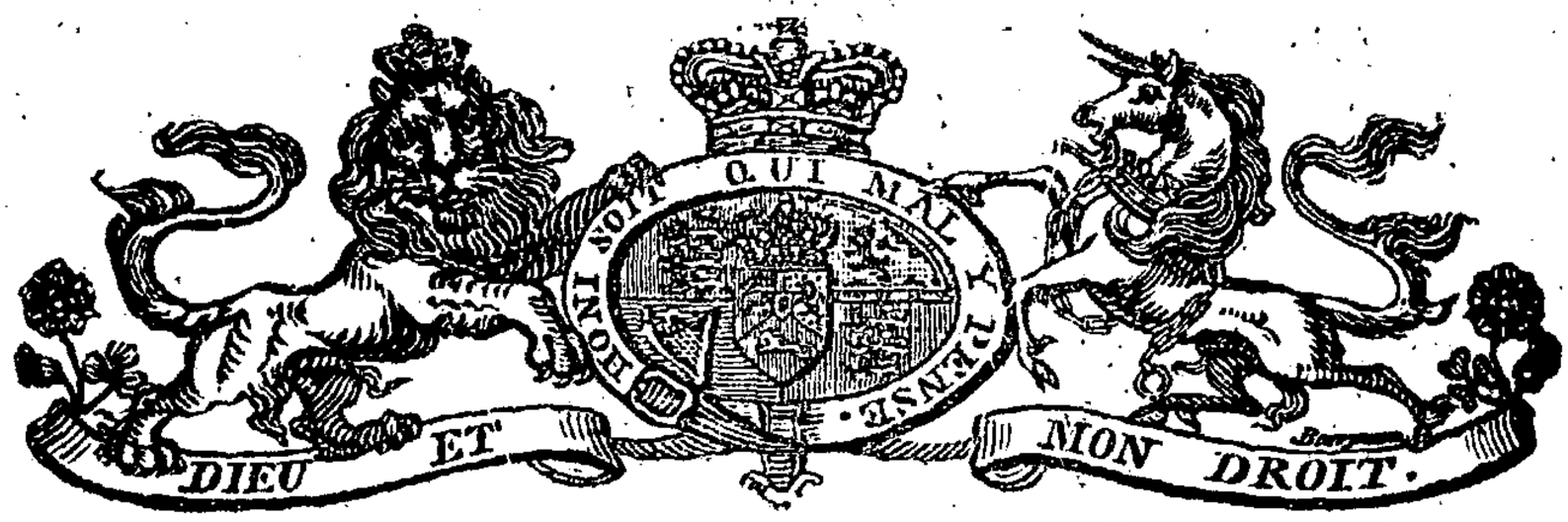


ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xiv.

An Act for improving the Turnpike Road from *Knaresbrough* to the Junction of the Road from *Ripon* to *Pateley Bridge*, in the West Riding of the County of *York*. [22d *March* 1826.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the High Road from* Wetherby *to* Grassington *in the County of* York: And whereas another Act was passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the Thirty-second Year of His late Majesty, for repairing and widening the High Road from* Wetherby *to* Grassington *in the County of* York: And whereas another Act was passed in the Twentieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for reviving and continuing the Term and varying some of the Powers of an Act, made in the Twenty-ninth Year of the Reign of His late Majesty King* George *the Second, intituled* 'An Act for repairing and widening the High Road from 'the Borough of Ripon, by Ingram Bank, to the Town of Pately 'Bridge, in the County of York;' and for making Compensation to the Trustees and Mortgagees under Two Acts made in the Thirty-second Year of His late Majesty King George the Second, and in the Fourteenth Year of His present Majesty, for repairing and widening the High Road from Wetherby to Grassington in the County of York: [*Local.*]

