



ANNO TRICESIMO NONO

GEORGI II. REGIS.

Cap. 78.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering the Powers of an Act, made in the Seventeenth Year of His present Majesty's Reign, for repairing the Road from the Town of *Skipton* to the Turnpike Road from *Leeds* to *Ripon*, near *Okbeck*, in the Township of *Bilton with Harrogate*, and from thence to the Road leading from *Knareborough* to *Wetherby*, in the West Riding of the County of *York*.

[12th July 1799.]

WHEREAS by an Act, made in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act for repairing and widening the Road from the Town of Skipton to the Turnpike Road leading from Leeds to Ripon, near Okbeck, in the Township of Bilton with Harrogate, and from thence to communicate with the Road leading from Knareborough to Wetherby, in the West Riding of the County of York*, several Tolls or Duties were granted and made payable, and divers Powers and Authorities were given, for repairing and widening the said Road, and putting the said Act in Execution; which said Act, and all the Powers thereby given were to take place and have Continuance from and after the Twenty-fourth Day of *June* One thousand seven hundred

Preamble.
17 Geo. III.

[Loc. & Per.]

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Trustees have
borrowed
Monies upon
Credit of the
Tolls;

which cannot
be paid, nor
the Road
completed;
unless Term
and Powers be
enlarged, and
Tolls in-
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Trustees ap-
pointed;

dred and seventy-seven, for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees named and appointed in and by the said Act have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, which, together with the Tolls, have been duly applied according to the Directions of the said Act, and great Progress hath been made in the repairing, widening, and other Improvement of the said Road; but the same cannot be completely finished and kept in Repair, and the respective Monies so borrowed as aforesaid, or the Interest thereof, paid, unless the Term granted by the said Act be enlarged, and the Powers thereof altered and amended, and the Tolls increased: 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 Sir Henry Goodricke, Sir John Ingilby, Sir Thomas Gascoigne, Sir Henry Carr Ibbetson, Baronets; the Dean of Ripon for the Time being, Charles Cooper, Thomas Collins, George Markham, Doctors of Divinity; John Tripp LL.D., Andrew Cheap, James Brown, Samuel Clapham, Henry Croft, William Carr, James Dalton, William Dalla, James Geldart, Henry Goodricke, Thomas Gartham, James Hartley, William Hartley, John Hallewell, Henry Ingilby, Thomas Marsden, Robert Mitton, Charles Sampson, Timothy Metcalfe Shann, Samuel Swire, John Tattersall, Henry Wiglesworth, James Wilkinson, Thomas Furness Wilson, Clerks; Stephen Atkinson, Richard Atkinson, Robert Benson, William Bilton, John Blackburn, Robert Bramley, James Brown, Samuel Brown, Alexander Birtwhistle, Robert Birtwhistle, Robert Buchanan M.D., John Carr, Thomas Clifton, James Collins, Thomas Clark of Ellinthorp, William Clark of Ribston, William Chamberlain, George Chamberlain, Thomas Chamberlain, Samuel Coates, Thomas Chippindale, Robinson Chippindale, Anthony Dawson, Thomas Norcliffe Dalton, John Douglas, Robert Dyneley, William Edmondson, Walter Fawkes, Watson Farside, Thomas Garforth, Peter Garforth, Peter Garforth junior, Robert Gilbertson, Joseph Goodlad, Robert Harvey, Henry Hardcastle, John Hitching, John Jaques M.D., the Honourable Edward Lascelles, the Honourable Henry Lascelles, Francis Lister, John Loble, John Michael Messenger, William Middleton, Thomas Metcalfe, Michael Mitchell, James Moorhouse, Conyers Norton, Christopher Netherwood, John Netherwood, James Paley, William Parkinson, William Parkinson junior, John Parkinson, Thomas Parkinson junior, John Parkinson of Otterburn, John Parkinson of Winterburn, James Richardson, Edmund Robinson, Richard Henry Roundell, William Hartley Currer, Thomas Slingsby, Charles Slingsby, John Simpson M.D., William Simpson, Robert Starkie, William Sedgwick, Francis Michael Trapps, Richard John Thompson, Robert Thompson, Henry Thompson junior, Charles Thompson, William Thompson of Kirk Hammerton, Charles Tindal, William Vavasour, Matthew Thackwray, Bilton Josephus Wilson, Richard Waddilove, Croft Wormald, and John Yorke junior, together with the present surviving Trustees named in the said recited Act, and all such other Persons as the said Trustees, or any Five or more of them, shall from Time to Time elect or appoint in the Room of such Trustees as shall die, remove, or refuse to act, (being duly qualified according to the Directions of this present Act), shall be, and are hereby appointed Trustees for putting in Execution the said former and this present Act,

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as fully and effectually, to all Intents and Purposes, as if they had been originally appointed Trustees in and by the said former Act; and the said Trustees so appointed as aforesaid shall be, and are hereby vested with all the Powers and Authorities given to and vested in the Trustees named in the said former Act respecting the said Road, in like Manner, and as fully in every Respect, to all Intents and Purposes, as if the said Powers and Authorities were herein repeated and re-enacted. and vested with all Powers of the former Act.

