ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xii.

An Act for improving, diverting, and maintaining as Turnpike the Road leading from *Skipton* to *Craco* in the Parish of *Burnsal*, all in the West Riding of the County of *York*. [28th *May* 1852.]

WHEREAS the improving, diverting, and making Turnpike the present Road leading from the Town of *Skipton*, through the Village of *Rilston*, to the Village of *Craco*, both in the Parish of *Burnsal*, all in the West Riding of the County of *York*, would be of great public Utility, but the same 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 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,

Appointment of Trustees.

I. That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *William Alcock*, *Josias Atkinson*, *John Blackburn* Clerk, *Henry*

The Skipton and Craco Turnpike Road Act, 1852.

Blake, Francis Blake, Thomas Brown, William Birtwhistle, Joseph Birkbeck, William Lloyd Birkbeck, John Birtwhistle Clerk, *Henry Alcock Bramley, William Bury* Clerk, *William Boyd* Clerk, *Thomas Barstow, John Birkbeck* (of *Threapland*), *John Nicholas Coulthurst, John Coulthurst, William Coulthurst, William Currer, Henry Crofts* Clerk, *Thomas Foster Chamberlain* Clerk, *William Cartman* Clerk, *George Chamberlain, Richard Carr, John Coates, Richard Dyneley Chamberlain, Christopher Dawson* the younger, *John Dewhurst, John Bonny Dewhurst, John Turner Colman Fawcett* Clerk, *James Braithwaite Garforth, John Christopher Geldard, Thomas Garforth, James Hammond, Nicholas Hitching, William Harrison, Stephen Bailey Hall, Thomas Heelis, Forster Horner, Thomas Mason Johnson, Philip Chabert Kidd* Clerk, *Ralph Lodge, Robinson Lockwood, Anthony Marsden* Clerk, *Charles Marsden* Clerk, *Joseph Mason* the younger, *Abraham Maud, William Maud, William Medcalf, Lawrence Stuart Morris* Clerk, *John Netherwood, William Preston, Danson Richardson Roundell* Clerk, *William Slingsby, John Slingsby, Robert Sharp, John Benson Sidgwick, Christopher Sidgwick, James Sidgwick*, and *Robert Hodgson Sidgwick, John Simpson, John Settle, Richard Smith*, Sir *Richard Tufton*, Baronet, Sir *Charles Robert Tempest, Thomas Tennant, William Thompson* Clerk, *Richard Taylor, Edward Taylor, Henry Currer Wilson* Clerk, *William Wright, Wharton Amcotts Wilson, John Wilkinson Wasney, Francis Edward Witts* Clerk, *Wright Willett* Clerk, *William Wilkinson*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

II. 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.

Meetings of Trustees.

III. That the said Trustees shall meet together at Eleven of the Clock in the Forenoon of the Second *Saturday* after the passing of this Act, or as soon after as conveniently may be, at the "*Black Horse*" Hotel in *Skipton* aforesaid, or at some other convenient Place in the Town of *Skipton*, and shall then, and from Time to Time afterwards, adjourn to and meet at such Times, and at such Places on or near to the said Roads, as they shall think proper; provided that the General Annual Meetings of the said Trustees shall be held in the Town of *Skipton* aforesaid.

IV. That

Power to appoint Committee.

IV. That the said Trustees may appoint Committees out of their own Number, to take the Care and Management of any particular Part of the 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 or Special Meeting; and the said Committees and their Officers may proceed and act according to such Appointment, but subject always to the Authority and Control of the said Trustees.

Road to which Act applicable.

V. That this Act shall be put into execution for the Purpose of improving, diverting, and maintaining as Turnpike the present Road commencing at or near a certain Bridge situate in the Town of *Skipton* commonly called the *Mill Bridge*, and terminating at or near the Entrance of the Village of *Craco* near to the "*Bull's Head*" Inn there in the Parish of *Burnsal*, all in the West Riding of the County of *York*.

Deposited Plan, &c. to remain with the Clerk of the Peace, and be open to Inspection.

VI. And whereas a Plan describing the Line of the said Road, and the Alterations and Diversions intended to be made thereof, and the Lands through which the same are to be carried, together with a Book of Reference containing the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace of the West Riding of the County of *York*: Be it therefore enacted, That the said Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said Riding, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, paying to such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Power to improve, divert, &c. Road according to Plan.