32 G. 2. c. 71.

14 G. 3. c. 98.

20 G. 3. c. 86.

And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled
46 G. 3. c. 7. *An Act for continuing the Term and altering the Powers of Three Acts, passed in the Thirty-second Year of His late Majesty, and in the Fourteenth and Twentieth Years of His present Majesty, for repairing the Road from* Wetherby *to* Grassington *in the County of* York, *so far as the said Acts relate to the Road from* Knaresborough *to the Junction of the Road from* Ripon *to* Pateley Bridge: And whereas considerable Sums of Money have been borrowed, and still remain due and owing, upon the Credit of the Tolls by the said Acts, or some of them, authorized to be collected on the said Road; and such Road cannot be effectually improved and maintained in repair, nor can the said Debt be paid off, unless the Term and Powers of the said Acts are enlarged, some additional Powers granted, and the Tolls arising on the said Road increased: And whereas it would tend to the Accommodation of the Public, and of the Persons residing in the Neighbourhood of the said Road, and such Road might be materially improved, if Power were granted to make and maintain a certain Diversion of the present Line thereof, in manner herein-after mentioned: And whereas it is expedient that Powers should be granted for widening and improving several narrow and confined Places upon certain Parts of the present Line of the said Road, lying within the Townships of *Hartwith with Winsley*, and *High and Low Bishopside*, in the Parishes of *Kirkby Malzeard* and *Ripon*, or some of them, and for the Removal and Prevention of Nuisances, Obstructions, and Annoyances on the same: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said Acts were repealed, and such of the Powers and Provisions thereof as it may be expedient to continue or amend, and the necessary and additional Powers and Provisions, were embodied and incorporated in one Act: And whereas an Act was passed in the Third Year of the Reign of His
3 G. 4. c. 126. present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His said present Majesty,
4 G. 4. c. 95. intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the
5 G. 4. c. 69. Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Third *Wednesday* next after the passing of this Act, the said Four first-recited Acts (relating to the said Road) shall be, and they and each of them are and is hereby declared to be repealed, so far only as they respectively relate to the Turnpike Road from *Knaresbrough* to the Junction of the Road from *Ripon* to *Pateley Bridge*; and this Act shall

The Four first recited Acts repealed, so far as they relate to the Road herein described; and this Act to take effect.

shall thereupon commence and take effect and be put in Execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in repair the said Road from *Knaresbrough* to the Junction of the Road from *Ripon* to *Pateley Bridge*, and of making and maintaining a Diversion from and out of such Road at the West End of *Burnt Yates*, thence past *Spence's Mill Dam*, *Dowgell Hall*, *Fell Beck Mill*, and joining the main Road near *Wilsill*, and terminating at the Junction of the Road between *Ripon* and *Pateley Bridge*.

Powers of recited Acts, 3, 4, and 5 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or as are varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fourth Year of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fifth Year of the Reign of His said present Majesty, and all and every the Powers and Provisions therein contained, shall respectively (so far as the same respectively are applicable to this Act, and as are not hereby varied, altered, or repealed, or otherwise provided for) be as good, valid, and effectual for carrying this Act into Execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

Act made liable to Payment of all Monies due under former Acts.

III. And be it further enacted, That this Act, and the Term, Tolls, and other Funds hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Sums which have been borrowed or which are now due and owing on the Credit of the Tolls authorized to be taken by the said former Acts hereby repealed, or by any of them, and to the Payment of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Money had been borrowed or had become due and owing on the Credit or on account of this Act; and all and every Persons and Person owing any Money to the Trustees for executing the said former Acts hereby repealed, or any of them, on account of the said Road, shall be liable to the Payment thereof to the Trustees for executing this Act, and such Money shall be applied by the Trustees for executing this Act to the Credit and on account of the said Road.

Contracts, &c. to remain in force.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants and Agreements, Contracts and Securities, made or entered into by any Person to or with the Trustees for executing the said former Acts hereby repealed, or any of them, or to or with any Person on their Behalf, on account of such Road, shall remain in full Force and Effect, and shall be and continue available in all Courts

of

of Law and Equity, or before all or any of His Majesty's Justices of the Peace having Jurisdiction, (as the Case may require), until the same shall be fully satisfied and performed on account of the Trustees acting under this Act; and all Lettings of Tolls, Orders, Contracts, Agreements, Bargains, and Notices, made, entered into, or given by the Trustees for executing the said former Acts hereby repealed, or any of them, or by any Person on their Behalf, in pursuance of the Provisions and Directions thereof respectively, shall (so far as the same are not altered or avoided by this Act) remain in full Force and Effect, and be kept and observed by the Trustees acting under this Act, according to the Stipulations thereof respectively.

