ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. lxxiii.

An Act for more effectually repairing, improving, and maintaining the Road from *Bawtry* to *Selby* in the West Riding of the County of *York*.

[1st *June* 1832.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a commodious Carriage Road from the Town of* Bawtry *to the Town of* Selby *in the West Riding of the County of* York: And whereas another Act was passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from* Bawtry *to* Selby *in the West Riding of the County of* York: And whereas the Trustees acting under or by virtue of the said recited Acts have proceeded in the Execution thereof, and have borrowed considerable Sums of Money upon the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and cannot be repaid, nor can the said Road be effectually repaired, improved, and maintained in repair, unless the Term and Powers of the said Acts be enlarged, and the Tolls varied and augmented: 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,

33G 3. c.166

51G.3. c.204.

Recited Acts repealed.

assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act the said several recited Acts shall be and the same are hereby declared to be repealed.

This Act to be put in execution.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, improving, and maintaining in repair the Road leading from *Bawtry* to *Selby* in the West Riding of the County of *York*.

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with the Honourable *Marmaduke Langley*, *Robert Pemberton Milnes*, *Richard Rhodes Milnes*, *Richard Monckton Milnes*, *William Wright*, *Frederick Hawksley Cartwright*, *John Harvey*, *Edward Harvey* Clerk, *Jonathan Malden*, *John Walbanke Childers*, *William Walbanke Childers* Clerk, *Charles Childers* Clerk, *George Broadrick*, *George Parker*, *George Parker* the younger *William Hatfield Gossip*, *John Pemberton Heywood*, *Peter Heywood Hugh Massey*, *Henry Pilkington*, *Thomas Fox* Clerk, *John Benson*, *Henry Benson*, *Henry Ellison*, *Richard Ellison*, *Robert Elmhirst*, *John Perfect*, *Thomas Brown*, *Mordecai Casson*, *William Darley*, *Charles Darley*, *John Whitaker*, *William Makins*, *William Godfrey*, *Edmund Godfrey*, *William Coulman*, *John Bladworth*, *Eric Rudd* Clerk, *William Beckitt*, *William Benson Beckitt*, *William Priestlay*, *Nicholas Yarburgh*, *Ralph Creyke*, *Thomas Townrow*, *William Perkins*, *Thomas Perkins*, *William Shearburn*, *Thomas Wilkinson Warwick*, *Robert James Serjeantson* Clerk, *Miles Stapleton*, *Thomas Hare*, *John Egremont* the younger, *Samuel Wilkes Waude*, *Humphry Osbaldeston*, the Honourable *Edward Robert Petre*, *Jonathan Mancaster* Clerk, *Charles Weddall*, *James Weddall*, *Christopher Paver*, *James Audus*, *Thomas Procter*, *William Procter*, *William Staniland*, *Stephen Staniland*, *Thomas Standering*, and *Thomas Leetham*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining the said Road, and for otherwise putting this Act into execution.

Power to appoint additional Trustees.

IV. 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, being duly qualified to act as Trustees of Turnpike Road in *England*, (not exceeding Three 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 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.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *White Hart* Inn in the Town of *Thorne*, or at some other convenient Place near to the said Road, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then,

and from Time to Time after, adjourn to and meet at such Time and Times, and at the same Place, or such other Place or Places in the Neighbourhood of the said Road, as they shall fromTime to Time think proper.

Power to continue the present Toll Gates, &c.

VI. And be it further enacted, That the several Gates, Turnpikes, and Toll Houses erected and now standing across and on the Sides of the said Road shall remain and continue until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and built or set up and placed, upon, in, or across the said Road by this Act directed or authorized to be repaired, or any Part thereof, or by the Sides 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, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Gates and Turnpikes, and such future Gates, Turnpikes, Side Gates, Side Bars, and Chains, as they shall think proper.

Present Tolls to be taken till 1st January 1833.

VII. And be it further enacted, That, notwithstanding the Repeal of the said recited Acts, the several Tolls granted by the said recited Acts shall be continued to be demanded, paid, and received, at the several and respective Turnpikes or Toll Gates or Side Gates erected and continued on the said Road, until Twelve of the Clock at Noon on the First Day of *January* next, when the Term of the existing Contract of letting the said Tolls will expire.

Tolls to be taken after 1st January 1833.

