

ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. xix.

An Act for improving and maintaining the Road from or near *Mytholm Royd Bridge*, in the West Riding of the County of *York*, communicating with the Road at or near to the Sixth Mile Stone from *Rochdale* in the County of *Lancaster*.

[24th *March* 1832.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from or near* Mytholm Royd Bridge, *in the West Riding of the County of* York, *to communicate with the Road at or near to the Sixth Mile Stone from* Rochdale *in the County of* Lancaster: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same in execution, and considerable Sums of Money have been advanced or borrowed on the Credit of the Tolls authorized to be taken on the said Road by virtue of the said recited Act, which Sums of Money are still due and owing, and cannot be paid off, nor the Interest thereof be discharged, nor can the said Road be sufficiently amended, diverted, widened, improved, and effectually maintained and kept in repair, unless the Term and Powers of the said recited Act are enlarged, and the Tolls increased or altered: And whereas 55 G.3. c.32.

it would be more convenient to the said Trustees, and more beneficial to the said Road and to the Public, if the said recited Act were repealed, and other and greater Powers and Provisions were granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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 upon the Day of the Commencement of this Act the said recited Act passed in the Fifty-fifth Year of the Reign of King *George* the Third shall be and the same is hereby declared to be repealed.

Recited Act repealed.

This Act to be put in execution.

II. And be it further enacted, That this Act shall be put into execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, repairing, improving, and maintaining the said Road from or near *Mytholm Royd Bridge*, in the West Riding of the County of *York*, to or communicating with the Road at or near to the Sixth Mile Stone from *Rochdale* in the County Palatine of *Lancaster*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the said County of *York*, and all His Majesty's Justices of the Peace for the Time being acting for the said County Palatine of *Lancaster*, together with *John Aked*, *James Aked* the younger, *John Appleyard*, *William Appleyard*, *James Appleyard*, *Matthew Bairstow*, *John Barker* of *Bearwise*, *Hamlet Bent*, *James Bent*, *John Halliwell Besswicke*, *Henry Binns*, *Jonathan Bracken*, *Rawdon Briggs* the younger, *William Briggs* of *Mytholm Royd*, *Samuel Briggs*, *William Cockcroft* of *Mayroyd*, *William Cousin*, *John Cousin* the younger, *John Crossley* of *Scaitcliffe*, *John Crossley* of *Fallen Royd*, *Frederic Custance* Clerk, *John Denton*, *Thomas Eastwood*, *John Eastwood* of *Eastwood*, *Barker Eastwood*, *Robert Shackleton Eastwood*, *John Eastwood* of *Milnhouse*, *Thomas Edmondson*, *John Edmondson*, *Edward Edmondson*, *James Fawcett*, *John Foster* of *Slack*, *John Foster* of *Bankside*, *William Foster* of *Field Head*, *William Foster* of *Wood Top*, *Thomas Foster*, *Henry Foster* of *Wadsworth Banks*, *John Foster* of *Styes*, *John Foster* of *Brearley*, *Thomas Foulds*, *William Gibson*, *John Greenwood* of *Paper Mill*, *William Greenwood* of *Paper Mill*, *William Greenwood* of *Watty Place*, *John Hadwen*, *John Hadwen* the younger, *Sidney Hadwen*, *Thomas Wilson Hadwen*, *Joseph Haigh*, *George Heap*, *William Helliwell*, *William Hepworth*, *George Hinchliffe*, *George Hinchliffe* the younger, *Joseph Hinchliffe*, *William Hinchliffe*, *Thomas Hitching*, *Brian Holmes*, *John Holroyd*, *John Holroyd* the younger, *Stansfield Holroyd*, *George Horton*, *John Hoyle*, *Michael Hoyle*, *James Howarth*, *Richard Howarth*, *John Arthur Ingham*, *John Ingham* of *Castle*, *William Ingham* of *Castle*, *Arthur Ingham*, *Richard Ingham* of *Haugh*, *Joseph Ingham*, *William Ingham* of *Mankinholes*, *Joseph Kenworthy*, *John Knowles* of *Burnley*, *Gilbert Lacy*, *James Learoyd*, *John Mitchell* of *Royd House*, *Champion Murgatroyd*, *Hartley Murgatroyd*, *James Edward Norris*, *David Oliver*, *Royston Oliver*, *George*