Books relative to former Acts to be given in Evidence.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees acting in Execution of the former Acts hereby repealed, or any of them, and provided and kept by them, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, and also all Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with the Right Honourable *George Augustus Henry Cavendish* commonly called Lord *George Augustus Henry Cavendish*, the Right Honourable *Frederick John Robinson*, the Honourable *Jacob Marsham* Doctor in Divinity, the Honourable and Reverend *William Herbert*, the Honourable *Edward Stourton*, the Honourable *Henry Lascelles*, the Honourable *William Sebright Lascelles*, the Honourable *Edwin Lascelles*, the Honourable *Francis Nathaniel Burton*, Sir *William Amcotts Ingilby* Baronet, Sir *Thomas Slingsby* Baronet, Sir *Harry James Goodricke* Baronet, Sir *Charles Ibbetson* Baronet, *George Francis Barlow*, *Thomas Barston*, *John Brewin*, *Thomas Davison Bland*, *William Collins*, *Samuel Charlesworth*, *Thomas Collins* Clerk, *Andrew Cheap* Clerk, *John Cracroft* Clerk, *Thomas Duncombe*, *William Henry Dixon* Clerk, *Amaziah Empson*, *Peter Earnshaw*, *George Lane Fox*, *Humphry Fletcher*, *John Greenwood*, *Edwin Greenwood*, *Frederick Greenwood*, *James Geldart* Doctor of Laws, *Teasdale Hutchinson*, *Richard Hartley*, *John Hartley*, *John Husband*, *Richard Hale* Clerk, *Ralph Bates Hunter* Clerk, *John Hobson*, *George Ingleson*, *Robert Ingleson*, *George Kelly* Clerk, *Andrew Lawson*, *John Lee*, *Peter Middleton*, *William Markham*, *Henry Mitton* Clerk, *Aaron Manby* Clerk, *Conyers Norton*, *Isaac Newton*, *Charles Oxley*, *William Prest*, *Thomas Paley*, *Samuel Powell*, *Howell Wooster Powell* Clerk, *Edmund Robinson*, *Benjamin Rawson*, *Robert Richardson*, *Richard Henry Roundell*, *Currer Roundell* Clerk, *William Lister Fenton Scott*, *Charles Slingsby*, *John Smyth*, *Thomas Simpson*, *Timothy Metcalfe Shann* Clerk, *John Swire* Clerk, *Richard John Thompson*, *Richard Terry*, *Joseph Bervers Terry*, *Matthew Thackwray*, *George Tripp*, *Thomas Tuton*, *Robert Darley Waddilove* Doctor in Divinity, *Richard Fountayne Wilson*, *Richard Henry Wood*, *John Farside Watson*, *George James Watson*, *John Williamson*, *John Williamson*

son the younger, *Bilton Josephus Wilson*, *Anthony Watson* Clerk, *John Yorke*, and *Edmund Yorke*, and their Successors, being duly qualified according to the Provisions and Directions contained in the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed the Trustees for carrying this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty into Execution.

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting from Time to Time to be held for that Purpose (of which Meeting and the Purpose thereof at least Three Days Notice shall be given in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed with respect to Meetings for the Appointment of Trustees on Vacancies), to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, in addition to the Trustees herein named and appointed; and such additional Trustees so elected or appointed, as well as all Trustees to be from Time to Time elected and appointed in pursuance of and according to the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, in the Place or Stead of any Trustee or Trustees dying, resigning, or otherwise become incompetent or disqualified to act (being duly qualified according to the Provisions of the said Acts of the Third and Fourth Years of the Reign of His present Majesty), shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named herein.

Meeting of Trustees.

VIII. And be it further enacted, That the Trustees acting in the Execution of this Act shall meet together at the *Crown Inn* at *Knaresbrough* aforesaid, or at some other convenient Place upon and near to the said Road, on the Third *Wednesday* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and from Time to Time adjourn to and meet at such Times and at such Places upon or near to the said Road, and upon such Notice as they shall from Time to Time think proper.