VII. That it shall be lawful for the said Trustees to convert into and maintain as Turnpike, and to improve, alter, and divert the said Road in the Line and through the Lands delineated in the Plan and described in the Book of Reference herein-before mentioned (save and except as to the Diversion of the said Road in front of the *Bull's Head* Inn in *Craco* aforesaid, which it is hereby declared shall not be made), together with such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands described in the said Plan and Book of Reference,

making

making Satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said Lands, and to stake out the same for the Purposes of this Act, in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

Trustees empowered to deviate from Plan to a certain Extent.

VIII. That it shall be lawful for the said Trustees, in making the Alterations and Diversions of the said Road by this Act authorized, to deviate from the Line delineated on the said Plan: Provided always, that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated on the said Plan, nor in any Case to a greater Distance than One hundred Yards from the said Line, or into the Lands of any Person not described in the said Plan or in the said Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

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

IX. That it shall be lawful for the said Trustees to make the said Alterations and Diversions in the Line and through the Lands delineated upon the said Plan, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the said Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the West Riding of the County of *York* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they were purchased.

X. That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of the said Road, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Convey-

ance

ance or Assurance be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XI. Provided, if at any Time any Lands purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the said Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have the same Power of cutting and digging as if they had purchased the Fee Simple.

XII. Provided also, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Trustees restrained from pulling down Houses not in Book of Reference.

XIII. That the Powers and Authorities given by this Act shall not authorize the said Trustees to take or pull down, or to use or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any enclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the said Book of Reference,) without the previous Consent in Writing of the Owner or Proprietor thereof, and all other Persons interested therein.

Limiting the Time for purchasing Property.

XIV. That in case the said Trustees shall not, within the Space of Three Years from the Commencement of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads, shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act (except such Lands as may have been purchased and paid for), cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Power to take Tolls.

XV. That it shall be lawful for the said Trustees, after the Diversions of the Road by this Act authorized shall have been completed, to demand and take, at the Toll Gate which shall by virtue of this Act be upon, across, or on the Sides of the said Road, such Tolls as the

the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, Ass, or other Beast drawing any Coach, Barouche, Barouchet, Sociable, Landau, Landaulet, Chariot, Chaise, Caravan, Phaeton, Curricle, Gig, Chair, Cartee, Break, Hearse, Litter, or other such Carriage, the Sum of Sixpence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Drag, Cart, or other such Carriage, or Threshing Machine, the Sum of Fourpence:

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

For every Dog drawing any Carriage, Cart, or other Vehicle, the Sum of One Penny:

For every Carriage drawn and in any Manner fixed to any other Carriage drawn by any Horse or other Beast, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other Carriage propelled or drawn by Steam, or other Power than Animal Power, the Sum of Two Shillings and Sixpence:

For every Ox, Cow, Calf, or other large Cattle not drawing, the Sum of One Halfpenny:

For every Five Sheep or Lambs, Hogs or other small Cattle, the Sum of One Penny:

For every Sheep, Lamb, Hog, or other small Cattle, less than Five, the Sum of One Farthing:

For every Sheep, Lamb, Hog, or other small Cattle, exceeding a Number of Five, where the Excess shall be less than Five, the Sum of One Farthing:

Which said Tolls shall be taken before any Horse, Mule, Ass, or other Beast or other Cattle or Carriage shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the Road or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XVI. That in all Cases in which 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 a Halfpenny shall be payable in lieu of such fractional Part.

One full Toll only to be payable on the Road on same Day.

XVII. That no more than One full Toll shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on or on the Sides of the said Road.

Persons having paid Toll to return Toll-free.

XVIII. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as hereinafter mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate, and in going and returning through such other Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises to pay every Time of passing with fresh Hiring.

XIX. Provided always, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches,

XX. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Limiting Amount to be borrowed.

XXI. That the total Amount of Money which the Trustees may borrow on the Credit of the Tolls by this Act authorized to be taken shall not exceed the Sum of Four thousand and five hundred Pounds in the whole.

Application of the Tolls.