Priestley, Henry Priestley, John Priestley, Walker Priestley, Thomas Ramsbotham, John Ramsbotham, Jeremiah Rawson, John Ridehalgh, John Riley of *Hawks Clough, James Riley* of *Priestley Ing, Robert Stansfeld, George Stansfeld, William Stead, Michael Stocks, Joseph Stocks, William Sutcliffe* of *Bath, Gamaliel Sutcliffe, Richard Sutcliffe* of *Lumb Bank, Thomas Sutcliffe* of *Stoneshey Gate, George Sutcliffe, Gamaliel Sutcliffe* the younger, *John Crossley Sutcliffe, Joseph Sutcliffe* of *White Lee, Joseph Sutcliffe* the younger, *William Sutcliffe* of *Stoodley, Henry Sutcliffe, John Sutcliffe* of *Machpelah, Richard Sutcliffe* of *White Lee, William Sutcliffe* of *Stansfield Hall, Thomas Sutcliffe* of *New House, James Taylor, Henry Thomas* of *Hollins House, John Thomas, William Thomas* of *Hollins House, Eli Titterington, Peregrine Edward Towneley, John Turner, James Turner, Benjamin Walker, Samuel Walker, James Walker, George Stansfield Wells, John Wheelwright, John Wheelwright* the younger, *John Whiteley* of *Stones Mill, William Wilkinsan, Joshua Wilson,* and *Ralph Younger* Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England,* shall be and they are hereby appointed Trustees for amending, repairing, improving, and maintaining the said Road, and for otherwise putting this Act into execution.

Power to appoint additional Trustees.

IV. 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 Five in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed 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 named.

First Meeting of the Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *Dusty Miller,* at *Mytholm Royd* in the said County of *York,* or at some other convenient Place near the said Road, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Time or Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

Toll Gates.

VI. And be it further enacted, That the several Toll Gates, Turnpikes, Bars, Chains, Side Bars, and Toll Houses erected and now standing and being in or upon or across the said Road, or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and set up or built, upon, in, or across the said Road or any Part thereof, or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Bar or Bars, and Chain or Chains; and also from Time

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to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates or Turnpikes, or Bars or Chains, and such future Toll Gates, Bars, and Chains, or any or either of them, as they the said Trustees shall from Time to Time think proper.

Present Tolls to be taken till 31st May.

VII. And be it further enacted, That notwithstanding the Repeal of the said recited Act the several Tolls granted by the said recited Act shall be continued to be demanded, paid, and received at the several and respective Turnpikes or Toll Gates or Side Gates erected and continued on the said Road, until Twelve of the Clock at Night on the Thirty-first Day of *May* next, when the Term of the existing Contracts of letting the said Tolls will expire.

Tolls to be taken after 31st May 1832.

VIII. And be it further enacted, That from and after Twelve of the Clock at Night on the said Thirty-first Day of *May* next it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken the several Tolls herein-after mentioned at each and every of the respective Toll Gates, Turnpikes, Bars, or Chains, and Side Gates which shall be continued or erected by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

For every Horse or other Beast drawing any Coach, Sociable, Berlin, Phaeton, Landau, Chariot, Vis-à-vis, Barouche, Chaise, Calash, Chaise Marine, Curricle, Chair, Car, Gig, Whiskey, Hearse, Litter, Stage Coach, Diligence, Van, Caravan, or other such Carriage, any Sum not exceeding the Sum of Nine-pence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Six Inches or upwards in Breadth, any Sum not exceeding the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Four Inches and a Half and under Six Inches in Breadth, any Sum not exceeding the Sum of Eight-pence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof under Four and a Half Inches in Breadth, any Sum not exceeding the Sum of Nine-pence:

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

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

For every Score of Calves, Sheep, Lambs, or Swine, any Sum not exceeding Ten-pence, and so in proportion for any greater or less Number:

For

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.

Tolls vested in Trustees.

IX. And be it further enacted, That the said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle or Carriage whatsoever, drawing or not drawing, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, 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 or Sums of Money 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.

Fraction of a Halfpenny in Tolls.

X. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

No more than Four Tolls at the same Gate; and each of the first Three Payments to clear Twice passing and repassing.

XI. Provided always, and be it further enacted, That no more than Four Tolls in the whole shall be demanded or taken in any One Day, to be computed as aforesaid, at any One Toll Gate, Turnpike, Side Gate, or Chain on the said Road, for or in respect of the same Horse, Beast, Cattle, or Carriage passing through the same: Provided also, that every Horse, Beast, Cattle, or Carriage, in respect of which any such Tolls shall be paid, shall be allowed to pass and repass Twice in respect of each of the first Three of such Payments, on a Ticket being produced denoting such Payments respectively.