Old Officers to continue until removed by Trustees.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed according to the Directions of the said recited Acts of the said Third and Fourth Years of the Reign of His present Majesty, and each and every Clerk, Collector, Surveyor, and other Officer appointed under and by virtue of the said former Acts hereby repealed, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk and Treasurer not to be the same Person.

X. And be it further enacted, That it shall not be lawful for the Trustees for executing this Act to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, nor to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service of or Employ of such Treasurer, or of the Partner of such Treasurer, to be the Clerk for the Purposes of this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under this Act (other than that of Treasurer), every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Limiting Deviation from Plan deposited with the Clerk of the Peace.

XI. And whereas a Map or Plan describing the present Line of the said Road, and also the Line of the said intended Diversion thereof, and the Lands and Premises through which such Diversion is intended to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, has been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Trustees, in making the said Diversion, or in widening the present Line of the said Road, shall not deviate more than One hundred Yards from the Line of such Diversion or Line of Road as described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Lands or Premises such Deviation shall pass or such Widenings be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom, at all seasonable Times, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection and Perusal, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts, and so in proportion for any greater or less Number of Words.

Diversion of the Line of Road may be made.

XII. And be it further enacted, That it shall be lawful for the Trustees for executing this Act, and they are hereby authorized and empowered, to make the Diversion herein-before mentioned, in, upon, over, or through any private Lands or Grounds of any Person, and of such Width as they shall think proper, not exceeding Forty-two Feet,

together with such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient, and for such Purpose to pull down, take, and make use of all or any of the Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, and to lay the same and the Site and Sites thereof, or of any Part thereof, into the said Road: Provided always, that the said Trustees shall make Satisfaction to the Owners of and Persons interested in such Lands or Premises so to be taken for making any such Diversion as aforesaid, for the same, or for the Damage they may sustain by any such Act of the said Trustees, unless the same shall go or pass in, upon, over, or through any Commons or Waste Grounds, in which Case the same may be taken and used for the Purposes of such Diversion without making any Satisfaction for such Commons or Waste Grounds; and it shall also be lawful for the said Trustees, and for their Surveyors and Surveyor, Agents and Workmen, from Time to Time and at all Times, to enter upon the Lands and Hereditaments through which or whereupon such Diversion, Roads, Footpaths, Causeways, Fences, Ditches, and Drains are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed Trespassers or a Trespasser, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, paid, and applied in manner directed by the said recited Act of the Third Year of the Reign of His present Majesty with respect to Penalties not exceeding Five Pounds.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion of Road into, through, across, over, and upon the several Lands, Grounds, or Premises of any Person or Persons who is, are, or may be the Owner or Owners of any Lands, Grounds, or Premises set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding of the County of *York*, (in case of a Dispute about the same), and be certified accordingly by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake.

Power to make Branch Road with Consent of his Grace the Lord Archbishop of York and the Occupiers.

XIV. Provided always, and be it further enacted, That it shall be lawful, at any Time after the passing of this Act, for the Trustees acting under the Execution hereof to make and maintain a certain Branch Turnpike Road from the said intended Diversion of Road, at or near the West Side of *Fell Beck* otherwise *Smelthouse Beck*, to and unto *Smelthouse Mills*, in the Township of *High and Low Bishopside* aforesaid: Provided nevertheless, that such Branch shall not

not be made without the Consent in Writing of his Grace the Lord Archbishop of *York* for the Time being, and the Occupiers of the Lands and Grounds through which the same Branch Road shall pass.

Power to widen certain Parts of the Road.

XV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, to divert, turn, shorten, vary, and amend the said Road, and to improve and render the same more commodious, by widening certain narrow Places in such Parts of the present Line of the said Road; and for the Purposes aforesaid, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to purchase, and take and use all or any of the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, and to lay the same, and the Site or Sites thereof, or of any Part thereof, into the said Road, making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage they may respectively sustain by any such Act or Proceeding of the said Trustees, as is herein-before directed with respect to the taking or using Property for the Purpose of making the Diversion of such Road.

Dwelling Houses, &c. not to be injured.

