ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Cap. xlix.

An Act to amend and extend the Provisions of the several Acts relating to the *Knaresbrough and Green Hammerton* Turnpike Road in the County of *York*, and to create a further Term therein; and for other Purposes. [23d *June* 1856.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Road from* Knaresborough *in the County of* York *by* Longflat Lane, Gouldsborough Fields, Flaxby, Allerton Mauleverer, *and* Scate Moor *to* Green Hammerton *in the same County, and for making the same a High Carriage Road:* And whereas another Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the Twenty-fifth Year of His late Majesty, for repairing the Road from* Knaresbrough *in the County of* York *by* Longflat Lane, Gouldsborough Fields, Flaxby, 25 G 2 c. 53. 11 G. 3. c. 65.

The Knaresbrough and Green Hammerton Turnpike Road Act, 1856.

Flaxby, Allerton Mauleverer, *and* Scate Moor *to* Green Hammerton *in the same County, and for making the same a High Carriage Road:* And whereas another Act was passed in the Thirty-ninth Year of the
39 G. 3. c. 9. Reign of His said Majesty King *George* the Third, 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 Two several Acts, the one made and passed in the Twenty-fifth Year of the Reign of His late Majesty King* George *the Second, and the other in the Eleventh Year of the Reign of His present Majesty, for repairing the Road from* Knaresbrough *in the County of* York *by* Long Flat Lane, Gouldsborough Fields, Flaxby, Allerton Mauleverer, *and* Scate Moor *to* Green Hammerton *in the same County, and for making the same a High Carriage Road:* And whereas another Act was passed in the First Year of the Reign of His
1 G. 4. c. ii. 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 Road from* Knaresbrough *to* Green Hammerton *in the County of* York: And whereas the Trustees acting by virtue of the said recited Acts have proceeded to carry the same into execution, and for the Purposes thereof have borrowed various Sums of Money on the Credit of the Tolls by the said Acts authorized to be taken on the said Road; and the Principal Sums now due and owing on the Credit of the said Tolls cannot be paid off unless further Powers are granted and the Term of the said 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 in lieu thereof; but the Purposes aforesaid 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 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, as follows; (that is to say,)

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

I. That from and after the Commencement of this Act the said recited Acts of the Twenty-fifth Year of *George* the Second, Chapter Fifty-three, the Eleventh Year of *George* the Third, Chapter Sixty-five, the Thirty-ninth Year of *George* the Third, Chapter Nine, and the First Year of *George* the Fourth, Chapter Two, shall be and the same are hereby repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

II. That

Short Title.

II. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Knaresbrough and Green Hammerton* Turnpike Road Act, 1856."

Interpretation of Terms.

III. 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,)

The Word "Person" shall be understood to include Corporation:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates, either on the said Road or the Sides thereof:

The Expression "the Road" or "the said Road" shall mean the Road to which this Act applies.

Road to which this Act is applicable.

IV. That this Act shall be put in execution for the Purpose of managing and maintaining the Road herein-after mentioned; (that is to say,)

The Road which commences at the Junction with the *Wetherby and Knaresbrough* Turnpike Road near *Knaresbrough* in the County of *York* and passes from thence by *Goldsborough Fields*, *Flaxby*, *Allerton Mauleverer*, and *Scate Moor* to *Green Hammerton* in the County of *York*.

Style of the Trust.

V. That the Road comprised in this Act shall be called "the *Knaresbrough and Green Hammerton* Turnpike Road," and the Trustees for executing this Act shall be styled "the Trustees of the *Knaresbrough and Green Hammerton* Turnpike Road."

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

VI. That all Rents, Arrears of Rent, Tolls, Arrears of Toll, and other Monies due or reserved, or belonging to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action vested in or belonging to the Trustees under the Acts hereby repealed, shall immediately on the Commencement of this Act be vested in and belong to 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 due or reserved, belonging to or vested in them under the said repealed Acts; and they shall be liable to the Payment of all Sums of

Money,

Money, Debts, and Demands at the Commencement of this Act due and owing on the Credit or Security of the said repealed Acts, and to all the Engagements to which the Trustees under the said repealed Acts were liable at the Repeal thereof, save and except such Debts and Liabilities as are by this Act reduced, varied, or extinguished.

Conveyances, &c. under former Acts to continue in force.

VII. That, subject to the Provisions of this Act, all Bonds, Promissory Notes, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said repealed Acts, or with any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same be fully satisfied and performed on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, Lettings of Tolls, Orders, or Notices made, entered into, or given by the Trustees for executing the said repealed Acts with or to any Person or Persons for any Purpose relating to the Road therein comprised or to the Execution of the said Acts, shall (except so far as the same are varied, altered, or otherwise provided for by this Act,) remain in full Force and Effect, and be observed and kept by the Trustees under this Act and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Acts shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Acts.