Limiting the Number of Payments on the whole Line.

XII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, Lessee or Lessees, to demand or take the respective Sums or Tolls aforesaid, at any greater Number of Gates than Three, for or in respect of the same Horses, Beasts, or Cattle passing and repassing Once through all the Turnpikes, Toll Gates, or Side Bars on the whole Line of the said Road in any One Day (to be computed as aforesaid); any thing contained in this Act, or in any Law or Statute relating to Turnpike Roads in *England*, to the contrary thereof in anywise notwithstanding.

No more than One Toll to be taken on certain Parts of the Line.

XIII. And whereas the Line of such Part of the said Road as extends from *Mytholm Royd Bridge* aforesaid to the Distance of Two hundred Yards Southwardly of a Bridge called *Dauber Bridge* intersects and runs partly along the Line of a former Road, which before the passing of the said recited Act was repaired at the Expence of *Robert Sutcliffe* Esquire, and whereon a private Toll was collected

and taken by the said *Robert Sutcliffe*: And whereas by the making of the Road comprised in this Act the said former Road has been rendered useless for the Occupiers of Estates commonly using the same, and no sufficient Compensation has yet been made to the said *Robert Sutcliffe* for such Road, or for the said Toll so formerly taken thereon, and it would be oppressive to the Occupiers aforesaid, and others, if Tolls were to be demanded at more than One Toll Gate to be erected by virtue of this Act on the said Part of the Road comprised in this Act (the Length of such Part being about One Mile); be it therefore further enacted, That it shall not be lawful for the said Trustees to demand or take the Tolls by this Act granted at more than One Gate for the same Horse, Beast, or Cattle on such Part of the said Road as extends from *Mytholm Royd Bridge* aforesaid to the Distance of Two hundred Yards Southwardly of *Dauber Bridge* aforesaid, in any One Day, to be computed as aforesaid.

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

XIV. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Cart, Dray, or other such Carriage of any Description, for passing through all or any of such Toll Gates, Turnpikes, or Bars, or Side Gates or Chains, on the said Road, and any such Horse or other Beast shall be afterwards employed on the said Road during the same Day in drawing a different Waggon, Cart, Dray, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Cart, Dray, or other such Carriage.

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

XV. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, or Cart, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than by Animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing along the said Road or any Part thereof: Provided also, nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage, or Cart, on account only of the Horses or Beasts drawing the same having been changed.

Horses drawing Post Chaises, &c. to pay on every fresh Hiring.

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

XVII. And

For weighing One-horse Carts, &c.

XVII. And be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast, and having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Road, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses or other Beasts are now liable to by Law; and every such Cart or other Carriage drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Twenty-six Hundred Weight in Summer, (to be computed from the First Day of *May* to the Thirty-first Day of *October*,) or than Twenty-three Hundred Weight in Winter, (to be computed from the First Day of *November* to the Thirtieth Day of *April*,) shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls granted by this Act) to receive and take, such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

Application of Monies.

XVIII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be remaining in the Hands of the Trustees or their Treasurer or Treasurers 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 in this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences incurred in or incidental to the applying for, preparing, obtaining, and passing this Act, together with lawful Interest from the Time of advancing the same until the Time of Payment; secondly, (after Payment of the Expences already incurred and to be from Time to Time incurred in repairing, altering, or erecting Toll Gates and Toll Houses, Weighing Machines, Fences, Ditches, Stones, and Posts, and for Books, Advertisements, Salaries of Officers, and other current and incidental Expences of the Trustees,) in paying and discharging the Interest and Arrears of Interest due and to become due upon or by virtue of any Mortgages and other Securities which have already been made and granted of the Tolls heretofore payable on the same Road, and of any other Mortgages or Securities which shall hereafter be made and granted of the Tolls by virtue of this Act; thirdly, in paying the Interest and Arrears of Interest due and to become due upon such

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Sum or Sums of Money as have been subscribed for the Purposes of the said recited Act; fourthly, in altering, widening, improving, repairing, diverting, and keeping in repair the said Road; fifthly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured upon Mortgage and other Securities, in pursuance of and for the Purposes of the said recited Act hereby repealed, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act; and lastly, in reducing, paying off, and discharging such Principal Sum or Sums of Money as have been so subscribed for the Purposes of the said recited Act.

Fences over Commons.

