ANNO NONO

GEORGII IV. REGIS.

Cap. xlvi.

An Act for amending and maintaining the Turnpike Road from the Northern End of the Village of *Balby* in the County of *York*, to *Worksop* in the County of *Nottingham*. [13th *May* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending the Road from the* Pinfold *in* Balby, *in the County of* York, *to* Worksop *in the County of* Nottingham: And whereas another Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Fifth Year of the Reign of His present Majesty, intituled 'An Act for 'amending the Road from the* Pinfold *in* Balby, *in the County of* York, *'to* Worksop *in the County of* Nottingham: And whereas another Act was passed in the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to continue the Term and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the* Pinfold *in* Balby, *in the County of* York, *to* Worksop *in the County of* Nottingham: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls by the said recited Acts granted, which still remain due and owing, and cannot be repaid, nor can the said Road be effectually amended and kept in repair, unless the Term of the said Acts be further continued;

5 G. 3. c. 67.

27 G. 3. c. 84.

49 G. 3. c. 86.

and it is expedient that the said Acts should be repealed, and further and more effectual Powers and Provisions granted for maintaining, improving, and keeping in repair the said Road; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the
3 G. 4. c. 126. Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the
4 G. 4. c. 95. Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign
5 G. 4. c. 69. of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said present
7 & 8 G. 4. c. 24. Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: 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,

Recited Acts of 5, 27, and 49 G. 3. repealed.

and by the Authority of the same, That from and after the passing of this Act, the said Three several first-recited Acts, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Penalties, Forfeitures, Remedies, Matters, and Things whatsoever therein contained, shall be and the same are hereby repealed.

This Act to be put in execution for amending the Road herein described.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for amending, widening, improving, and keeping in repair the Road leading from the Northern End of the Village of *Balby* in the County of *York*, where the same Road joins the Turnpike Road from *Tinsley* to *Doncaster*, from thence through the Villages of *Balby*, *Loversal*, and *Wadworth*, and the Town of *Tickhill*, all in the County of *York*, and from thence through the Villages of *Oldcoates*, *Carlton* in *Lindrick*, commonly called *North Carlton*, and *South Carlton*, to the Town of *Worksop*, where the same Road joins the Turnpike Road from *Worksop* to *Attercliffe*, all in the County of *Nottingham*.

Powers of General Turnpike Acts extended to this Act.

III. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, and all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things contained therein respectively, (save and except such Parts thereof as are varied, altered, or repealed,) shall respectively be as valid and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in this Act.

Term and Tolls granted by this Act made liable

IV. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which have been borrowed

and are now due and owing on the Credit of the Tolls authorized to be taken on the said Road, and of all the Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due and owing on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money, on account of the said Road, to the Trustees for executing the said Three first-recited Acts, and comprised therein, shall be liable to the Payment thereof to the Trustees appointed for executing this Act.

to the Debt under the former Acts.

V. And whereas immediately on or soon after the passing of the said first-recited Act various Sums of Money were subscribed and lent by several Persons, towards making, repairing, and amending the said Road, but no Mortgages of the Tolls payable on the said Road have been made or granted to such Subscribers; be it therefore further enacted, That the Trustees present at some Meeting to be held after the passing of this Act, or any Three of them, shall and they are hereby empowered to demise and mortgage the Tolls payable under or by virtue of this Act, together with the Turnpikes and Toll Houses for collecting the same, to such Persons as shall prove themselves, to the reasonable Satisfaction of the Trustees, to be the several Representatives of the several Persons who shall have advanced any Sum or Sums of Money on the Credit of the Tolls of the said Road, and who shall not have received any Mortgage or Mortgages, by virtue of the said recited Acts or any of them, for the same, together with Interest thereon after the Rate of Four Pounds *per Centum per Annum*, to be calculated from the First Day of *January* One thousand eight hundred and sixteen to the Period of granting such Mortgages, and which may be then due, in arrear, and unpaid.

Trustees may grant Mortgages to Representatives of original Subscribers.