Former Books to be Evidence.

VIII. That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the said repealed Acts or of any of them, or by their Clerk or Treasurer under their Direction according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts and by all Judges, Justices, and others.

Roads shut up under repealed Acts to remain shut up.

IX. That all Parts of Roads diverted or discontinued or shut up under or by virtue of the Powers and Provisions of the said recited and repealed Acts, or any of them, shall remain and continue diverted and discontinued or shut up in such and the same Manner as if the said recited Acts had not been repealed.

X. That

Appointment of Trustees.

X. That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York* resident either within the Wapentakes of *Claro* or the Ainsty of *York* or the City of *York*, together with the Honourable *George Lascelles*, the Honourable *James Lascelles* Clerk, the Honourable *Alfred Stourton*, Sir *Charles Slingsby* Baronet, Sir *Joseph Radcliffe* Baronet, *Henry Badnall* Clerk, *Thomas Collins* Clerk, *William Collins*, *James Collins* Clerk, *Thomas Collins*, *John Charge* Clerk, *William Collins* Clerk, *George Crow*, *Hugh George Christian*, *William Driffield Heaton Clark*, *William Cass*, *Christopher Earnshaw*, *George James Watson Farsyde*, *James Fawcett* Clerk, *Henry Richard Farrer*, *Thomas Harrison*, *James Bishop Hartley* Clerk, *George Holdsworth* Clerk, *Samuel Powell*, *Danson Richardson Currer Roundell* Clerk, *Henry John Ingilby* Clerk, *Henry Day Ingilby* Clerk, *Aaron Manby* Clerk, *James Tripp* Clerk, *Thomas Charles Thompson* Clerk, *William Henlock*, *Samuel Jackson*, *William Valentine* Clerk, *Marcus Worsley*, 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.

XI. That it shall be lawful for the Trustees from Time to Time 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, and being duly qualified to act as Trustees of Turnpike Roads in *England*, shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

XII. That the Trustees shall hold their First Meeting at the Court House in *Knaresbrough* aforesaid, or at some other Place in the Neighbourhood of the said Road, on the Second *Wednesday* next after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as they shall think proper.

Present Officers to be continued.

XIII. That the Clerk, Treasurer, Surveyor, and all other Officers who have been appointed under and employed in the Execution of the said repealed Acts shall respectively continue to exercise their Offices under this Act until they respectively shall die, resign, or be deposed

or removed by the Trustees, or be incapable of executing such Offices, and be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever as if they had been appointed under or by virtue of this Act.

Present Tolls continued for a Term.

XIV. That, notwithstanding the Repeal of the said recited Acts, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road until the Thirty-first Day of *December* One thousand eight hundred and fifty-eight: Provided always, that it shall be lawful for the Trustees, with the Consent of the Lessee of the existing Tolls and the Mortgagees for the Time being, to direct that the Tolls by this Act authorized shall commence and be taken at any Time before the said Thirty-first Day of *December* One thousand eight hundred and fifty-eight.

Power to erect Toll Gates.

XV. That, subject to the Provisions of this Act, the Toll Gate now standing or being upon the said Road shall be continued until removed by an Order of the Trustees; and it shall be lawful for the Trustees from Time to Time to remove the present or any future Toll Gate as they shall think proper so that only One Toll Gate be maintained upon the said Road: Provided always, that no Toll Gate which by this Act is authorized to be maintained or set up on the said Road shall be removed or set up upon or across the said Road, or any Part thereof, or the Sides thereof, except the same shall be ordered to be removed or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Fifth Section of the Act of Ninth *George* the Fourth, Chapter Seventy-seven.

Power to take Tolls.

XVI. That upon and after the Thirty-first Day of *December* One thousand eight hundred and fifty-eight it shall be lawful for the Trustees or for any Person under their Authority to demand and take at every Toll Gate which shall be continued, erected, or placed by virtue of this Act in, upon, across, or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Omnibus, Van, Caravan, Berlin, Landau, Barouche, Chariot, Chaise, Marine Chair, Curricle, Phaeton, Calash, Sociable, Car, Gig, Hearse, Litter, Break, Taxed Cart, or other Carriage or Cart used for the Conveyance of Persons or light Goods or Articles, the Sum of Sixpence:

For

For every Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, if having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Threepence; if having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards and less than Six Inches at the Bottom or Soles thereof, the Sum of Fourpence; and if having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Fivepence:

For every Ass drawing any Waggon, Wain, Cart, or other such Carriage, Threepence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen or Neat Cattle, Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, Fivepence *per* Score, and so in proportion for any greater or less Number:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery or otherwise than by Animal Power, the Sum of One Shilling for each Wheel:

Which Tolls shall be taken before any Horse or other Beast, Cattle, or Animal, or any Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof, and which said respective Tolls 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.