XIX. And whereas some Parts of the said Road pass over Moors, Commons, and Waste Lands, and the Tolls by this Act granted may, by reason of the great Width of such Moors, Commons, and Waste Lands, be easily avoided; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby empowered (if they see Occasion) to cause to be made such Fences by the Sides of the said Road, or upon, over, or across the said Moors, Commons, and Waste Lands, in such Manner and Direction as they shall think necessary, so that the Payment of the said Tolls may not be avoided or evaded.

Compelling Owners and Occupiers of Lands to repair Fences.

XX. And whereas some Parts of the said Road pass along the Sides of steep Declivities, and many serious Accidents to Passengers are frequently happening, by reason of the Neglect of the Occupiers of the adjoining Lands to repair the Walls and Fences on the Sides of the said Road, and the Lives of Passengers will be subject to imminent Danger during the tardy Progress of Process by Indictment; therefore be it further enacted, That the Owners and Occupiers of Lands and Grounds next adjoining the said Road shall repair, and maintain and keep in sufficient Repair, proper, sufficient, and substantial Fences or Hedges, of the Height of Four Feet and Six Inches at the least, on the Sides of the said Road, in all Places where Fences now or at any Time hereafter shall have been erected, for the Space of Five Years, under the Powers of the said recited Act hereby repealed, or by the Trustees for executing this Act, (as the Case may be,) so as to prevent Passengers and Cattle from straying into such adjoining Lands and Grounds, and for the better Protection and Safety of Persons, Cattle, and Carriages travelling along the said Road; and if any such Owners or Occupiers shall not, within Fourteen Days after Notice given to him or them by the Surveyor or Surveyors of the said Road for that Purpose, sufficiently maintain and repair such Fences or Hedges in manner aforesaid, it shall and may be lawful for the said Surveyor or Surveyors, and he and they is and are hereby required, to make Complaint thereof to some Justice of the Peace within the Limit in which such Hedges or Fences whereof Notice shall be so given as aforesaid shall be, which said Justice shall summon the Occupier or Occupiers of any such Lands or Grounds before him, and if it shall appear to such Justice that any such Occupier or Oc-

cupiers has not or have not repaired such Fence or Fences pursuant to the Provisions of this Act in that Behalf, it shall and may be lawful for such Justice, upon hearing such Surveyor or Surveyors, and such Occupier or Occupiers of such Lands or Grounds, or upon Default of the Appearance of such Occupier or Occupiers, then upon having due Proof of the Service of such Summons, and after inquiring into and considering the Circumstances of the Case, to order and direct such Fences or Hedges to be duly repaired and maintained by such Occupier or Occupiers as aforesaid; and if any such Occupier or Occupiers of any such Lands or Grounds shall not obey such Order of such Justice, within Fourteen Days after Service of a Copy thereof on such Occupier or Occupiers, such Occupier or Occupiers shall forfeit and pay any Sum not exceeding the Sum of Five Pounds for any such Fence or Hedge so neglected to be repaired and maintained as aforesaid; and the Surveyor or Surveyors of the said Road shall and he and they is and are hereby authorized and required to repair and maintain such Fence or Hedge in the Manner directed by such Order of such Justice; and such Occupier or Occupiers so making such Default as aforesaid shall be charged with and pay, over and above the said Penalties, all the Costs, Charges, and Expences of repairing and maintaining such Fence or Hedge, Fences or Hedges; and in default of Payment thereof such Costs, Charges, and Expences, together with such Penalties or Forfeitures, shall and may be levied and recovered in like Manner, and by the like Ways and Means, as any Penalty, Forfeiture, Fine, or Damages or Costs may be recovered or levied by the Acts for regulating Turnpike Roads in *England*; and the Monies so levied shall from Time to Time be paid to the Treasurer or Treasurers to the said Trustees, and be applied and disposed of by them for the Purposes of this Act, or as such Justice shall order or direct.

Penalty for not repairing, &c.

Application of Penalty.

XXI. And be it further enacted, That if any Person or Persons shall lay or place or hang upon the Walls or Fences of the said Road, or on the Sides of the said Road, for any Purpose whatever, any Wool, or Woollen or Cotton Cloth, or any Warp or Linen, or if any Blacksmith or Wheelwright or other Person or Persons shall, in or upon the said Road or by the Side or Sides thereof, or in any Situation near to the said Road, and exposed thereto, make or assist in making any Fire or Fires for the Purpose of heating the Tiring to be affixed upon the Wheel or Wheels of any Carriage whatsoever, or for any other Purpose whatsoever, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Nuisances.

XXII. 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.

Public Act.

Term of Act.

XXIII. And be it further enacted, That this Act shall commence upon the Second *Thursday* next after the passing thereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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