ANNO NONO

GEORGII IV. REGIS.

****

Cap. lxxviii.

An Act for more effectually repairing and otherwise improving the Road from *Beverley* to *Kexby Bridge* in the County of *York*.

[23d *May* 1828.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from* Beverley *to* Kexby Bridge *in the County of* York: And whereas an Act was passed in the Twenty-fifth Year of His said late Majesty's Reign, intituled *An Act for enlarging the Term and Powers of an Act passed in the Fourth Year of the Reign of His present Majesty, for repairing and widening the Road from* Beverley *to* Kexby Bridge *in the County of* York: And whereas an Act was passed in the Forty-seventh Year of His said late Majesty's Reign, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Fourth and Twenty-fifth Years of His present Majesty, for repairing and widening the Road from* Beverley *to* Kexby Bridge *in the County of* York: And whereas considerable Sums of Money have been borrowed, and still remain due and owing, upon the Credit of the Tolls by the said recited Acts authorized to be collected on the said Road, and such Road cannot be effectually kept in repair, nor can the said Debt be discharged, unless the Term

4 G. 3. c. 76.

25 G. 3. c. 110.

47 G. 3. Sess. 2. c. 14.

granted and continued by the said Acts be further continued, and the Tolls arising on the said Road be increased: And whereas it would be more convenient if the said recited Acts were repealed, and such of the Powers and Provisions thereof as it may be expedient to continue or amend, and such additional Powers and Provisions as may be necessary, were consolidated in one Act; 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 Reign of
3 G. 4. c. 126. His present Majesty King *George* the Fourth, 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 an Act was passed in the Fourth Year of the Reign of His said present
4 G. 4. c. 95. 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 an Act was passed in the Fifth
5 G. 4. c. 69. Year of the Reign 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 an Act was passed in the Seventh and Eighth Years of the Reign
7 & 8 G. 4. c. 24. of His said present 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, and by the Authority of the same, That from and after

Recited Acts of 4, 25, and 47 G. 3. repealed, and this Act to take effect.

the Third *Saturday* next after the passing of this Act the said recited Acts passed in the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and instead thereof this Act shall commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing and otherwise improving the Road leading from *Beverley* to *Kexby Bridge* in the County of *York*.

Powers of General Turnpike Acts extended to this Act.

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

New Term and Tolls liable to former Debts.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they 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 by the said recited Acts of the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, or any of them, at the several Turnpikes and Toll Bars upon or on the Sides of the said Road, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Money had been borrowed or become due and owing on the Credit and Security of the Tolls granted by this Act.

Officers under former Acts to account to the Trustees under this Act.

IV. And be it further enacted, That all Persons who are or have been employed, or who shall have received any Tolls or other Money on account of the said Road, or who shall have in their Custody or Possession any Money, Books, Accounts, Vouchers, Papers, Writings, or other Things relating to the said Road, shall account for, pay, and deliver over the same, and every Part thereof, to the Trustees by this Act appointed, in like Manner, and under the like Penalties and Forfeitures, as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, are by the said recited Act of the Fourth Year of the Reign of His said present Majesty required to pay or account for the same.

Books kept under former Acts to be Evidence.

V. And be it further enacted, That all and every Book or Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts of the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Bonds, Contracts, &c. under former Acts to be in force.

VI. And be it further enacted, That all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts of the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, hereby repealed, into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are hereby fully paid, satisfied, and performed; and all Contracts and Agreements duly made or entered into by the said Trustees, or any Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act according to the Terms and Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts of the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

VII. And

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the East Riding of the County of *York*, together with the Right Honourable *Beaumont* Lord *Hotham*, *John Arden*, *Mark Bell*, *Francis Best* Clerk, *John Blanchard* Clerk, *Edward Boghurst*, *William Brigham*, *James Brown* Doctor of Medicine, *David Burton*, *Frederic Campbell*, *John Claridge*, *Thomas Clubley*, *Charles Witty Clubley*, *Rowland Croxton* Clerk, *Stephen Denton*, *Thomas Duesbery*, *Henry Ellison*, *Richard Ellison*, *John Grimston*, *Samuel Hall*, *John Hall*, *Charles Hall* Clerk, *James Hall*, *Marmaduke Hewitt*, *Thomas Hull* Doctor of Medicine, *William Henry Hunter* Clerk, *Henry William Hutton*, *Peter Jackson*, *John Inman*, *Francis Iveson*, the Honourable *Charles Langdale*, *Francis Lundy* Clerk, *Christopher Scott Machell*, *Robert Machell*, *Henry William Maister*, *William Constable Maxwell*, *William Richardson*, *Frederick Robertson*, the Honourable *Charles Stewart*, Sir *Tatton Sykes* Baronet, *Henry John Shepherd*, *John Torre* Clerk, Sir *Francis Wood* Baronet, *James Walker* the younger, *Richard Watt*, *Francis Watt*, *William West*, *John Williams*, and *Richard Cook Winpenny* Clerk, and their Successors, being duly qualified according to the Provisions and 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 the Trustees for carrying the said Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His said present Majesty, and this Act, into Execution.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First or Second Meeting to be holden in pursuance of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, and the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His said present Majesty King *George* the Fourth, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected, nominated, and appointed, and being qualified according to the Directions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts as if they had been named and appointed Trustees in and by this Act.

Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the East Riding Sessions House at *Beverley* aforesaid, or at some other convenient House or Place in *Beverley* aforesaid, on the Third *Saturday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Seven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third, Fourth, and the Seventh and Eighth Years of the Reign of His said present Majesty, and this Act, into Execution.

Former Officers (except the

X. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated

nominated and appointed under and by virtue of the said former Acts hereby repealed, shall hold and enjoy their several Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules, Orders, and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, or any or either of them.

