ANNO SECUNDO & TERTIO

GULIELMI IV. REGIS.

Cap. cix.

An Act for maintaining certain Roads in the Neighbourhood of the Towns of *Beverley*, of *Kingston-upon-Hull*, and of *North Cave*, called "The *Beverley*, *Hessle*, and *North Cave* Turnpike Roads." [4th *July* 1832.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Third, intituled *An Act for repairing and widening the Road from* Beverley *to the Ferry at* Hessle, *and from the* Malton *Guide Post to the Gravel Pit at* Cottingham, *in the County of* York: And whereas another Act was passed in the Fourteenth Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Ninth Year of His present Majesty, for repairing and widening the Road from* Beverley *to the Ferry at* Hessle, *and from the* Malton *Guide Post to the Gravel Pit at* Cottingham, *in the County of* York, *and for repairing and widening other Roads therein mentioned:* 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 Two Acts of His present Majesty, for repairing and widening the Road from* Beverley *to the Ferry at* Hessle, *and from the* Malton *Guide Post to the Gravel Pit at* Cottingham, *in the County of* York: And whereas it is expedient that the Term and Power of the said Acts should be extended and enlarged, and that the Tolls granted by the said Acts should be increased: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Acts herein-

9 G. 3. c. 79.

14 G. 3. c. 117.

51 G. 3. c. 4.

before recited were repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas an Act was passed in the Fifth Year of the Reign
5 G. 4. c. 69. of His late Majesty King *George* the Fourth, 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 the Purposes herein-before mentioned cannot be effected without the Authority of Parliament: 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 Parliament assembled, and by the Authority of the same, That from and after the Fourth *Tuesday* next after the passing of this Act the said recited Acts of the Ninth, Fourteenth, and Fifty-first Years of the Reign of King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts of Geo. 3. repealed;

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purposes of improving, repairing, and maintaining in repair the several Roads herein-after mentioned; that is to say, the Road leading from *Kelgate Bar* in the Town of *Beverley* in the East Riding of the County of *York*, through *Bentley Lanes*, by the *Malton* Guide Post, to a Part of *Cottingham Field* near *Skidby Mill* in the Parish of *Cottingham* within the said East Riding, and through the Town of *Willerby*, by the West End of the Town of *Anlaby*, to the Ferry across the River *Humber* at and from *Hessle* in the County of the Town of *Kingston-upon-Hull;* the Road leading from the *Malton* Guide Post aforesaid to the Gravel Pit at the West End of the Town of *Cottingham* aforesaid; the Road leading from and out of the *Hull* and *Kirk-Ella* Turnpike Road, on the North Side of a Well called the *Dale Well*, through *West-Ella* in the said County of the Town of *Kingston-upon-Hull;* the Post Road from the West End of the Churchyard of *Kirk-Ella* aforesaid to *Raywell*, and from thence to and through the Town of *North Cave* in the said East Riding of the County of *York* to a certain Cut, Drain, or Canal on a Common called *Walling Fenn*, in the same Riding, leading towards the Market Town of *Howden;* and the Road leading from or near the said Gravel Pit at *Cottingham* aforesaid towards *Eppleworth*, as far as its Junction with the said Road from *Beverley* to the Ferry at *Hessle;* and that such Roads shall be called "The *Beverley*, *Hessle*, and *North Cave* Turnpike Roads."

Provisions of 5 G. 4. c. 69. extended to this Act.

III. And be it further enacted, That the said recited Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, and all and every the Powers and Provisions therein contained, (except so far as they are repealed or altered by this Act,) shall be as valid and effectual for carrying this Act into execution as if they had been repeated and re-enacted in the Body of this Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the East Riding of the County of *York*, together with *John Barker Arden*, *William Watson Bolton*, *Christopher Bolton*, *John Barkworth*, *William Bourne*, *William Beverley*, *Henry Bolton*, *John Beadle*, *Charles Brereton*, *George Barkworth*, *George Coulson*, *Thomas*