VI. And be it further enacted, That all Conveyances, Mortgages, Deeds, Bonds, Covenants, Agreements, Leases, Contracts, and Securities, made to or by or entered into, on account of the said Road, by any Person or Persons, to or with the Trustees for executing the said Three first-recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, Leases, and Notices, made, entered into, or given by the Trustees for executing the said Three first-recited Acts, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, Leases, and Notices, according to the Terms, Stipulations, and the true Intent and Meaning thereof, notwithstanding the Repeal of the said Three first-recited Acts.

Conveyances and Securities under former Acts to continue in force.

VII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said Three several first-recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecu-

Books used under former Acts to be Evidence under this Act.

Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Three several first-recited Acts had not been repealed.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, or for the County of *Nottingham*, together with the Right Honourable *Henry Charles Howard* commonly called Earl of *Surrey*, the Honourable *George Edward Arundel Monckton*, the Honourable *Thomas Erskine* Clerk, the Honourable *John Lumley Savile* Clerk, Sir *William Bryan Cooke* Baronet, Sir *Thomas Woollaston White* Baronet, the Mayor of *Doncaster* for the Time being, Admiral *Worsley*, *William Alderson* Clerk, *Jonathan Alderson* Clerk, *Christopher Alderson*, *John Armytage*, *Roger Baskett*, *Henry Bower*, *Edward Hawke Brooksbank* Clerk, *Robert Hartshorn Barber*, *George Bankes*, *John Branson*, *Edward Chorley* M.D., *John Champion*, *William Stowe Clarke*, *John Craven*, *Robert John Coulman*, *Alexander Cooke* Clerk, *George Clark*, *Samuel Dethick*, *William Henry Downes* Clerk, *Richard Dawkins*, *John Ellison*, *Michael Ellison*, *Francis Offley Edmunds*, *Charles Eyre* Clerk, *Benjamin Eddison*, *John Eddison*, *John Foster* Clerk, *John Foster*, *John Froggatt*, *George Savile Foljambe*, *John Fullerton*, *John Fullerton* the younger, *George Greaves*, *William Gregory*, *William Grafton*, *Samuel Cheetham Hilton*, *William Hett* Clerk, *Henry Gally Knight*, *Frederick Lumley*, *Edmund Lawton*, *Charles Leward*, *Henry Machin*, *William Marson*, *Christopher Nevile*, *John Nettleship*, *Henry Owen*, *James Parkin*, *Robert Pashley*, *George Parker*, *John Roe*, *John Rogers*, *Robert Ramsden*, *Robert Ramsden* the younger, *George Rolleston* Clerk, *Francis Roe*, *Henry Robinson* M.D., *John Rudd* Clerk, *Charles Rogers*, *William George Shuttleworth*, *James Jeremiah Spurr*, *William Spurr*, *Thomas Stacey* Clerk, *James Stovin* Clerk, *William Simpson*, *John Taylor*, *Edward Tew*, *Joseph Taylor*, *Thomas Toone*, *Arthur Charles Verelst* Clerk, *William Walker*, *Henry Brown Woodcock*, *Taylor White*, *William Wright*, *William Wrightson*, *Arthur Wrightson* Clerk, *William Watkins*, *Henry Watkins* junior, *George Clark Walker*, *Robert Weightman*, *Henry Walker*, *John Woodyear*, *James Yates*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and maintaining the said Road, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings, to elect and appoint any Number of Persons, not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

X. And

First Meeting of Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Sign of the *Red Lion* in *Tickhill*, or some other convenient Place in the said Town of *Tickhill*, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Road, as they shall think proper.

Former Officers to continue.

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

Power to continue or erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines, now standing and being in, upon, or across the said Road, or on the Sides thereof, comprised in the said Three first-recited Acts, and also to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Road by this Act directed or authorized to be repaired and amended, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of an Acre each, with such Lamp or Number of Lamps at such Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove or alter or discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint; any Law or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding.