XVI. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Trustees to make such aforesaid Diversion, or for altering, widening, and improving the said Roads, shall not extend to the pulling down or making use of any Dwelling House or other Building, or to the taking in or making use of any Orchard, Garden, Yard, Paddock, Park, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or of any Part of the same respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are mentioned in the Schedule to this Act annexed.

Limiting Period for purchasing Property.

XVII. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Five Years next after the passing of this Act agree for or cause to be valued, as in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty is directed, and purchase, the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them hereby and thereby granted for such Purpose shall cease, determine, and be utterly void and of no effect; any thing herein contained to the contrary thereof in anywise notwithstanding.

Old Road to be abandoned when Diversion is completed.

XVIII. Provided always, and be it further enacted, That so soon as the said Diversion of the present Line of the said Road, between the West End of *Burnt Yates* and the Junction of the Road from *Ripon* to *Pateley Bridge*, shall have been completed and rendered fit and commodious for the Public, the said Trustees shall abandon and give up the further Maintenance and Repair of the present Road from *Burnt Yates* to the Junction of the Road from *Ripon* to *Pateley Bridge*, and then and thenceforth the said Road when so abandoned shall

shall no longer be kept up or maintained as a Turnpike Road by the Trustees under this Act.

Application of Compensation Money when amounting to 200*l.*

XIX. Provided always, 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 to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed 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 Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall (by Order of the said Court, made upon a Petition to be preferred to the said Court 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,) be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trust, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, 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, or in Government or Real Securities; 1 G. 4. c. 35.

ties; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application where less than 200*l.* and not less than 20*l.*

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, 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 amount 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 Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the said Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Persons or Person who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Monies so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where less than 20*l.*

XXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-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 this Act, for his, her, and their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and

and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Titles, or Persons entitled not being found, the Money to be paid into the Bank.

XXII. 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, taken, or used under or by virtue of the Powers of 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 the Person or Persons to whom such Sum or Sums of Money shall be 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 be lawful for the said Trustees to order the said Sum or Sums 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 said Court of Exchequer, 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; which said Court, on the Application of any Person 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 Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other 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 therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in Possession presumptively entitled.

XXIII. 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to Satisfaction of the said Court, and the

the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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 or Interest therein.

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

XXIV. 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, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to erect Toll Gates, Weighing Machines, &c.

XXV. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Toll Gates or Turnpikes, Side Gates, Bars, Chains, Toll Houses, and Weighing Machines now standing and being in or upon or across such Parts of the said Roads as shall continue to be used as a Turnpike Road, or on the Sides thereof, and to remove the same or any of them, and also to erect and set up or build, or cause to be erected, set up, or built, in lieu thereof and in addition thereto, upon, in, or across the said Road so continued as Turnpike Road as aforesaid, or any Part thereof respectively, or upon the Sides thereof respectively, or any Part thereof, and also upon the said Diversion of Road by this Act authorized to be made as herein-before mentioned, when, where, and as they shall judge necessary, any Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine, and also one or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road and Branch and Diversion respectively, suitable Garden Spots for the same respectively, not exceeding One Eighth of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove or alter and discontinue the same or any of them, as they the said Trustees shall think proper and direct or appoint.

Power to take Tolls.

XXVI. And be it further enacted, That from and after the Third *Wednesday* after the passing of this Act it shall be lawful for the said Trustees, or for any Person under their Authority, to demand and take the following Tolls at each and every Turnpike, Toll Gate, Side Bar, or Chain, to be continued, erected, or placed by virtue of this

this Act in, upon, across, or on the Sides of the said Road or Diversion respectively; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricle, Phaeton, Calash, Sociable, Car, Gig, Hearse or Litter, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Four-pence:

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Eight-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Ox, Cow, or Neat Cattle, the Sum of One Penny:

For every Calf, Swine, Sheep, or Lamb, the Sum of One Halfpenny:

Which said several and respective Tolls, or Sums of Money, shall and may be demanded and taken as aforesaid, before any Horse or other Beast or Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, Side Gate, Side Bar, or Chain; and such several and 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.

