ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. XV.

An Act for repairing and otherwise improving the Road from *Brough Ferry* to *South Newbald Holmes*, and from *Brough* to *Welton*, in the East Riding of the County of *York*.

[24th *March* 1832.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the Low-water Mark of the River* Humber, *at or near* Brough Ferry *in the Parish of* Elloughton *in the East Riding of the County of* York, *to the North End of the Town of* Brough, *and from thence through* South Cave *to* Coney Clappers *in* South Newbald Holmes *in the said Riding:* And whereas another Act was passed in the Thirty-second Year of His said Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act passed in the Eleventh Year of the Reign of His present Majesty, intituled* 'An Act for 'repairing and widening the Road from the Low-water Mark of 'the River Humber, at or near Brough Ferry in the Parish of 'Elloughton in the East Riding of the County of York, to the 'North End of the Town of Brough, and from thence to South 'Cave to Coney Clappers in South Newbald Holmes in the said 'Riding:' And whereas another Act was passed in the Fifty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from* Brough Ferry *to* South

11 G. 3. c. 71.

32 G. 3. c. 133.

52 G. 3. c. 39.

South Newbald Holmes *in the East Riding of the County of* York, *and for amending the Road from* Brough *to* Welton *in the same Riding:* And whereas an Act was passed in the Second Year of the Reign of His present Majesty King *William* the Fourth, intituled 2 W. 4. c. 25. *An Act to amend the Acts for regulating Turnpike Roads in* England, *so far as they relate to certain Exemptions from Toll:* And whereas the Trustees acting under or by virtue of the said first Three recited Acts have proceeded to put the same in execution, and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Sums of Money, together with a large Arrear of Interest thereof, remain now due and owing, and cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in repair, unless the Term and Powers of the said Acts be further enlarged, and the Tolls altered, increased, and regulated: And whereas it is expedient that the said first Three recited Acts should be repealed, and other Powers and Provisions 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 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 from and after the First Day of *May* next after the passing of this Act the said recited Acts passed in the Eleventh, Thirty-second, and Fifty-second Years of the Reign of His said Majesty King *George* the Third, shall be and the same are hereby declared to be repealed and null and void to all Intents and Purposes whatsoever.

Recited Acts repealed.

This Act to be put in execution for the Purpose 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 Purpose of amending, improving, widening, and keeping in repair the Road leading from the Low-water Mark of the River *Humber*, at or near *Brough Ferry* in the Parish of *Elloughton* in the East Riding of the County of *York*, to the North End of the Town of *Brough*, and from thence through *South Cave* to *Coney Clappers* in *South Newbald Holmes* in the said Riding, and the Road from *Brough* to *Welton* in the same Riding.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said East Riding of the County of *York*, together with the Right Honourable Lord Viscount *Galway*, Sir *Tatton Sykes* Baronet, the Honourable *Charles Stourton*, *George Atmar*, *Henry Burton*, *Henry Gee Barnard*, *Francis Best* Clerk, *William Blow* Clerk, *George Baron*, *Nathan Jowett Baron*, *John Blackshaw Briggs*, *Giles Bridgman*, *Joseph Beaumont*, *William Brown*, *John Baitson*, *Ralph Creyke* Clerk, *John William Clough*, *Richard Champney*, *John Collinson* the elder, *George Carbutt*, *William Cryer*, *Thomas Duesbury*, *John Ellerker*, *Henry Edwards* the elder, *Robert Fawcett*, *George Flint*, *Macklin Holland*, *William Hewson*, *John Jarratt* Clerk, *John Johnson*, *William Jewison* the elder, *William Goodlad Lowthorp*, *Thomas Leason* the elder, *Thomas Leason* the younger, *James Levitt*, *Miles Popple* Clerk, *George Popple*, *Robert Raikes* the elder, *Robert Raikes* the younger, *Thomas Raikes*,

John Robinson, *Edward William Stillingfleet* Clerk, *Henry Simpson*, *John Spicer*, *Samuel Shaw*, *William Stather*, *Joseph Thompson* Clerk, *John Todd*, *John Turner*, *Richard Watt*, *Richard Cook Winpenny*, and *Francis Watt*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for putting this Act in execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at their First or Second Meeting to be holden in pursuance of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such additional Trustees, when so elected, nominated, and appointed, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Trustees in and by this Act.

First Meeting of the Trustees.

V. And be it further enacted, That the said Trustees shall meet at the *Fox and Coney* Inn in *South Cave* in the said County of *York*, or at some other convenient House or Place in *South Cave* aforesaid, on the First Day of *May* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places in *South Cave* aforesaid, or *Welton* in the said County of *York*, 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.

Power to take Tolls.