XXII. That all the Monies which shall be received by the said Trustees by virtue of this Act upon the Road included in this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in paying the Expense of erecting, providing, and keeping in repair Toll Gates, Toll Bars, and Toll Houses, and in paying the annual Salaries of the Officers to be employed in the Execution of this Act, such Salaries not to exceed in the whole the Sum of Thirty Pounds:

Thirdly, in paying and discharging the Interest, at a Rate not exceeding Four Pounds and Ten Shillings *per Centum per Annum*, upon or in respect of the Principal Sums, not exceeding in the whole

whole the Sum of Four thousand five hundred Pounds, which may for the Time being be owing or secured on the Credit of the Tolls authorized to be taken by this Act:

Fourthly, in paying the Expenses (not exceeding the Sum of Sixty Pounds in any One Year) of improving, maintaining, and keeping in repair the said Roads, and putting this Act into execution with reference thereto:

Fifthly, in reducing, paying off, and discharging the several Principal Sums which have been subscribed or may hereafter be borrowed on the Credit of the Tolls authorized to be taken by this Act:

Provided, that when the whole of the Principal Sums which have been or may be borrowed on the Credit of the Tolls authorized to be taken by this Act shall have been discharged, the Trustees may apply such further Sum as may from Time to Time be necessary, beyond the said Sum of Sixty Pounds, towards the improving, maintaining, and keeping in repair the said Roads, and putting this Act into execution with reference thereto.

Interest not to be paid until Expenses of Act defrayed.

XXIII. Provided always, That it shall not be lawful for the Trustees to pay any Interest upon or in respect of any Money which has been or may hereafter be subscribed or borrowed on the Credit of the Tolls authorized to be taken by this Act, until the Expenses of obtaining and passing this Act or incident thereto shall have been paid and discharged.

In case Tolls insufficient for Repair of Road, &c., Townships or Persons now liable to repair Road again to become liable.

XXIV. That if the Tolls authorized to be taken under and by virtue of this Act shall be insufficient to answer the several Purposes herein-before firstly, secondly, and thirdly mentioned and provided for, and also the Expenses of maintaining and keeping in repair the said Road, as herein-before provided and limited, the several Townships and Persons now by Law liable, either *ratione tenuræ* or otherwise, to the Repair thereof, shall be and continue liable to the Maintenance and Repair thereof in such and the same Manner and to the same Extent as such Townships or Persons are now liable by Law to the Maintenance and Repair thereof; and when any Diversion of the said Road shall be made the Townships or Persons liable by Law to the Maintenance and Repair of that Part or Portion of the old Road in lieu of which such Diversion shall be made and used shall in like Manner be liable to the Maintenance and Repair of such Diversion, and shall thereupon cease to be liable to the Repair of such Part of the present Road or Highway in lieu of which such Diversion shall have been made: Provided always, that no Person liable *ratione tenuræ* to the Repair of the present Road or Highway shall be liable to maintain or keep in repair any greater Length of new Road than he is now by Law liable to maintain and repair of the present Road or Highway.

XXV. That

As to Mode of discharging Debt.

XXV. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in 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 Purposes thereof, so far as the same relate to the Application of such Sum, by Circular addressed to each Creditor at his last known Place of Abode, and forwarded to him by Post, and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing upon the Security of the said Tolls to the Creditor who shall by Proposal in Writing transmitted to the Clerk of the 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 Discharge of 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 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 Trustees 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 any Proposals relate, the Trustees may apply the Sums 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 Trustees think fit.

Mortgagees not to take possession of Toll Houses, except for Payment of Interest.

XXVI. That whenever and so long as the Interest upon all existing Mortgages made under the Powers of this Act shall be duly paid at the Rate and from the Period herein-before mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such

Toll Gates, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate and from the Period herein-after mentioned, upon all the said existing Mortgages, 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 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 herein-after mentioned on such Mortgages up to the last of such last half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by such Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of such Toll Gates, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls, and or any such Rent 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.

No Money to be taken or laid out in Towns.

XXVII. That no Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected thereon, or in any Town through which the said Road shall pass.

Road not exempt from Provisions of any future General Act.

XXVIII. 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, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

Term of Act.

XXIX. That this Act shall commence on the Second *Saturday* 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.

Interpretation of Terms

XXX. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be

be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

The Expressions "Toll Gate" or "Toll Gates" shall respectively include Turnpikes, Bars, and Chains.

Short Title.

XXXI. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatever, it shall be sufficient to use the Expression "The *Skipton and Craco* Turnpike Road Act, 1852."

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