



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 103.

An Act for continuing and amending Two Acts, passed in the Thirty-second Year of King *George* the Second, and in the Fourteenth Year of His present Majesty, for repairing several Roads therein described, so far as the said Acts relate to the District of Road between *Pateley Bridge* and *Grassington*, in the County of *York*. [3d July 1806.]

WHEREAS by an Act, passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the High Road from Wetherby to Grassington, in the County of York*, several Tolls and Powers were granted to Trustees for repairing the said Road during the Term therein mentioned, which said Road was divided into Three separate Districts, one of which comprized the Road between *Pateley Bridge* and *Grassington* aforesaid: And whereas by another Act, passed in the Fourteenth Year of the Reign of His present Majesty, the said first-mentioned Act was continued for a further Term, and some of the Provisions were thereby altered and enlarged: And whereas the Trustees appointed to put the said Acts in Execution, as to the said District of Road between *Pateley Bridge* and *Grassington* aforesaid, have, in pursuance thereof, borrowed considerable Sums of Money on the Credit and Security of the Tolls arising within the said District, which, with a considerable Arrear of Interest thereon, are still due, and cannot be paid off, nor can the said District of Road be kept in Repair, unless the said Acts be continued for a further Term, and the Powers and Authorities thereby granted be enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most

[Loc. & Per.]

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most

James Garforth, Thomas Gartham Clerk, Richard Greenwood, Robert Hargraves, Charles Harrison, William Harrison, Thomas Harrison, John Harrison, Thomas Harrison Medical Doctor, Hugh Hall, Reginald Hall, Richard Hartley, John Heaton, A. O. Hebden, Richard Heber, William Heber, Richard Heber, John Heelis, Edward Heelis, Thomas Heelis, Theodore Heelis, John Hitching, Anthony Hitching, Robert Hind, Richard Holmes, George Horner, Luke Horner, Thomas Hopper, Henry Hutchinson, Teasedale Hutchinson, Thomas Janson, Sir Henry Ibbotson, Sir John Ingilby, William Ingilby, Thomas Johnson, Stephen Johnson, Henry Johnson, John Ibbotson, Jonathan Kirkby, Jonathan Kirkby junior, William Kirkby, the Honourable Edward Lascelles, the Honourable Henry Lascelles, Hird Lamplugh Clerk, Marmaduke Lawson Clerk, Christopher Lawson, John Leyland, the Honourable Thomas Lister, John Lupton, Henry Lund, Joseph Mason, Joseph Mason junior, Thomas Mason, Joseph Mason Grassington, Thomas Metcalfe, John Mitchell, William Moorhouse, Thomas Moorhouse, William Moorhouse, Edward Moorhouse, Edward Moorhouse junior, James Moorhouse, Thomas Wilson Morley Clerk, Joseph Morley, John Moss, Christopher Mount, Robert Mount, John Musgrove, Christopher Netherwood, William Netherwood, the Honourable William Norton, Conyers Norton, John Oats Clerk, Roger Pickering, John Parkinson Winterburn, Thomas Parkinson, John Parkinson junior, John Parkinson Otterburn, Stephen Parkinson, John Parkinson, Joseph Parkinson, Thomas Parkinson Draughton, Thomas Parker, James Parker, Thomas Payley, William Payley, William Payley junior, George Peacock, John Peart, John Penny Clerk, John Pering Clerk, Francis Petty, Edmund Place, John Preston Clerk, Thomas Preston, William Preston, John Preston, Robert Preston, William Preston, Bernard Preston, Christopher Prince, Robert Procter, Richard Procter, Robert Procter junior, John Procter Riddings, Richard Procter Cracoe, John Procter Bolton, William Procter, Jacob Ragg, Caleb Redshaw Clerk, William Reynard Clerk, Horner Reynard, Josias Rimington, Walter Rimington, the Honourable Frederick Robinson, Sir William Robinson, Josias Robinson, William Roundell Clerk, Richard Roundell, Danson Currer Roundell, Henry Dawson Richardson Roundell, Saville Richardson Roundell, Stephen Ware Richardson Roundell, Thomas Rathmal, William Sampson Clerk, Benjamin Sbiers, Benjamin Sbiers junior, Thomas Sbiers, Emanuel Sbiers, Sir Thomas Slingsby Baronet, Charles Slingsby, William Sedgwick, John Slinger, Thomas Spencer, Edmund Spencer, Robert Henry Stourton, George Smith, Richard Smith, Henry Smith, George Strickland, Joseph Stoney, William Stotter, David Swale, John Swale London, John Summers, Samuel Swire, Sir Thomas Tancred, Thomas Tattersfall, Anthony Taylor Newfield, William Taylor, Richard Taylor, John Taylor, Anthony Taylor Arton, Peter Taylor, Stephen Tempest, Stephen Tempest junior, Cleaver Tempest, Hopper Tempest, Charles Tempest, Henry Tempest, John Tempest, Walter Tempest, Joseph Tennant, Robert Thomlinson Clerk, Jeremy Tennant, John Thornbill, Matthew Tillotson, Charles Tindall, William Tindall, William Topham, Francis Trapps, Edward Upwin Clerk, Robert Darley Waddilove Clerk, Joseph Wade, William Wainman, Richard Wainman, Peter Watkinson, Richard Waddilove, Joseph Waddilove, Richard Waddilove junior, William Atkinson Wasney Clerk, Richard Ward, John Walker, Sir Thomas Wollaston White Baronet, William A. Armstrong White, Matthew Wilson, Lamplugh Wickham Clerk, Thomas Wilkinson, Henry Wilkinson, Thomas Wilkinson junior, Henry Wilkinson junior, Stephen Wilkinson, William Wilkinson, James Wilkinson, Joshua Windle, Henry Wigglesworth Clerk, Richard Withnell Clerk, John Williams, Joseph Wilkes, John Wilson Clerk, Richard