VIII. And be it further enacted, That from and after Twelve of the Clock at Noon on the First Day of *January* next it shall and may be lawful to and for the said Trustees, or any Person or Persons continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money herein-after mentioned, or any Sum or Sums not exceeding the respective Tolls or Sums herein-after mentioned, at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and being or continued or erected in, upon, across, or at the Side or Sides of the said Road or any Part or Parts thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Sixpence:

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle, and so in proportion for any less Number, the Sum of Ten-pence:

For every Score of Swine, Calves, Sheep, or Lambs, and so in proportion for any less Number, the Sum of Sixpence:

For

For every Carriage propelled by Steam or Machinery, without Horses or Beasts, for each Wheel on which the same shall run, the Sum of Nine-pence:

Which said respective Tolls or Sums of Money shall or may be demanded and taken as aforesaid for every Time of passing through each and every such Gates, Bars, and Chains (subject to the Provisions in this Act contained) before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Fractional Part of a Halfpenny in Tolls.

IX. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, such fractional Part of a Halfpenny shall not be due, charged, or taken.

Limiting the Number of Tolls for passing and repassing.

X. Provided always, and be it further enacted, That when the Toll shall have been paid for or in respect of any Horse or Horses or other Beast or Cattle, or Carriage, passing through any Toll Gate or Turnpike, Side Gate or Side Bar, or Chain, erected or to be erected on the said Road, such Horse or other Beast (except Horses or other Beasts drawing any Stage Coach, Diligence, Van, or Caravan or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward,) shall, on a Ticket being produced denoting such Payment, be permitted to return once through the same Toll Gate or Turnpike, Side Gate or Side Bar, or Chain, Toll-free, the same Day, in respect of each Payment of Toll.

Toll on Carriages attached to other Carriages.

XI. And be it further enacted, That for every Waggon or other Four-wheeled Carriage drawn along the said Road by being fastened behind or attached to any Waggon, Wain, Cart, or other Carriage which shall pass through any Gate or Toll Bar now or hereafter to be erected upon the said Road, there shall be charged, demanded, and taken at such Gate or Toll Bar (in addition to the Toll payable for the Horses or Beasts drawing the Waggon, Wain, Cart, or other such Carriage behind or attached to which such Waggon or other Four-wheeled Carriage shall be drawn,) the same Sum of Money by way of Toll as shall be payable at such Gate or Toll Bar for a Waggon or other Four-wheeled Carriage drawn by Four Horses or other Beasts of Draught, and for every Cart commonly called a Lighter or other Two-wheeled Carriage fastened or attached to any Waggon, Wain, Cart, or other Carriage, there shall in like Manner be charged and payable such and the same Sums of Money as the said Cart or other Two-wheeled Carriage would have been chargeable with had the same been drawn by Two Horses or other Beasts of Draught.

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

XII. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand or take more than Four full Tolls in any One Day for or in respect of the same Horse, Beast,

Beast, or Cattle, or Carriage, for once passing and repassing through all the Gates along the whole Line of the said Road.

Horses drawing different Carriages to be again liable to Toll.

XIII. And be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Hors es o other Beast or Beasts drawing any Waggon, Wain, Cart, or other such Carriage, for passing through any Turnpike, Toll Gate, or Side Gate on the said Road, and any such Horse or other Beast shall afterwards be employed on the said Road during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall again be liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

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

XIV. Provided always, and be it further enacted, That the Tolls payable for or in respect of all Carriages carrying Passengers or Goods for Payment, Hire, or Reward, or for or in respect of any Horse or other Beast drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Carriage, carrying or conveying any Passengers or Goods for Payment, Hire, or Reward, shall be payable and paid for every Time of passing or repassing along the said Road; provided also nevertheless, that no further or additional Toll shall be payable in respect of Horses or Beasts drawing any such Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other such Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises on every new Hiring.

XV. Provided also, and be it further enacted, That the Tolls payable for and in respect of Horses or Beasts let out to Hire, and employed in drawing any Post Chaise or other Carriage, or let out to Hire, or used for riding or any other Purpose, shall be payable and paid every Time of passing or repassing along the said Road whenever any new Hiring thereof shall take place.

One Third Part of One full Toll to be paid by Inhabitants of Hatfield, &c. so long, &c.