Thomas Clubley, *Frederick Campbell*, *Theophilus Carrick*, *Samuel Codd*, *Thomas Dewsberry*, *Thomas Dykes* the younger, *Samuel Hull Egginton*, *John Egginton*, *Leonard Brooks Earnshaw*, *Robert Earnshaw*, *John Ferraby*, *William Hall*, *Francis Hall*, *Samuel Hall*, *Thomas Hall*, *Manklin Holland*, *Robert Hustwick*, *Samuel Talbot Hassell*, *John Hudson* the younger, *Francis Iveson*, *Anthony Jones*, *Robert Keddey*, *Thomas Bentley Locke*, *William Levett* the younger, *Henry Levett*, *Richard William Moxon*, *Henry William Maister*, *John Platford*, *Clifford Pease*, *Robert Raikes* the younger, *Thomas Raikes*, *William Ringrose*, *Edward Robinson*, *George Schonswar*, *Henry John Shepherd*, *Daniel Sykes*, *John Spicer*, *John Spicer* the younger, *Henry Thompson*, *Avison Terry*, *John Todd* of *Swanland*, *John Todd* of *Tranby*, *John Terry*, *John Thornton*, *William Voase*, *Charles Whitaker*, *John Williams*, *Robert Wylie*, *Thomas Whitaker*, *William Watson Wilkinson*, *James Kiers Watson*, *Thomas Watson* of *Wandby*, *Thomas Ward*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, at any of their Meetings to be held in pursuance of this Act, (of which Meetings respectively and of the Object thereof at least Ten Days previous Notice shall be given in manner by an Act passed in the Third Year of the Reign of His late 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, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees, so elected, and being duly qualified, shall have the like Powers and Authorities for executing this Act as if they had been herein named.

3 G. 4. c. 126.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Guildhall within the Town of *Kingston-upon-Hull*, or at some other convenient Place within the Town of *Kingston-upon-Hull* aforesaid, or near to or in the Neighbourhood of the said Roads, on the Fourth *Tuesday* next after the passing of this Act, or as soon afterwards as conveniently may be, between the Hours of Eleven and Two of the Clock, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places within the Town of *Kingston-upon-Hull* aforesaid, or near to or in the Neighbourhood of the said Roads, as the said Trustees, or the major Part of them present at such respective Meetings, shall think proper and appoint.

Toll Houses to be continued, &c.

VII. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, upon the said Roads, or upon any Part

or

or Parts thereof respectively, or upon the Sides thereof respectively, when and where and as they shall judge proper, and from Time to Time to alter or to take down, and to re-erect or re-construct, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Tolls.

VIII. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Coach, Stage Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricle, Calash, Hearse, Litter, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Waggon, Wain, Van, Caravan, or other such like Four-wheeled Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Four-pence Halfpenny; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches and not less than Four Inches and a Half, the Sum of Sixpence; and in case the Fellies thereof are of less Breadth than Four Inches and a Half, the Sum of Seven-pence:

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Cart or other Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Four-pence Halfpenny; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches and not less than Four Inches and a Half, the Sum of Six-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Seven-pence:

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence, and so in proportion for any less Number than a Score:

For every Score of Calves, Swine, Sheep or Lambs, the Sum of Ten-pence, and so in proportion of any less Number than a Score:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings and Sixpence:

And for every Waggon, Wain, Cart, or other such like Carriage having the Nails of the Tire of the Wheels projecting more than One Quarter of an Inch above such Tire, the Sum of Ten Shillings:

Such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, 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, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

4 G. 4. c. 95.

IX. And

As to the fractional Part of a Halfpenny in Tolls.

IX. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Toll to be paid but once a Day on passing and repassing.

X. Provided also, and be it further enacted, That in case the Toll by this Act authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Toll Bars, such Horse, Beast, or Cattle, at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock the next succeeding Night, shall, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Carriages, or let out to Hire,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free: Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or a different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon any of the said Roads for the Distance of Three Miles or more.

Horses, &c. drawing different Carriages to pay Toll.

Limiting the Number of Tolls for passing and repassing.

XI. And be it further enacted, That no more than One full Toll (except as herein provided to the contrary) shall be taken for or in respect of the same Horse, Beast, or Cattle, or Carriage, in any One Day, for passing and repassing once through all the Toll Gates or Toll Bars upon each of the said Roads.

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

XII. Provided nevertheless, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages, of whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing upon the said respective Roads: Provided always, that no further or additional Toll shall be payable in respect of any such Stage Carriage on account only of the Horses, Beasts, or Cattle drawing the same having been changed.

Post Chaises on every new Hiring.

XIII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing Post Chaises or other Carriages, for each Time of passing upon the said Roads whenever a new Hiring thereof shall take place.