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

XXVII. Provided always, and be it further enacted, 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 or Toll Bars erected or to be erected on the whole Line of the said Road, including the Diversion thereof herein-before mentioned.

Tolls to be paid but once a Day.

XXVIII. Provided also, and be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any of such Toll Gates or Turnpikes, Side Bars or Side Gates, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting the Payment thereof on that Day) be permitted to pass and repass Toll-free through such other Gate or Gates (if any) as the Ticket for such Payment shall free (such Ticket to be made and furnished according to the Requisitions and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and of this Act), at any Time during the same Day (such Day in all such

Cases to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage Coaches, &c. to pay each Time of Passing;

XXIX. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, 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 Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for each and every Time of passing and repassing through such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat.

Post Chaises, &c. on every new Hiring.

XXX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Road and Diversion, whenever any new Hiring thereof shall be made.

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

XXXI. Provided also, and be it further enacted, That the said Tolls shall be payable at each and every Turnpike, Toll Gate, Side Bar, and Side Gate, erected on the said Road and Diversion, in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for each Time during the same Day that any such Horse or other Beast of Draught shall pass through any of the said Turnpikes, Toll Gates, Side Bars, or Side Gates, drawing any other Waggon, Wain, Cart, Van, Caravan, or such like Carriage, than that which such Horse, Ass, or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Tolls shall have been paid.

One Horse Carts may be weighed.

XXXII. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Road, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore enacted, That all Carts passing along the said Road, drawn by One Horse only, shall and may be weighed at any Weighing Machine erected or to be erected on the said Road or the Diversion thereof, and the like additional Toll demanded, received, and recovered for the Overweight thereof, as is by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages, drawn by more than One Horse, shall be applicable to Carts passing on the said Road or the Diversion thereof drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Lime for Manure exempt from Toll.

XXXIII. Provided always, and be it further enacted, That (in addition to the general Exemption of Manure from Toll provided by the said recited Act passed in the Third Year of the Reign of His present Majesty) 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; any thing in any of the said recited Acts, or any Law or Usage to the contrary in anywise notwithstanding.

Application of Money in hand, and of Tolls and Money to be borrowed.

XXXIV. And be it further enacted, That out of the Money already received or borrowed by virtue of the said former Acts hereby repealed (so far as the same respectively relate to the Turnpike Road from *Knaresbrough* to the Junction of the Road from *Ripon* to *Pateley Bridge*), or any of them, and out of the Money already subscribed or to be subscribed or advanced for the Purpose of carrying this Act into Execution, or which shall be borrowed on the Credit of this Act, or out of the first Money which shall or may arise or be received from the Tolls by this Act granted, the said Trustees shall in the first Place pay and discharge all the Costs and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for any Money to be borrowed or advanced for Payment of such Costs and Expences, from the Time of advancing the same to the Time of the Repayment thereof; and the Remainder of all such Monies (after Payment of the necessary Expences of forming the said Diversion of the said Road, and of erecting or repairing Toll Gates, Toll Houses, Milestones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act,) shall be applied in keeping down the Interest of the Principal Monies now or heretofore advanced or borrowed on the Credit of the Tolls collected or arising from or payable on account of the said Road or Diversion, and which may hereafter be borrowed on the Credit of this Act, or of the Tolls to arise from or to be collected on or to be paid in respect of the said Road, and in amending, altering, turning, widening, improving, and keeping in repair the said Road, and otherwise in putting this Act into Execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected in or arising from or payable in respect of the said Road, and the Principal Monies which may hereafter be borrowed by virtue of this Act.

One per Cent. to be deposited to form a Sinking Fund.