Richard Wood, Henry Wood, Richard Wood, William Wratball, Anthony Wratball, John Yorke, Thomas Yorke, John Yorke junior, Thomas Henry Yorke, Edmund Yorke, and William Young, shall be and they are hereby appointed Trustees to put the said recited Act and this Act into Execution, as to the said District between *Pateley Bridge* and *Grassington* aforesaid; and in case any of the Trustees hereby appointed shall die, or by Writing under their respective Hands decline or refuse to act in the Execution of the Trusts hereby reposed in the said Trustees, then some other fit and proper Person shall be elected and appointed a Trustee in the Place and Stead of every Trustee so dying, refusing, or declining to act as aforesaid, in the Manner provided or mentioned by the said first recited Act.

Qualification
of Trustees.

III. And be it further enacted, That so much of the said first recited Act as prescribes or directs in what Manner the Trustees for executing the said Acts shall be qualified, shall, as to the said District between *Pateley Bridge* and *Grassington* aforesaid, be and the same is hereby repealed; and that from and after the Commencement of this Act, the Trustees for putting the said recited Acts and this Act into Execution, as to the same District, shall be qualified in the Manner herein-after mentioned; that is to say, that no Person hereby appointed or hereafter to be appointed a Trustee for carrying this Act into Execution, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right or in Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, or possessed of or entitled to a Personal Estate to the Amount of One thousand five hundred Pounds, or of Real and Personal Estate together to the Amount of Two thousand Pounds; and if any Person not being so qualified, shall presume to act as a Trustee in the Execution of this Act, he shall forfeit and pay for every such Offence the Sum of Fifty Pounds, to any Person or Persons who shall or may inform and sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Effoign, Protection, Wager of Law, or more than one Imparlance, shall be allowed.

Meetings of
Trustees.

IV. And be it further enacted, That the Meetings of the Trustees for putting the said recited Acts and this Act into Execution, so far as relates to the said District between *Pateley Bridge* and *Grassington* aforesaid, shall, from and after the Commencement of this Act, be held alternately at *Pateley Bridge* and *Grassington* aforesaid, and not elsewhere; the First of which Meetings shall be held at the *Crown Inn*, in *Pateley Bridge* aforesaid.

How Meetings
may be ad-
journed.

V. And be it further enacted, That in case there shall not be a sufficient Number of the said Trustees present at any Meeting of the said Trustees, in pursuance of the said recited Acts and this Act, it shall be lawful for any Three or more of the said Trustees to adjourn such Meeting to the Place where the same ought to be held by alternate Rotation as aforesaid; and in default of a sufficient Number of the said Trustees meeting to act or to adjourn, or not adjourning as aforesaid, the Clerk of the said Trustees shall, by Notice in Writing to be affixed upon all the Toll Gates which shall be erected within the said District, at least Ten Days before the next Meeting,

Meeting, and by entering the same in the Book of Orders for the said District, appoint such Trustees to meet at such Place as the succeeding Meeting of the said Trustees is hereby directed and appointed to be held by alternate Rotation, on that Day Three Weeks after the Day on which such last Meeting was appointed to have been held; and in case there shall not appear a sufficient Number of the said Trustees to act at such Meetings, or to adjourn as aforesaid, or in default of their adjourning, then the said Clerk, by affixing or causing to be affixed such Notice as aforesaid, shall appoint such Trustees to meet at the Place where the next succeeding Meeting of the said Trustees is hereby directed and appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to have been held, and so from Time to Time the said Clerk shall appoint a Meeting every Three Weeks, until a sufficient Number of the said Trustees shall appear and meet to act, or shall appoint another Meeting by Adjournment; and the said Trustees at their Meeting shall bear their own Expences.

VI. Provided, and be it further enacted, That no Trustee shall be capable of voting on the Election of any Officer or Officers to be appointed in pursuance of this Act, at any Time after the Expiration of Three Years, from the Day of the Commencement of this Act, unless he shall have acted as a Trustee in the Execution of this Act once at least within the Space of Three Years before the Time appointed for such Election.

Trustees restrained from voting on the Election of Officers in certain Cases.

VII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of

Application of Compensation when amounting to 200l.

Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Product of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where the Compensation does not exceed 200l. and is not less than 20l.

VIII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politick, 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 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 20l.

IX. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as 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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Tithes, etc.

X. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue 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 so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled

or if Persons cannot be found, Purchase Money to be paid into the Bank,

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 Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

subject to the Order of the Court of Chancery, on Motion or Petition.

XI. 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money.

XII. 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 under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands 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

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

of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

How Expences of Act to be paid.

XIII. And be it further enacted by the Authority aforesaid, That the Expences, Costs, and Charges which shall attend the soliciting, obtaining, and passing of this Act, and incurred preparatory thereto, shall be paid and defrayed out of the first Monies which shall arise or be received from the Tolls to be taken within the said District, or otherwise, by virtue of the said recited Acts and this Act, or any of them.

Commencement and Continuance of the Act.

Publick Act.

XIV. And be it further enacted, That this Act shall commence upon the First Day of August One thousand eight hundred and six, and continue in force until the First Day of August One thousand eight hundred and twenty-seven, and from thence to the End of the then next Session of Parliament; and this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

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