ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

****

Cap. xxvii.

An Act for making and maintaining a Road from the Bottom of *Kirkgate* to the Bottom of *Westgate*, both in the Parish of *Wakefield* in the West Riding of the County of *York*. [30th *July* 1831.]

WHEREAS the making and maintaining a Road, commencing at the Bottom of *Kirkgate*, at its Junction with *Thornes Lane* in the Township of *Wakefield*, and from thence extending in a westwardly Direction to the South End of a certain Street called *Quebec Street* in the said Township, and from thence in the same Direction and terminating at *Westgate Common End*, all in the Parish of *Wakefield* in the West Riding of the County of *York*, would be of great Advantage and Convenience, not only to the Owners and Occupiers of the adjoining Lands and Grounds, but the same will also be of great public Utility: And whereas the beneficial Purposes herein-before mentioned cannot be effected without the Aid and 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 this present Parliament assembled, and by the Authority of the same, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining a Road commencing at the Bottom of *Kirkgate*, at its Junction with *Thornes Lane* in the Town- Purposes of the Act.

ship of *Wakefield*, and from thence extending in a westwardly Direction to the South End of a certain Street called *Quebec Street*, in the said Township, and from thence in the same Direction and terminating at *Westgate Common End* in the Township of *Alverthorpe-cum-Thornes*, both in the Parish of *Wakefield* in the West Riding of the County of *York*, and for otherwise putting the Powers and Provisions of this Act into execution.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said West Riding of the County of *York*, together with *Joseph Atkinson*, *George Addey*, *John Sanderson Archer*, *Thomas Wentworth Beaumont*, *William Beaumont*, *Philip Bennet* the younger, *Nicholas Brown*, *Benjamin Blackburn*, *William Barff*, *Thomas Barff*, *John Barff*, *Jonathan Barthrop*, *George Matthew Barthrop*, *Thomas Bolton*, *John Francis Carr*, *Robert Carr*, *George Craven*, *John Craven*, *John Clarkson*, *Lawrence Bailey Clarkson*, *Henry Clarkson*, *Joseph Clarkson*, *Thomas Charnock*, *William Charnock*, *Benjamin Dixon*, *Thomas Dinsley*, *Richard Dunn*, *John Earnshaw*, *Joze Luis Fernandes*, *Thomas Foljambe*, *Charles France*, *Benjamin Gaskell*, *Daniel Gaskell*, *James Milnes Gaskell*, *William Green*, *Peter Heywood*, *Oliver Arthur Heywood*, *Henry Hallilay*, *Thomas Hallilay*, *Joseph Holdsworth*, *Edward Hemingway*, *John Horsfall*, *Lawrence Hitchon*, *Peter Hitchon*, *John Hinchcliffe*, *John Hatfeild*, *William Hansell*, *George Haigh*, *Twisleton Haxby*, *John Hartley*, *Joseph Horner*, Sir *John Lister Lister Kaye* Baronet, *William Kelshaw*, *John Lee*, *Tottenham Lee*, *William Lee*, *Thomas Lee*, *Thomas Lee* the younger, *Thomas Marriott*, *William Marriott*, *Richard John Sutcliffe Mellin*, *Daniel Micklethwaite*, *James Micklethwaite*, *John Maude*, *Francis Maude*, *Ralph Maude*, *John Naylor*, *William Naylor*, *James Naylor*, *Richard Nichols*, *Joseph Priestley*, *Andrew Peterson*, *Charles Peterson*, *John Ridsdale*, *George Ridsdale*, *William Ridsdale*, *John Scholey*, *George Shaw*, *Robert Scott*, *David Smirthwaite*, *Joshua Smithson*, *Squire Statter*, *Samuel Stocks*, *John Scholefield*, *James Teale*, *George Teale*, *John Tootal*, *Thomas Taylor*, *William White*, *Thomas White*, *Henry Walker*, *George Westerman*, *Charles Wheatley*, *John Wheatley*, *Benjamin Wood*, *John Wormald*, *Robert Whitworth*, *John Walker*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall 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 Roads in *England*, not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed, to be additional 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 specifically named.

Meetings of Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Sessions House, or at some

some other convenient Place in *Wakefield* aforesaid, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint; and if at any of the said Meetings the Trustees present shall not adjourn such Meeting to another Day, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, or their Clerk by their Order, to call a Meeting of the said Trustees at the Place aforesaid, or at some other convenient Place immediately adjacent or adjoining to the said Road, to transact general Business, such Meeting to be called by public Notice to be inserted in some One or more Newspaper or Newspapers printed and circulated in the said County of *York*, and to be held not sooner than Ten nor exceeding Twenty-one Days from the Time of such Notice being first inserted.