Power to take Tolls.

XIII. And be it further enacted, That the several Tolls following shall be demanded and taken at each of the Gates, Bars, or Chains to be erected upon the said Road, by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse, Mule, Ass, or other Beast or Cattle shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or Beast drawing any Coach, Stage Coach, Barouche, Sociable, Caravan, Van, Landau, Berlin, Hearse, Litter, Chariot, Chaise, Curricle, Calash, Phaeton, Chair, Gig, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

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

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of less Breadth than Four and a Half Inches, the Sum of Sixpence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of the Breadth of Four and a Half Inches and less than Six Inches, the Sum of Five-pence; but if the Axletree, Bushes, and Wheels of any such last-mentioned Waggon, Wain, Cart, or Carriage are made perfectly cylindrical, so that the Wheels thereof roll on a flat Surface, the Sum of Four-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage, with Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence; but if the Axletrees, Bushes, and Wheels of any such last-mentioned Waggon, Wain, Cart, or Carriage are made perfectly cylindrical, so that the Wheels thereof roll on a flat Surface, the Sum of Three-pence:

For every Drove of Oxen or Neat Cattle the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Quantity:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for a greater or less Quantity:

For every Coach, Chariot, Chaise, or any other Carriage with Four Wheels, and being empty, and fixed to any Waggon, Wain, or Cart or other Carriage, the Sum of One Shilling:

For every Coach, Chariot, Chaise, or any other Carriage with Four Wheels, and being laden, and fixed as aforesaid, the Sum of Two Shillings:

For every Chair, Cart, or other Carriage with Two Wheels only, being empty, and fixed as aforesaid, the Sum of Sixpence:

And for every Chair, Cart, or other Carriage with Two Wheels only, and being laden, and fixed as aforesaid, the Sum of One Shilling.

Tolls vested in Trustees.

XIV. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees; and the same and every Part thereof shall be levied, collected, paid, applied, and disposed of in the Manner directed by the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act.

Tolls to be paid but Once a Day.

XV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any one of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, (to be computed from Twelve of the Clock at Night to

Twelve of the Clock in the succeeding Night); any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

XVI. Provided always, and be it further enacted, That no more than Three full Tolls shall be demanded or taken, of or from any Person, for or in respect of the same Horses or other Beasts or Cattle, or Carriages, in any one Day, (to be computed as aforesaid,) for passing or repassing through all the several Toll Gates or Toll Bars erected or to be erected on the whole Line of the said Road.

Stage Coaches, &c. to pay every Time of passing;

Post Chaises on every new Hiring.

XVII. Provided also, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing and repassing along the said Road on the same Day, (the Day to be computed as aforesaid); and that the said Tolls shall be payable for or in respect of all Horses drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing on the same Day, (the Day to be computed as aforesaid,) as often as a new Hiring thereof shall take place.

Application of Tolls, &c.

XVIII. And be it further enacted, That all the Monies already received by virtue of the said Three first-recited Acts now hereby repealed, or any of them, and now in the Treasurer's Hands, shall be by the said Trustees applied to the Purposes of this Act, and thereout, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the first place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, and otherwise relative thereto; and the Remainder of all such Monies shall (after Payment of incidental Expences) from Time to Time be applied, in the second place, in keeping down the Interest of the Principal Monies due and owing on the Credit of the Tolls arising on the said Road, granted by the said Three first-recited Acts, or which may be borrowed on the Credit of this Act; and afterwards in erecting Turnpikes and Toll Houses, and in amending and keeping in repair the said Road, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies now due and owing, or hereafter to be borrowed, on the Credit of the Tolls by this Act granted.

No Money to be expended in Tickhill or Worksop.

XIX. And be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Money already or hereafter to be borrowed on the Credit thereof, in or towards the repairing or improving any of the Streets, Highways, Places, or Pavements, in the Towns of *Tickhill* and *Worksop*, or either of them.

Public Act.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

XXI. And

Term of Act.

XXI. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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