As to the Fraction of a Halfpenny in Tolls.

XVII. That in all Cases where 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.

Tolls to be paid but once a Day.

XVIII. That if any Person shall have paid the full Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Animal, or Carriage through the Toll Gate erected or set up upon the Road by virtue of the said recited Acts, or through any Toll Gate which may at any Time or Times hereafter be erected and set up upon the same Road by virtue of this Act, such Person shall, upon producing a Ticket denoting the full Payment thereof on that Day, be permitted to pass Toll-free with the same Horse, Cattle, Animal, and Carriage through

through the said Toll Gate at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night.

Tolls on Horses, &c. drawing different Waggons, &c.

XIX. Provided also, That the said Tolls shall be payable at the Toll Gate erected on the said Road in respect of Horses, Asses, or other Beasts of Draught drawing any Waggon, Wain, Cart, or such like Carriage for each Time during the same Day that any such Horse, Ass, or other Beast of Draught shall pass through the said Toll Gate drawing any other Waggon, Wain, Cart, 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.

Stage Coaches to Pay Toll each Time of passing.

XX. Provided also, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Omnibus, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward for which Toll shall have been paid, and which shall return on the same Day through the same Toll Gate, the Tolls hereby made payable shall be paid for each Time of passing and repassing through such Toll Gate in like Manner as if no Toll had been before paid thereat.

Postchaises on every new Hiring.

XXI. Provided also, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out to Hire and drawing any Postchaise or other Carriage for every Time of passing along the said Road whenever any new Hiring thereof shall be made.

Exempting Occupier of Gouldsborough Mill from Tolls.

XXII. That the Occupier for the Time being of a certain Mill called *Gouldsborough Mill* or any other of his or her Servants shall not be charged with or be liable to pay any of the Tolls or Duties by this Act granted for any Cart, Wain, Waggon, or other Carriage, or any Horse or other Beast employed only in conveying, or going empty or unladen for, or returning empty or unladen after having been employed only in conveying any kind of Corn or Grain ground or to be ground at the said Mill.

Application of Monies.

XXIII. That all Monies and Tolls which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, In paying and discharging the Costs and Expenses of obtaining and passing this Act and incidental thereto:

Secondly,

Secondly, In defraying the necessary Expenses of erecting, providing, maintaining, altering, and repairing the Toll Gate and Toll House, the Salaries and Wages of the Clerk, Treasurer, Surveyor, and other Officers employed by the said Trustees, and the other Costs and incidental Expenses attending the Management of the said Road, provided that such Expenses shall not exceed in any One Year the Sum of Thirty Pounds exclusive of any Payment to Toll Collectors for collecting Tolls if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace or any other Proceeding for maintaining and protecting their Trust:

Thirdly, In reducing, paying off, and discharging without Interest the Principal Sum of One thousand seven hundred Pounds, the present Debt owing on the Credit of the said Tolls, or so much thereof as shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road.

When the Debt paid off the Toll Gate to be removed.

XXIV. That if the whole of the said Principal Sum of One thousand seven hundred Pounds shall be paid off before the Expiration of the Term by this Act granted, then from and immediately after the Determination of the then existing Lease of the Tolls taken on the said Road, and the full Payment and Discharge of all the other Debts and Liabilities of the Trustees, the Toll Gate then standing and being on the said Road shall be removed, and the said Road shall thenceforth cease to be a Turnpike Road.

Mortgagees not to take possession but for Arrears of Interest.

XXV. That after the Commencement of this Act no Holder of any Mortgage or Security on the Tolls collected on the said Road shall be entitled to enter into possession of the Toll Gate, Toll House, or Building upon the said Road or the Sides thereof or into the Receipt of the Tolls arising thereon, or on the Rent payable upon any letting of such Tolls, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Road not exempt from Provisions of present and future General Acts.

XXVI. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

The Knaresbrough and Green Hammerton Turnpike Road Act, 1856.

Commencement and Duration of Act.

XXVII. That this Act shall commence and take effect on the First Day of *November* next after the passing thereof (and shall continue in force for the Term of Twenty-one Years), and from thence to the End of the Session of Parliament which shall then next follow.

LONDON:
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