II. Provided always, and be it further enacted, That no Person shall be authorized to act as a Trustee in the Execution of the said former or this present Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents or Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons so having Lands, Tenements, or Hereditaments, of the Yearly Value of Three hundred Pounds, or shall be possessed of or entitled to a Personal Estate of the Value of Four thousand Pounds, or Real and Personal Estates together of the Value of Four thousand Pounds; and every Person not so qualified, but presuming to act, shall, for such Offence or Offences, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; any Thing in the said former Act contained to the contrary notwithstanding. Qualification.

III. And be it further enacted, That, from and after the Twelfth Day of *July* One thousand seven hundred and ninety-nine, in lieu of the Tolls granted by the said former Act, it shall and may be lawful to and for the said Trustees, or any Five or more of them, their Lessees or Assigns, or such other Person or Persons as they the said Trustees, or any Five or more of them, shall appoint in that Behalf, and also to and for the present Lessees, Assignees, and Collectors of the said former Tolls respectively, to demand and take the several Tolls herein-after mentioned; that is to say, New Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or Five Horses, Mares, Geldings, or Mules, the Sum of Four Shillings and Sixpence; and drawn by Four or Three Horses, Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Threepence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Nine-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Fourpence Halfpenny:

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, and not going empty for, or laden with, Lime, Dung, Mould, or other Manure or Compost for manuring or improving Land, or with Hay, Straw, or Corn in the Straw, the Sum of Four Shillings and Sixpence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Four Horses, Oxen, or other Beasts, of Draught, the Sum of Three Shillings; and drawn by Three Horses, Oxen,

Oxen, or other Beasts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Nine-pence:

For every Drove of Oxen or neat Cattle, the Sum of One Shilling and Threepence *per* Score; and so in Proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sevenpence Halfpenny *per* Score; and so in Proportion for any greater or less Number.

Recoverable in like Manner as by former Act.

Which said several and respective Tolls, or Sums of Money, shall be received and taken in equal Proportions at Three several Bars now erected or hereafter to be erected upon the said Road, and shall be levied and recovered in such Manner as the Tolls granted by the said former Act are directed to be received, levied, and recovered, respectively, and shall be paid, applied, and disposed of, according to the Directions of the said former and of this present Act.

No Toll for going to or from a Smith or Farrier's Shop.

IV. Provided always, and it is hereby enacted and declared, That no Toll shall be taken by virtue of the said former or of this present Act, for any Horse, Mare, Gelding, Ass, or Mule, passing through any Turnpike Bar or Gate, upon, across, or on the Side of the said Road, to or from any Smith or Farrier's Shop, upon the Occasion of Shoeing or Farriery only.

No Toll Bar to be erected at any new Place in *Bilton with Harrogate* or *Plumpton*, but may be erected on any other Parts of the Road.

V. Provided also, and be it further enacted, That no Toll Bar shall, at any Time during the Continuance of this Act, be erected at any other Place within the several Townships of *Bilton with Harrogate*, and *Plumpton*, or either of them, than where the present Toll Bars stand, nor nearer *Skipton* than the East Side of *Halton Lane End*; but the said Trustees, or any Seven or more of them, shall be at Liberty to erect any other Bar or Bars at their Discretion, upon any other Part or Parts of the said Road in lieu or in aid of any of the other Bars now standing upon the said Road within any different Township or Townships.

Tolls at Bars East of *Kexgill Common* to be collected distinctly;

VI. Provided also, and be it further enacted, That the Tolls to be hereafter collected at the respective Bars erected, or to be erected, on the said Road East of *Kexgill Common*, shall be collected or let distinctly from the other Part of the said Road, and a separate Account of the Product arising therefrom kept by the Treasurer of the said Road for the Time being; and that no Part of such Tolls to be collected at such last mentioned Bars shall be disposed of, nor any Order made relative thereto, but at some Meeting of the said Trustees to be held at *Knarebrough* or *Harrogate*; any Thing herein contained to the contrary notwithstanding.

and no Part of them disposed of but at a Meeting at *Knarebrough* or *Harrogate*.