Power to make the Road.

V. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the Road herein-before described of such Width as they shall think proper, not exceeding Fifty Feet wide, together with such Footpaths, Causeways, Bridges, Mounds, Culverts, Fences, Ditches, Drains, and other Works as they shall think expedient, and for the Purposes aforesaid to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same and for the Damage they may sustain by the Execution of the Powers of this Act; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands, Tenements, or Hereditaments upon, in, over, or through which such Road, Footpaths, Causeways, Bridges, Mounds, Culverts, Fences, Ditches, Drains, and other Works are intended to pass or be made, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think proper, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon any such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Plan and Book of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

VI. And whereas a Map or Plan describing the said intended Road, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same are intended to be carried, together with a Book of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the said West Riding of the County of *York*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may, at all seasonable Times, have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, paying to the said Clerk the

the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or either of them, or any Copy thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law; and the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Owners and Occupiers upon, in, or through whose Lands, Tenements, or Hereditaments such Deviation shall be made.

Trustees not to deviate from Plan.

Houses, &c. not to be injured, except such as are mentioned in the Schedule.

VII. Provided always, and be it further enacted, That the Powers and Authorities by this Act given for making the said Road shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or take or use any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Grounds planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof or other Persons interested therein first had and obtained (except such as are mentioned in the Schedule to this Act annexed).

Unintentional Errors in Book of Reference or Act not to prevent the Execution of the Act.

VIII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road upon, in, over, or through any Lands, Tenements, and Hereditaments upon, in, over, or through which such Road is delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or of the Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference or in the said Schedule hereto annexed, in case it shall appear to any Two or more Justices of the Peace for the said West Riding of the said County of *York*, (in case of Dispute about the same,) and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said West Riding of the County of *York*.

Limiting the Period for purchasing Property.

IX. And be it further enacted, That if the said Trustees shall not, within the Space of Five Years next after the passing of this Act, agree for or cause to be valued and paid for the Lands, Tenements, and Hereditaments required for the Purposes of this Act, or so much thereof respectively as they shall deem necessary or proper, then and from thenceforth the Powers by this Act granted for purchasing, taking, and using the same, shall cease and be utterly void, any thing in this Act contained to the contrary notwithstanding.

Power to take Tolls.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons being a Lessee or Farmer, Lessees or Farmers, or appointed Collector or Collectors of the Tolls to be taken

taken by virtue of this Act, to demand and take the several Tolls or Sums of Money following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Barouche, Berlin, Phaeton, Chaise, Chaise Marine, Calash, Curricle, Car, Cabriolet, Chair, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, any Sum not exceeding the Sum of One Penny:

For every Horse or other Beast drawing any such Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half or more, but of less Breadth than Six Inches, any Sum not exceeding the Sum of One Penny Halfpenny:

For every Horse or other Beast drawing any such Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, any Sum not exceeding the Sum of Two-pence:

For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling:

For every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Sixpence:

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

For every Score of Oxen or Neat Cattle, and so in proportion for any less Number, any Sum not exceeding the Sum of Five-pence:

And for every Score of Calves, Hogs, Sheep, or Lambs, and so in proportion for any less Number, any Sum not exceeding the Sum of Two-pence Halfpenny.

Fractional Part of a Halfpenny in Tolls.

XI. 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 hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day, and to free all the Gates.

XII. And be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid in any one Day, such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, for passing or repassing with the same Horses, Cattle, Beasts, or Carriages through any of the Toll Gates, Turnpikes, Toll Houses, Side Gates, Side Bars, or Chains erected upon the said Road, such Horses, Cattle, Beasts, or Carriages shall, on a Note or Ticket denoting such Payment on that Day being produced, be permitted to pass and repass through the same Toll Gate, Turnpike, Toll House, Side Gate, Side Bar, or Chain, and also through all other the Toll Gates, Turnpikes, Toll Houses, Side Gates, Side Bars, and Chains to be continued or erected by virtue of this Act, Toll-free, on the same Day (except as herein-after mentioned).

Horses drawing Stage Coaches to pay every Time of passing;

XIII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or for any other Stage or Carriage conveying Passengers or Goods for Pay or Reward, for each Time of passing and for each Time of repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, on account only of the Horses drawing the same having been changed.

Horses drawing Post Chaises, on every new Hiring.