Weights of Single-horse Carts limited.

XIV. And be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse, Beast, or Cattle shall never exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth

Day of *April* (both Days inclusive) One Ton and Seven Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts to be weighed.

XV. And be it further enacted, That all Carts or other such Carriages passing upon the said Roads, drawn by One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing upon the said Roads drawn by One Horse, Beast, or Cattle, and to the Owners and Drivers thereof respectively.

Trustees to erect Toll Gates on each Branch, and to take Toll thereat.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Branch of Road comprised in this Act One or more Toll Gate or Toll Gates or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the various Acts for regulating Turnpike Roads in *England*; and no Money arising from any of the Tolls by this Act authorized to be taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be some Toll Gate or Toll Bar at the Time standing upon such Branch Road; and no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such Branch Road; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Leases to be vacated.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within Three Calendar Months next after the passing of this Act or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Acts hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be void from and after the Twenty-first Day next after such Meeting; and from and after such Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, (except as to the Right of the said Trustees, which in all Cases is hereby reserved,) and to receive and recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon; and the said Trustees shall and they are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain thereby, to be paid at such Times and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction may be recovered by such respective Lessees, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Six Calendar Months next after the same shall have become due, and have

been demanded of the Clerk or Treasurer to such Trustees, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster:* Provided always, that in case such Trustees or Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same may be recovered by Action at Law, as hereinbefore mentioned; provided also, that nothing herein contained shall prevent the said Trustees from entering into any new or other Agreement with all or any of the present Lessees of the Tolls for such additional Rent for the Tolls by this Act granted as they shall think reasonable and proper for the unexpired Term of their respective Leases or Agreements.

Penalty on Renters of Tolls *compounding for* Overweight.

XVIII. And whereas great Injury may be done to the said Roads by the Farmers or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be weighed, and to be charged in respect of Overweight; be it therefore enacted, That if any Lessee, Farmer, or Renter of the Tolls by this Act granted, or the Deputy or Agent of such Lessee, Farmer, or Renter, shall make any Composition, by the Year or otherwise, with any Person or Persons whomsoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage by Law liable to be weighed, and charged for or in respect of the Overweight thereof, every such Lessee, Farmer, or Renter, Deputy or Agent, shall, on Conviction thereof, by Confession, or upon the Oath of any Witness, before any of His Majesty's Justices of the Peace for either of the Counties through which the said Roads pass, forfeit and pay (besides the Costs and Charges attending the Conviction) a Sum of Money not exceeding Ten Pounds, and shall also forfeit his or her Contract or Lease for renting the Tolls, if the said Trustees shall think proper to order that the same shall be thereupon made void; and every such Composition shall be and the same is hereby declared to be null and void; and one Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the Surveyor or Treasurer of the said Roads, to be employed towards the Repair thereof.

Application of Money received under this Act.

XIX. And be it further enacted, That the Money already received or which shall be received under the Authority of the said former Acts hereby repealed or of any of them, and also the Money which shall be received under the Authority of this Act, shall be applied by the said Trustees in manner following; (that is to say,) in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced for or towards the Payment thereof or of any Part thereof from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid; in the next place, in paying and discharging any Interest now due or which may hereafter from Time to Time become due on the Credit of the said former Acts hereby repealed, or which may at any Time hereafter become due on the Credit of this Act; in the next place, in defraying the Expence of improving, repairing, and maintaining in repair the said Roads, and of otherwise executing the several Purposes of this Act; in the next

place,

place, in repaying any Principal Money due on the Credit of the said former Acts hereby repealed; and, lastly, in repaying any Principal Money due on the Credit of this Act.

No Money received under this Act to be laid out in repairing Streets, &c.

XX. And be it further enacted, That no Part of the Money received by virtue of the said former Acts hereby repealed, or of this Act, shall be laid out in paving, cleansing, or repairing any Street, Road, or Highway within any City, Town, or Place through which the said Roads may pass, and which Street, Road, or Highway now hath or hereafter shall have Houses or other Buildings abutting upon or ranging along the Sides thereof, nor shall it be lawful for the said Trustees to collect any Toll therein; any thing herein contained to the contrary notwithstanding.

Duration of Act.

XXI. And be it further enacted, That this Act shall commence on the Fourth *Tuesday* after the passing hereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act.

XXII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1832.