Entry of Transfers to be in the same Books as original Mortgages.

VII. And be it further enacted, That for the future every Entry or Memorial of any Transfer or Assignment of any Mortgage or Mortgages made or to be made pursuant to the said former Act, shall be entered in the Book or Books kept for entering original Mortgages or Assignments, and it shall not be necessary to enter the same in the Book of Rules and Orders, as directed by the said former Act; any Thing therein contained to the contrary notwithstanding.

VIII. And be it further enacted, That the said Trustees and their Successors, or any Seven or more of them, shall and may, from Time to Time, at any Meeting or Meetings for putting the said former and this present Act in Execution, let the Tolls hereby granted, or any of them, or any Part or Parts thereof respectively, to any Person or Persons who shall be willing to take the same for any Term or Time during the Continuance of this Act, not exceeding Three Years, for the best Rent and Rents that can be reasonably gotten for the same, upon publick Bidding, payable at such Times, and in such Manner, as the said Trustees, or any Seven or more of them, shall think fit; provided that Fourteen Days previous Notice, in Writing, of any intended letting for One Year or more, shall be affixed on the respective Turnpike Gates, the Tolls whereof shall be proposed to be so let.

Trustees may let the Tolls for Three Years, or less;

on giving 14 Days Notice in case of letting for One Year or more.

IX. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet at the House of *William Jennings*, known by the Sign of *The Bay Horse*, in *Knaresbrough* aforesaid, on the Seventeenth Day of *July* One thousand seven hundred and ninety-nine, in order to let the Tolls by this Act granted, or any of them, for any Term which they shall think proper, not exceeding Three Years, to commence on the First Day of *August* One thousand seven hundred and ninety-nine; and that they the said Trustees, or any Five or more of them, shall afterwards meet from Time to Time, and at such respective Times as they shall judge convenient and expedient for the Purposes of the said former Act and this Act, without being bound to any specific Adjournment prescribed by the said former Act.

Trustees to meet on *July 17, 1799,*

to let the Tolls hereby granted;

and afterwards to meet at such Times as convenient.

X. And whereas there is a large Arrear of Interest now due on the Monies borrowed by virtue of the said recited Act, be it therefore enacted, That, from and after the passing of this Act, no Part of the Tolls granted by this Act, exceeding the annual Sum of One hundred Pounds, shall, without the Consent of Two Thirds in Value of the Creditors on the said Road, be expended in the Repairs thereof, until the Arrears of Interest now due to the respective Creditors shall be discharged, nor at any future Period, when Two Years Interest of the Monies borrowed on the Tolls shall be due and unpaid; nor shall any Part of such Tolls be applied in repairing any Part of the same Road, which by Law ought to be repaired by some Person or Persons by reason of Tenure.

No more than 100*l. per Ann.* out of Tolls to be expended in Repairs, without Consent of Creditors, until Arrears of Interest paid;

nor any Part upon Road repaired *Ratione Tenuræ.*

XI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of all other previous and incidental Businesses, Matters, and Things, relating thereto, shall be paid and discharged by the said Trustees, or any Five or more of them, out of the first Monies which have arisen or shall arise from the Tolls granted by the said former and this present Act, or either of them.

Costs of this Act to be paid out of the First Monies collected from the Tolls.

XII. And be it further enacted, That in case any Money or Recompence shall be to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of the said recited Act or this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, such Money or Recompence shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be

For re-investing Purchase Monies.

invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, were settled, limited, or assured; and in the mean Time and until such Purchase can be made, such Money shall 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 there, *ex parte* the Trustees for executing the said recited Act or this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills and Exchequer Bills shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General, for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured, to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated

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by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled by virtue of the said recited Act or this Act.

XIII. And be it further enacted, That 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 being specially pleaded. Publick Act.

XIV. And be it further enacted, That the said former Act, and all and every the Clauses, Powers, and Authorities, therein contained, (except so much and such Part and Parts thereof as is and are hereby altered, amended, and enlarged), and also this present Act, and all and every the Clauses, Powers, and Authorities, herein contained, shall, and are hereby declared to be in full Force and Effect, and shall have Continuance from and after the Twelfth Day of *July* One thousand seven hundred and ninety-nine, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; which said additional Term, and the Tolls and Duties hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit thereof, and also of all such other Sum or Sums of Money as may be hereafter borrowed or secured for the Purposes of the said former or this present Act, and all the Interest due and to grow due for the same respectively. Former Act, and all Clauses, &c. therein, to continue a stipulated Time.
Term and Tolls to be subject to Payment of all Monies due thereon, with Interest.

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