XVI. And whereas by reason of the Debt owing on the said Road Parts of the said Road in the Parishes or Townships of *Thorne*, *Hatfield*, *Snaith*, *Cowick*, and *Rawcliffe* are and have been for Forty Years past wholly maintained at the Expence of the said Townships through which they pass, and by reason of a Toll Bar being placed close to the Town of *Thorne*, and between that Town and *Hatfield*, and of a Toll Bar being placed near to and between the Towns of *Snaith*, *Cowick*, and *Rawcliffe*, the Inhabitants of the Parishes of *Thorne* and *Hatfield*, and the Inhabitants of the Townships of *Snaith*, *Cowick*, and *Rawcliffe*, contribute largely towards the said Tolls, besides wholly maintaining considerable Lengths of the said Road in their respective Districts, and for the Reasons aforesaid Provisions were made in the said Two recited Acts allowing the Horses, Cattle, and Carriages of the Inhabitants of *Thorne* and *Hatfield*, and the Inhabitants of *Snaith*, *Cowick*, and *Rawcliffe*, to travel between those respective Towns at a reduced Toll; be it therefore enacted, That so long as the respective Parts of the said Road in the said respective Parishes or Townships shall be wholly repaired by the said respective Parishes

or Townships without any Aid from the said Tolls, no more than One Third Part of One full Toll shall be demanded or taken for or in respect of any Horse, Beast, or Cattle belonging to or used by any Inhabitant of either of the Parishes of *Hatfield* or *Thorne* passing or repassing on the same Day upon any Part of the said Road lying between the Towns of *Hatfield* and *Thorne*; and that no more than One Third Part of One full Toll shall be demanded or taken for or in respect of any Horse, Beast, or Cattle belonging to or used by any Inhabitant of the Township of *Snaith* or of *Cowick* or *Rawcliffe*, passing or repassing on the same Day upon any Part of the Road lying between the Towns of *Rawcliffe* and *Snaith*; and that every such Person who shall have paid One Third Part of One full Toll hereinbefore granted at any Turnpike or Side Gate now erected or to be erected betwixt *Hatfield* and *Thorne*, or betwixt *Rawcliffe* and *Snaith*, by virtue of this Act, shall, upon producing a Ticket of the Day denoting such Payment, be permitted on the same Day to repass Toll-free, with the same Cattle, Beast, or Carriage, on that Part of the said Road for which such Payment was made; any thing in this Act contained to the contrary notwithstanding: Provided nevertheless, that if any Person shall claim the Benefit of paying only One Third Part of One full Toll for repassing on either Part of the said Road as aforesaid, not being entitled thereto according to the true Meaning hereof, every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Exemptions from Tolls.

XVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for the Passage of any Cattle or Carriage which shall be going unladen or empty for, or that shall be used only in carrying or conveying, or returning unladen or empty after having been used only in carrying or conveying, any Corn, Grain, or Grist, to or from any Corn Mill, or for any Horses, Cattle, or Carriage returning unladen after having carried any such Corn, Grain, or Grist, such Corn, Grain, or Grist being for private Use only and not for Sale; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay the Sum of Five Pounds for every such Offence.

Penalty for hanging Linen near the Road.

XVIII. And be it further enacted, That if any Person or Persons shall hang or lay any Linen or other Article to dry or bleach on the said Road, or on any Tree, Bush, Hedge, Fence, or Wall adjoining the same, every Person so offending shall for every such Offence forfeit and pay a Sum of Money not exceeding Five Pounds, which Sum shall be recovered and applied in such Manner as Penalties for any other Offences committed on any Turnpike Road in *England* may be recovered and are to be applied.

Application of the Tolls and Money borrowed.

XIX. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also the Monies which shall arise and be produced by and from the Tolls in this Act mentioned, together with the Monies which shall be borrowed upon the

Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences incurred in, about, and relating to the applying for, preparing, and obtaining and passing of this Act; and in the next place, (after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and other necessarp current Expences incidental to the Execution of this Act,) in paying and discharging the Interest now due or hereafter to accrue and become due upon any Monies now due and owing on the Credit of the said recited Acts, or which shall hereafter be borrowed on the Credit of the Tolls or Duties hereafter to be payable on the said Road; and in the next place, in defraying the Expences of altering, widening, improving, repairing, diverting, and keeping in repair the said Road, and of erecting, maintaining, providing, altering, and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Road, and otherwise in executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed on the Credit of the Tolls heretofore arising on the said Road, and also the several Principal Sums of Money which may hereafter be borrowed and secured on the Credit of the Tolls mentioned in this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing on account of the said Road.

Ditches and Drains by whom to be made and cleansed.

XX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth, as they shall consider expedient, for the Purposes of keeping the said Road dry, and of conveying the Water from the same, as well on the Side or Sides of the said Road, as also, where necessary, into or through any Lands or Grounds adjoining or lying near the said Road, (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) and also such such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any Law or Statute to the contrary thereof notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, to be made in pursuance of this Act, as cross or pass through, in, or under the said Road, shall be repaired and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

XXI. And

Public Act.

XXI. 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.

Duration of Act.

XXII. And be it further enacted, That this Act shall commence and take effect from the *Monday* or any other Day next after the passing hereof which shall first happen, and shall from thenceforth continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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