ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. lxxxvi.

An Act for repairing, improving, and maintaining the Road leading from *Ferrybridge*, through *Wetherby*, to *Boroughbridge* in the County of *York*. [22d *June* 1842.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Roads from* Doncaster, *through* 14 G. 2. c. 28.
Ferrybridge, *to the South Side of* Tadcaster Cross, *and also from* Ferrybridge *to* Wetherby, *and from thence to* Boroughbridge, *in the County of* York: And whereas by the said Act the said Roads were divided into Two separate Districts: And whereas an Act was passed in the Twenty-sixth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act to explain and make more effectual an Act* 26 G. 2. c. 77.
passed in the Fourteenth Year of His present Majesty's Reign, for repairing the Roads from Doncaster, *through* Ferrybridge, *to the South Side of* Tadcaster Cross, *and also from* Ferrybridge *to* Wetherby, *and from thence to* Boroughbridge, *in the County of* York: And whereas an Act was passed in the Twenty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enlarge the Term* 23 G. 3. c. 95.
and Powers of Two Acts, made in the Fourteenth and Twenty-sixth Years of the Reign of King George *the Second, for repairing the*

Roads from Doncaster, *through* Ferrybridge, *to the South Side of* Tadcaster Cross, *and also from* Ferrybridge to *Wetherby, and from thence to* Boroughbridge, *in the County of* York, *so far as the same relate to the Road between* Ferrybridge *and* Wetherby, *and from thence to* Boroughbridge: And whereas an Act was passed in the Thirty-ninth Year of the Reign of His said Majesty King *George* the Third,
39 G. 3. c. 10. intituled *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 and enlarging the Powers of Three several Acts, passed in the Fourteenth and Twenty-sixth Years of the Reign of His late Majesty King* George *the Second, and in the Twenty-third Year of the Reign of His present Majesty, for repairing the Roads from* Doncaster, *through* Ferrybridge, *to the South Side of* Tadcaster Cross, *and also from* Ferrybridge *to* Wetherby, *and from thence to* Boroughbridge, *in the County of* York, *so far as the same relate to the Road between* Ferrybridge *and* Wetherby, *and from thence to* Boroughbridge: And whereas an Act was passed in the First Year of the Reign of His
1 G. 4. c. 1. Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge the Powers of several Acts passed for repairing the Roads therein described, so far as the said Acts relate to the Roads leading from* Ferrybridge, *through* Wetherby, *to* Boroughbridge *in the County of* York: And whereas the Trustees acting under and by virtue of the said recited Acts have proceeded to carry the Powers and Provisions thereof into execution: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts, which Money still remains owing, together with an Arrear of Interest thereon, and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said last-recited Act further continued: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted instead thereof, but the Purposes aforesaid 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 Queen'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 the Commencement of this Act the said recited Acts of the Fourteenth and Twenty-sixth Years of the Reign of His Majesty King *George* the Second, the Twenty-third and Thirty-ninth Years of the Reign of His Majesty King *George* the Third, and the First Year of the Reign of His Majesty King *George* the Fourth, shall be repealed, so far as the same relate to the Road from *Ferrybridge* and *Wetherby* to *Boroughbridge*, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Acts repealed, and this Act to be put in force.

All Arrears of Tolls and Monies due under recited Acts vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Acts hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said

recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts were liable at the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with the Honourable and Very Reverend *William Herbert*, the Honourable Sir *Edward Marmaduke Vavasour* Baronet, Sir *William Amcotts Ingilby* Baronet, Sir *Charles Slingsby* Baronet, Sir *John William Ramsden* Baronet, Sir *Joseph Radcliffe* Baronet, the Very Reverend *James Webber*, Dean of *Ripon*, *Alexander Brown*, *Thomas Davison Bland*, *George Francis Barlow*, *Rawdon Briggs*, *James Beaumont*, *Digby Cayley*, *Thomas Collins* Clerk, *William Collins*, *John Charge* Clerk, *William Joseph Coltman*, *Andrew Cheap* Clerk, *Hugh George Christian*, *George Crow*, *Thomas Duncombe*, *Thomas Slingsby Duncombe*, *Joseph Dent*, *Benjamin Eamonson* Clerk, *Amaziah Empson*, *William Eteson*, *Thomas Simpson*, *Richard John Thompson*, *Henry Stephen Thompson*, *George Lane Fox*, *George Lane Fox* the younger, *George James Farsyde*, *Richard Oliver Gascoigne*, *Edwin Greenwood*, *James William Geldart* LL.D., *George Holdsworth* Clerk, *Richard Hartley* Clerk, *John Husband* Clerk, *William Hatfield*, *John Harrison*, *Thomas Harrison*, *Andrew Lawson*, *James Landon* Clerk, *John Lee*, *Charles Letch*, *Peter Middleton*, *Aaron Manby* Clerk, *William Markham*, *Andrew Wilson Montague*, *Charles Oxley*, *Charles Christopher Oxley*, *John Green Paley*, *Howell Wooster Powell* Clerk, *Richard Ridley* Clerk, *Edmund Robinson* Clerk, *Quintin Rhodes*, *John Rhodes*, *William Lister Fenton Scott*, *John Simpson*, *Francis Thorpe*, *Marcus Worsley*, *Richard Fountayne Wilson*, *James Wilson*, *Henry Richard Wood*, *John Williamson*, *John Yorke*, *Richard York*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons (duly qualified to act as Trustees of Turnpike Roads in *England*), not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at the *Angel* Inn at *Wetherby*, or at some other convenient Place in the Neighbourhood of the said Road, upon the First *Monday* after the Commencement of this Act, or as soon after as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

Power to appoint Committees.

