



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 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 *Knaresbrough* to the Junction of the Road from *Ripon* to *Pateley Bridge*.

[22d March 1806.]

WHEREAS an Act was passed in the Thirty-second Year of the ^{32 G. 2.} Reign of His late Majesty King *George* the Second, 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 present Majesty King *George* ^{14 G. 3.} the Third, to enlarge the Term and Powers of the said former Act: And whereas another Act was passed in the Twentieth Year of the Reign of ^{20 G. 3.} His present Majesty King *George* the Third, (amongst other Things) to make Compensation to the Trustees and Mortgagees under the said two first-mentioned Acts: And whereas the Trustees appointed in or by ^{Moneyowing} virtue of the said several Acts proceeded to put the same in Execution, and did for that Purpose borrow several Sums of Money on the Credit thereof, and such Money is still due and owing, and several Parts of the said Road are now very much out of Repair and unsafe for Passengers to travel along the same; and the Money cannot be paid off, and the said Road effectually amended and kept in Repair unless the Terms and ^{H b} ^{Powers}

[Loc. & Per.]

H b

Powers

Former Acts
further con-
tinued.

Powers of the said Acts are enlarged; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties) shall be and are hereby further continued, for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take effect immediately after the passing hereof, and continue and be in force during the Term hereby granted; and this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all the Money now due on the Credit or on Account of the said former Acts or either of them, or which shall be borrowed on the Credit of them and of this Act (for the Use of the said Part of the said Road) and the Interest due or to grow due thereon.

Additional
Trustees.

II. And be it further enacted, That the Right Honourable *George Augustus Henry Cavendish*, commonly called *Lord George Augustus Henry Cavendish* the Honourable *Edward Lascelles*, the Honourable *Henry Lascelles*, the Honourable *Jacob Marsham* Doctor in Divinity; Sir *Thomas Frankland*, Sir *Martin Stapylton*, Sir *Henry Ibbetson*, Baronets; *William Bilton* Gentleman, *Edward Capstick*, *Andrew Cheap*, *Thomas Collins*, Clerks; *William Collins* Gentleman, *James Dalton* Clerk, *John Day*, *Robert Dent*, Gentlemen; *Thomas Duncombe*, *John Erskine*, *Walter Fawkes* Esquires, *Richard Hale* Clerk, *James Vigors Harvey* Esquire, *John Hobson* Gentleman, *William Ingilby* Esquire, *Marmaduke Lawson* Clerk, *Conyers Norton*, *Richard Hartley Roundell*, *Thomas Russell* Esquires, *Francis Reed* Clerk, *Edward Richardson* Gentleman, *James Starky*, *Timothy Metcalfe Skann* Clerk, *Francis Michael Trapps* Esquire, *Richard Terry*, *Matthew Thackawray*, *Thomas Tuton* the younger, *Bilton Josephus Wilson*, Gentlemen; *Daniel Wilson*, *Richard Wood*, *Richard Henry Wood*, Esquires, *Robert Wirell* Clerk, and *John Yorke* the younger, Esquire, shall be, and they are hereby added to and joined with the Trustees appointed or elected for putting the said former Acts in Execution; and that the said Trustees, by and in pursuance of the said former Acts and of this Act appointed or to be elected and qualified as the said first-mentioned Act directs, shall be and they are hereby nominated and appointed Trustees for surveying, ordering, amending, and keeping in Repair the said Part of the said Road, and for putting the said former Acts and this Act in Execution with relation thereto.

For paying
the Expences
of the Act.

III. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees for putting the said former Acts and this Act in Execution, or any Five or more of them, out of the Money which hath arisen by virtue of the same former Acts, or out of the first Money which shall arise by virtue thereof and of this Act, on account of the said Part of the said Road,

IV. And

IV, And be it further enacted, That no Person shall have any Voice in the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at one or more Meeting or Meetings of the Trustees within Three Years preceding the Death, Resignation, or Removal of the former Officer; or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall have been determined upon; and the Presence of such Trustee at such Meeting or Meetings as aforesaid shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees, as being present on the Day or Days of such Meeting.

No Trustee to vote in the Choice of any Officer, unless he has acted within a certain Time.

V. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Purchase of the Land Tax, or towards the 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 and Hereditaments, or affecting other Lands and Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands and 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 meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of 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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Directing the Application of Money paid for Compensation for Lands, &c. when exceeding 200l.

VI. Pro-

Where not
exceeding
200l. and not
less than 20l.

VI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands and Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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 and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (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 be applicable without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less
than 20l.

VII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five 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
Titles;

or if Persons
cannot be
found, Pur-
chase Money
to be paid in-
to the Bank,

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

VIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [*describing them*], subject to the Order, Controul, and Disposition of the said Court; 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

to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Land, &c. at the Time of such Purchase shall be deemed entitled thereunto according to such Possession; unless &c.

X. 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 the said Acts and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XI. And be it further enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying

General Exemptions.

[Loc. & Per.]

Li

rying

rying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horses employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggons, attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry and rode by them in going to or returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horses, Carts, or Waggons employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

Statute Work.

XII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Riding, and they are

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

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

Power for Trustees to erect a Toll Gate in the Townships of Clint or Ripley.

XIII. Whereas there is a certain Bridle Way or Road leading from the Township of *Clint* to the Town of *Ripley*, in the said County, from a certain Place called *Ripley Park Gate*, through the Woods and Lands of Sir *John Ingilby* Baronet, and called *Holling Bank Road*: and whereas there is also a certain Highway or Road leading from a Ford over the River *Nidd*, at or near *Wreak's Mill*, in Two Branches, one of them to the said Turnpike Road at a Place called *Burnt Yates Bar*; and the other of them through the Township of *Clint* aforesaid, to the said Place called *Ripley Park Gate*: And whereas a Number of Persons have of late travelled along the said Bridle Way or Road with Horses laden, and with Waggon, Carts, and other Carriages, whereby the Tolls and Duties payable at the said Bar called *Burnt Yates Bar*, have been greatly evaded: Be it therefore enacted, That the said Trustees, or any Five or more of them, from and immediately after the passing of this Act, shall and may, and they are hereby authorized and empowered to erect and set up one or more Toll Gate or Toll Gates, Toll House or Toll Houses, upon or at the Side of any Part of the said Bridle Way or Road, or upon or at the Side of any Part of the said Two Branches of the said other Road, and to take, demand, and receive thereat such and the like Tolls and Duties as are, or at any Time hereafter shall be payable at the said Turnpike Gate or Toll Bar called *Burnt Yates Bar*, in case such Tolls and Duties shall not the same Day have been paid at the said Bar called *Burnt Yates Bar*.

Former Exemption repealed.

XIV. And whereas by a Clause in each of the said Two last mentioned Acts contained, the Inhabitants of the Township of *Brearton*, were exempted from Payment of Tolls for their Carts, Wains, Waggon, or other Carriages, Horses, Mares, or other Cattle passing through the Bar called *Brearton Moor Bar*, or any other Bar to be erected between *Knaresborough* aforesaid, and the Road which leads from the said Turnpike to *Brearton* aforesaid near to the said last mentioned Bar: Be it further enacted, That, from the passing of this Act, such Exemption shall cease, and the said Clauses shall be and are hereby repealed.

Term of the Act.

Publick Act.

XV. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine; and that the said Acts (subject as herein-before mentioned) and this Act, shall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that this Act shall be and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.