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing any Post Chaise or other Carriage, for each Time of passing along the said Road, whenever a new Hiring thereof shall take place.

Weight of Single-horse Carts limited.

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

One-horse Carts, &c. may be weighed.

XVI. And be it further enacted, That all Carts or other such Carriages passing along the said Road, drawn by only One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Road, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of 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, or other Carriages drawn by Two or more Horses, shall be applicable to Carts passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Application of Money received under the Act.

XVII. And be it further enacted, That the Monies which shall be received under 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 advanced for 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 by the said Trustees; and in the next place, in defraying the Expence of making and maintaining the Road by this Act authorized to be made and maintained, and of executing the several Purposes of this Act; and afterwards in paying and discharging any Interest which may from Time to Time become due on the Credit of this Act; and lastly, in reducing and

discharging any Principal Sum or Sums of Money which may be borrowed or secured under or upon the Credit of this Act.

Duration of Act.

XVIII. And be it further enacted, That this Act shall commence on the Day next after the passing thereof, and shall continue in full Force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

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

The SCHEDULE to which the aforegoing Act refers.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Occupiers.
		Township of Wakefield in the Parish of Wakefield.	
3.	Yard and Coal Shed -	Widow Senior - - -	John Ashton.
4.	Cottage and Yard -	Ditto - - -	Robert Davies.
5.	- - - -	Sir Edward Dodsworth Baronet, Sir William Pilkington Baronet, and Godfrey Wentworth Wentworth Esquire, as Trustees of Sir Thomas Pilkington Baronet, deceased - - -	Joze Luiz Fernandez or his Under-tenants.
6.	Garden - -	Ditto - - -	Ditto.
7.	Ditto - -	Ditto - - -	Ditto.
8.	Ditto - -	Ditto - - -	Ditto.
12.	Garden - -	Thomas Foljambe and Daniel Maude, Esquires - -	Benjamin Blackburn.
15.	Garden - -	Thomas Charnock Esquire -	John Gregory senior.
16.	Stack Yard - -	Ditto - - -	Ditto.
17.	Plantation - -	Ditto - - -	Samuel Armitage.
30.	Ditto - -	John Lee and Edward Hemingway Esquire - -	John Robson or his Under-tenants.
31.	Ditto - -	Ditto - - -	Ditto.
32.	Ditto - -	Ditto - - -	Ditto.
33.	Ditto - -	Ditto - - -	Ditto.
34.	Ditto - -	Ditto - - -	Ditto.
35.	Ditto - -	Ditto - - -	Ditto.
36.	Ditto - -	The Representatives of John Henry Smyth Esquire, deceased	William Otty or his Under-tenants.
40.	Ditto - -	Ditto - - -	John Holmes and Marrian Beaumont.
41.	Ditto - -	Ditto - - -	John Parkin.
42.	Ditto - -	Ditto - - -	—— Preston.
43.	Ditto - -	Ditto - - -	Unoccupied.
49.	Garden - -	The Representatives of John Henry Smyth Esquire, deceased	William Cummings.
54.	Garden - -	Ditto - - -	William Perkin.
64.	Garden - -	Joseph Clarkson - - -	Sarah Illingworth.
65 a.	Dwelling House -	Ditto - - -	Robert Henry Barker.
65.	Dwelling House and Garden - -	Ditto - - -	Himself.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Occupiers.
67.	Stack Yard, et cetera	Mrs. Mary Hatfield, Widow	John Harrison, Christiana Stuart Jackson, Charles France, John Hinchcliffe, and William Thomas Bolland, and their Undertenants.
68.	Yard	Ditto	Ditto.
69.	Harness Room and Gighouse	Ditto	Ditto.
70.	Countinghouse and Sadler's Shop	Ditto	Ditto.
71.	Warehouse	Ditto	Ditto.
72.	Stable	Ditto	Ditto.
73.	Ditto	Ditto	Ditto.
74.	Ditto	Ditto	Ditto.
75.	Stable Yard	Ditto	Ditto.
76.	Henhouse and Privy, et cetera	Ditto	Ditto.
76 b.	Garden	Ditto	Ditto.
77.	Cottage and Yard	Joseph Rhodes	William Perkin.
78.	Ditto	Ditto	Thomas Morley.
	Township of Alverthorpe-cum-Thornes in the Parish of Wakefield.		
5.	Cottage and Coal-place	Benjamin Clegg	Samuel Walker.
6.	Garden	Ditto	Thomas Roach.
7.	Waggon and Horses Public House	Ditto	Ditto.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1831.