VI. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting;

Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which this Act is applicable.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road commencing at its Point of Junction with the *Doncaster* and *Tadcaster* Turnpike Road at or near a Place called the *Fox* Inn in the Township of *Brotherton*, and extending from thence through *Wetherby* to *Boroughbridge*, all in the County of *York*, and the said Road shall be called "The *Ferrybridge* and *Boroughbridge* Road."

Present Tolls continued.

VIII. And be it enacted, That, notwithstanding the Repeal of the said lastly recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Road until the First Day of *July* next.

Power to take Tolls.

IX. And be it enacted, That upon and after the Commencement of this Act it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, the following Tolls; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Stage Coach, Van, Gig, or other such Carriage, the Sum of Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage:

If having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Nine-pence:

If having the Fellies of the Wheels of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, the Sum of Seven-pence:

If having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Five-pence:

For every Waggon or Cart having a Coach or any other Carriage whatsoever with Four Wheels attached or affixed thereto, the same Toll as if drawn by Two Horses:

And for every Carriage with Two Wheels so attached or affixed, the same Toll as if drawn by One Horse:

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

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

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

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:

Which said Tolls and Duties are hereby vested in the said Trustees, and shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

Fraction of a Halfpenny in Tolls.

X. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting the Number of Tolls to be taken on the Road on the same Day.

XI. And be it enacted, That no more than Three Tolls shall be taken for passing and repassing once only in the same Day (to be computed between Twelve o'Clock at Night to Twelve o'Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty through all the Toll Gates erected or to be erected or continued on the said Road; (that is to say,) One full Toll between *Boroughbridge* and *Wetherby*, One full Toll between *Wetherby* and the Town of *Aberford*, and One full Toll between the Town of *Aberford* and the *Fox* Inn in the Township of *Brotherton* aforesaid.

Persons having paid Toll to return Toll-free.

XII. And be it enacted, That all Horses or other Beasts (except Horses or other Beasts drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises to pay every Time of passing with new Hiring.

XIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or other Beasts had been made on the same Day.

Stage Coaches, &c.

XIV. And be it enacted, That all Horses or other Beasts drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or other Beasts drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Bar the Payment at which shall be freed by such Ticket as aforesaid, on

account only of their conveying other Passengers, or of the Horses or other Beasts drawing the same having been changed.

Horses, &c. drawing different Carriages to be again subject to Toll.

XV. Provided always, and be it enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horses, Beasts, or Cattle drawing any Waggon, Wain, Cart, or other Carriage at any Toll Gate or Bar upon or on the Side of the said Road, and any such Horses, Beasts, or Cattle shall be afterwards employed on the said Road during the same Day in drawing a different Waggon, Wain, Cart, or other Carriage from that which they were employed in drawing when such Payment was made, all such Horses, Beasts, and Cattle so drawing shall, notwithstanding such Payment, be again liable to Toll in the same Manner as if no previous Payment of Toll in respect of the same had been made.

Manure not to be exempt from Tolls during the Winter Months, unless Wheels are of certain Construction.

XVI. And be it enacted, That no Exemption from Payment of Tolls shall be allowed at any Toll Gate or Bar or on the Side of the said Road in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in carrying or conveying any Dung, Soil, Compost, Lime, or Manure for improving or manuring Lands, between the First Day of *October* in any One Year and the First Day of *April* in the then next ensuing Year, unless the Wheels of the Waggon, Wain, Cart, or other Carriage so laden or employed shall have a Tire at the Breadth of Six Inches at the least rolling on a flat or level Surface, and having the Nails of such Tire countersunk so as not to project more than One Eighth of an Inch beyond the Surface of such Tire, any Law or Statute to the contrary notwithstanding.

Trustees may reduce the Tolls for Lime or Manure.

XVII. And be it enacted, That it shall be lawful for the said Trustees at any Meeting to be specially called for the Purpose to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or other Beast drawing any Waggon, Cart, or other Carriage laden only with Lime for the Improvement of Land or Draining Tiles, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall in respect of the Matter last mentioned be payable.

Respecting Toll Gates.

XVIII. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up in or across the said Road or on the Sides thereof any other or additional Toll Gate or Bar, or Toll Gates or Bars, and to remove the present or any future Toll Gate or Bar, as they shall think proper.

Application of Tolls.

XIX. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the Road included

in the said recited Acts hereby repealed shall be applied as follows; (that is to say,)

Firstly, paying the Expences of obtaining and passing this Act, or incident thereto:

Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said recited Acts hereby repealed:

Thirdly, in paying the Expences of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution with reference thereto:

Fourthly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may hereafter be borrowed on the Credit of the Tolls authorized to be taken by this Act:

Fifthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said recited Acts hereby repealed.

No Tolls to be taken or Money laid out in Towns.

XX. And be it enacted, That no Money shall be laid out on any Part of the Road comprised in this Act within the Towns of *Wetherby* and *Boroughbridge*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein, or in the Towns of *Wetherby* and *Boroughbridge* aforesaid.

Trustee, Clerk, and Treasurer competent Witnesses in Actions.

XXI. And be it enacted, That no Trustee, Clerk, or Treasurer acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee, Clerk, or Treasurer, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Road not to be exempt from any general Act.

XXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangements of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement of Act.

XXIII. And be it enacted, That this Act shall commence on the First Day of *July* next after the passing thereof, and shall continue in force for the Term of Forty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation Clause.

XXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The

The Word "Person" shall be understood to include Corporation: Words importing the Masculine Gender shall include Females: The Word "Lands" shall include Messuages, Tenements, and Hereditaments.

Public Act.

XXV. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.