Treasurer) to continue until removed.

XI. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Toll Gates or Turnpikes, Side Gates, Bars, Chains, Toll Houses, and Weighing Machines now standing and being in or upon or across the said Road, or on the Sides thereof, and to remove the same or any of them, and also to erect and set up or build, or cause to be erected, set up, or built, in lieu thereof, upon, in, or across the said Road, or any Part thereof respectively, or upon the Sides thereof respectively, or any Part thereof, when, where, and as they shall judge necessary, any Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such 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 a Statute Acre each, as they shall think necessary; and from Time to Time to take down and remove, or alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to continue and erect Toll Gates, Toll Houses, &c.

XII. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this and in the said recited Acts passed in the Third and Fourth Years of the Reign of His said present Majesty contained,) be demanded at each Turnpike and Toll Gate erected, set up, and continued, or which shall hereafter be erected or set up upon or across the said Road, by each and every Person or Persons whom the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, or any Horse or other Beast drawing any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike or Toll Gate; (that is to say,)

Power to take Tolls.

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Barouche, Phaeton, Sociable, Chaise, Chariot, Calash, Hearse, Litter, Vis-a-vis, Curricle, Gig, Car, Whiskey, Caravan, Chair, Taxed Cart, or other Carriage of the like kind, not exceeding the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon, Cart, or Carriage, having the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, not exceeding the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon, Cart, or Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Nine Inches, not exceeding the Sum of One Shilling:

For every Horse or other Beast drawing any Waggon, Cart, or Carriage, having the Fellies of the Wheels thereof of the Breadth of Three Inches, and less than Four Inches and a Half, not exceeding the Sum of One Shilling and Three-pence:

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

For every Drove of Oxen or other Neat Cattle, not exceeding the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number:

And for every Drove of Calves, Swine, Pigs, Sheep, or Lambs, not exceeding the Sum of Eight-pence *per* Score, and so in proportion for any greater or less Number:

Tolls vested in Trustees.

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll, and shall be vested in the said Trustees; and the same, and every Part thereof, shall be levied, recovered, collected, paid, applied, varied, disposed of, and assessed in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act.

Number of Tolls to be paid in a Day.

XIII. And be it further enacted, That when the full Tolls authorized to be taken by virtue of this Act shall have been paid for or in respect of any Horse, Beast, or other Cattle passing through any of the Toll Gates erected or to be erected on the said Road, or on the Sides thereof, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or other Cattle, (except in the Cases hereinafter mentioned,) on a Ticket being produced denoting such Payment, but such Horse, Beast, or other Cattle shall be permitted to pass and repass Toll-free through the same Toll Gate, at any Time or Times during the same Day (such Day to be computed from Twelve of the Clock at Night till Twelve of the Clock in the next succeeding Night); but no Horse or Horses, Beast or Beasts, drawing any Carriage, shall be permitted to pass through any of the said Gates a Third Time in any One Day, to be computed as aforesaid, until a Second full Toll shall have been paid in respect of the same; and so *toties quoties* for every Third Time that the same Horse or Horses, or other Beast or Beasts drawing any Carriage shall pass through any of the said Gates on the same Day, the like Toll shall be demanded and taken as if it had been the first Time that such Horse or Horses or other Beast or Beasts had passed through such Gate.

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

Post Chaises on every new Hiring.

XIV. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Cart, Van, or other Carriage conveying Passengers or Goods for Hire or Reward, every Time of passing or repassing through any of the said Gates; and the said Tolls shall be paid in respect of all Horses or other Beasts let to Hire, whether for riding, or for drawing any Post Chaise or other Carriage, every Time of passing or repassing through the said Gates, when a new Hiring thereof has taken place.

Horses, &c. drawing different Waggons, &c. the same Day, liable to Toll each Time they pass.

XV. And be it further enacted, That the said Tolls shall be payable at each and every Turnpike, Toll Gate, Side Bar, and Side Gate erected on the said Road, in respect of Horses, Asses, or other Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for each Time during the same Day (to be computed as aforesaid) that any such Horse, Ass, or other Beast of Draught shall pass through any of the said Turnpikes, Toll Gates, Side Bars, or Side Gates, drawing any other Waggon, Wain, Cart, Van, Caravan, or such like Carriage, than that which such Horse, Ass, or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Toll shall have been paid.

One Horse Carts may be weighed.

XVI. And whereas it frequently happens that Carts drawn by One Horse passing along the said Road carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore enacted, That all Carts passing along the said Road, drawn by One Horse only, shall and may be weighed at any Weighing Machine erected or to be erected on the said Road, and the like additional Toll demanded, received, and recovered for the Overweight thereof as is by Law payable in respect to the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the Weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Materials for the Road, &c. to be exempt from Toll.

XVII. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act of or from any Person or Persons for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage (whether the same have or have not the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four Inches and a Half or upwards) employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Turnpike Road, or for building, rebuilding, or repairing any present or any future Bridge or Bridges, Toll House or Toll Houses, Toll Gate or Toll Gates, on the said Road; any thing in the said Act of the Fourth Year of the Reign of His present Majesty contained to the contrary notwithstanding.

Application of the Tolls and other Monies.

XVIII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised by virtue of the said recited Acts of the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act granted and made payable, together with all the Monies which shall be borrowed upon the Credit thereof, shall be applied and disposed of, in the first place, in paying

paying and defraying the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and afterwards in amending, keeping in repair, and otherwise improving the Road hereby directed to be kept in repair, and then in paying off and discharging the Interest and Principal of the Money already borrowed or to be borrowed upon the Credit of the Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act granted, and to and for no other Use or Purpose whatsoever.

Public Act. XIX. 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.

Term of Act. XX. And be it further enacted, That this Act shall commence upon the Third *Saturday* next after the passing thereof, and shall 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.

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