XXXV. Provided always, and be it further enacted, That the Sum of One Pound *per Centum per Annum* on every Sum of Money already borrowed or received under or by virtue of the said former Acts hereby repealed or any of them, or now advanced or subscribed, or which shall hereafter be borrowed or taken up at Interest upon the Credit or Security of the Tolls by this Act granted, shall, from and after the Expiration of Three Years after the passing of this Act, be charged on and during the Continuance of this Act be appropriated and paid out of the said Tolls, in order to form a Sinking Fund for the gradual Payment of all the Principal Sum and Sums now advanced or subscribed, or already borrowed or received under or by virtue of the said former Acts hereby repealed or any of them, or so hereafter to be borrowed as aforesaid; and that the Payment of any such Principal Sum or Sums, the full Interest which would have been otherwise payable for or in respect of the same to the

Creditor

Creditor or respective Creditors shall from thenceforth, for and during the Continuance of this Act, be charged on and appropriated and paid out of the same Tolls in aid of the said Sinking Fund; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum, and such Part of the Balance of any other Monies in the Hands of the said Trustees, as they shall think proper, shall be applied in Payment of an equal Amount of the said Principal Money then due on the Credit or Security of the said Tolls, rateably or by Lot among the said Creditors, as the said Trustees shall think proper.

Creditors may be paid off, &c.

XXXVI. And be it further enacted, That from and after the Third *Wednesday* next after the passing of this Act, any Person who now is or at any Time hereafter may be possessed of or entitled to any Sum of Money lent or advanced at Interest upon the Credit of the said Tolls and Toll Houses, shall and may have such Sum of Money repaid to him or her, (and the Treasurer of the said Road is hereby required to pay the same out of the Money then in his Hands as such Treasurer, under the Penalty of Twenty Pounds), upon giving Twelve Calendar Months Notice in Writing to the Clerk to the said Trustees, (which such Clerk is hereby required to register in the Order in which such Notices are received), of his or her wishing any such Sum of Money to be repaid to him or her by the Treasurer of the said Road; and in order to provide for making such Payments, it shall be lawful for the Treasurer of the said Road for the Time being to make such Payments out of the Tolls of the said Road, or with the Consent of the said Trustees to borrow and take up the Money required for making the same at Interest upon Mortgage of the said Tolls, or a proportionate Part thereof, as to the said Trustees shall from Time to Time seem most expedient: Provided always, that the said Treasurer shall not be required in any one Year to pay more out of the Funds of the said Road than the Sum of Three hundred Pounds; and in all Cases of Application for Payment as aforesaid, from any of the present or future Mortgagees of the Tolls of the said Road, the older Mortgagees so applying shall in all Cases be preferred before those whose Mortgages are of later Date, and Notices for Payment given in one Year shall only operate in that Year, and not be considered as giving Preference in any succeeding Year, and the Year for the Purposes of such Notices shall be reckoned to commence from the Third *Wednesday* next after the passing of this Act: Provided also, that the Treasurer of the said Road for the Time being shall not in any Case be compelled or compellable to pay any such Mortgagee until after all the Interest then due or becoming due shall be paid or provided for out of the Tolls of the said Road; any thing in any of the said recited Acts contained, or any Law or Usage to the contrary notwithstanding.

Public Act.

XXXVII. 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.

XXXVIII. And

XXXVIII. And be it further enacted, That this Act shall commence upon the Third *Wednesday* after the passing hereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Term of Act.

SCHEDULE referred to in the foregoing Act.

Description.	Township and Place where situate.	Owners Names.	Occupiers Names.
A Plantation - - -	High and Low Bishopside	John B. Sidgwick, Esquire	Himself.
A Plantation and Garden	Ditto - -	Henry Kirby - -	Charles Gill.
A Cottage and Garden -	Ditto - -	Thomas Kirby.	
A Cottage - - -	Ditto - -	John Skillington - -	William Clark.
A Plantation - -	Hartwith cum Winsley	Thomas Kirby - -	Himself.
A Barn - - -	Ditto - -	John Hebdin - -	Himself.
A Plantation - - -	Ditto - -	Ditto - - -	Ditto.
Gardens - - -	Ditto - - -	William Hebdin - -	Himself.
A Wood - - -	Ditto - -	John Robinson - -	Himself.
A Plantation - -	Ditto - -	Rev. John Swire.	
A Wood - - -	Ditto - - -	Richard Roundell, Esq.	Himself.
A Wood - - -	Ditto - -	Rev. John Swire - -	Himself.
Mill Dam Bank - -	Ditto - - -	Joseph Spence - -	WilliamSpence.
A Wood - - -	Ditto - -	Mrs. Ridsdall - -	Herself.

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