VI. And be it further enacted, That the respective Tolls following shall be demanded at each Turnpike, Toll House, or Toll Gate erected, set up, and continued, or which shall hereafter be erected or set up, upon or across the said Roads, by each and every Person or Persons appointed, or whom the said Trustees shall from Time to Time appoint, to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, or any Horse or other Beast drawing any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, or any Carriage, shall be permitted to pass through any such Turnpike, Toll House, or Toll Gate; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Landaulet, Barouche, Phaeton, Sociable, Chaise, Chariot, Calash, Hearse, Litter, Vis-a-vis, Curricle, Gig, Car, Whiskey, Caravan, Chair, Taxed Cart, or other Carriage of the like Kind, drawn by Six or more Horses or other Beasts, not exceeding the Sum of Four-pence Halfpenny; and if drawn by Four Horses or other Beasts, not exceeding the Sum of Four-pence Halfpenny; and if drawn by Two Horses or other Beasts, not exceeding the Sum of Four-pence Halfpenny; and if drawn by One Horse or other Beast, not exceeding the Sum of Sixpence:

For

For every Coach, Waggon, Vehicle, or other Carriage, of whatever Description, propelled or drawn by Steam, Gas, Machinery, or any other like Means, any Sum not exceeding Two Shillings and Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, or Carriage having the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, drawn by Four or more Horses or other Beasts, not exceeding the Sum of Four-pence Halfpenny; and if drawn by Three Horses or other Beasts not exceeding the Sum of Five-pence; and if drawn by Two Horses or other Beasts, not exceeding the Sum of Five-pence Halfpenny:

For One Horse or other Beast drawing any Waggon, Cart, or Carriage having the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, not exceeding the Sum of Eleven-pence:

For every Horse or other Beast drawing any Waggon, Cart, or Carriage having the Fellies of the Wheels thereof of less Breadth than Nine Inches, drawn by Four or more Horses or other Beasts, not exceeding the Sum of Seven-pence; and if drawn by Three Horses or other Beasts, not exceeding the Sum of Seven-pence Halfpenny; and if drawn by Two Horses or other Beasts, not exceeding the Sum of Eight-pence:

For One Horse or other Beast drawing any Waggon, Cart, or Carriage having the Fellies of the Wheels thereof of less Breadth than Nine Inches, not exceeding the Sum of Eleven-pence:

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, (provided that every Mare and Foal shall pay the Toll as One Horse,) the Sum of Three Halfpence:

For every Drove of Oxen or other Neat Cattle, not exceeding the Sum of One Shilling and Three-pence *per* Score, and so in proportion for a less Number:

And for every Drove of Calves, Swine, Pigs, Sheep, or Lambs, not exceeding the Sum of Ten-pence *per* Score, and so in proportion for a less Number:

Which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in the Manner herein-after directed.

Double Tolls to be taken for conveying Timber, &c. between First Day of November and First Day of April.

VII. And be it further enacted, That Double the Tolls or Duties hereby granted on every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Nature or Kind, shall be demanded, taken, and paid on every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, or other Carriage whatsoever of the like Nature or Kind laden with Timber, Plank, Wood, Bricks, Tiles, Stone, Marl, Chalk, Culm, Lime, Cement, or Sand of the Weight of Three Fourths of a Ton or upwards, between the First Day of *November* and the First Day of *April* every Year during the Continuance of this Act, any thing herein contained to the contrary thereof notwithstanding.

Tolls to be paid but once a Day.

VIII. Provided always, and be it further enacted, That when the Toll authorized to be taken by virtue of this Act shall have been paid for or in respect of any Horse, Beast, or other Cattle passing through

through any of the Toll Gates erected or to be erected on the said Roads or on the Sides thereof, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, or other Cattle, (except in the Cases herein-after mentioned,) on a Ticket being produced denoting such Payment, but such Horse, Beast, or other Cattle shall be permitted to pass Toll-free through the same Toll Gate at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Limiting the Number of Tolls to be taken on the whole Line of Road.

IX. And be it further enacted, That no more than Three full Tolls shall be demanded or taken in the same Day, to be computed as aforesaid, (except as herein-after mentioned,) for or in respect of the passing or repassing of the same Horse or Horses, Beasts, Cattle, and Carriages upon the whole Line of Road comprised in this Act.

Toll to be paid for Stage Coaches, &c. every Time of passing;

X. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid in respect of all Horses or other Beasts drawing any Stage Coach or Stage Waggon, or any Waggon, Cart, Van, or other Carriage conveying Passengers or Goods for Hire or Reward, every Time of passing through any of the said Gates: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches, Stage Waggons, Waggons, Carts, Vans, or other Stage Carriages, on account only of the Horses drawing the same having been changed.

for Post Chaises on every fresh Hiring;

XI. 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, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Roads, whenever any new Hiring thereof shall take place.

and for Carriages propelled by Steam every Time of passing and repassing.

XII. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or any other like Means, shall be paid every Time of passing and repassing of such Carriage along the said Roads.

Application of the Tolls.

XIII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts of the Eleventh, Thirty-second, and Fifty-second Years of the Reign of His said Majesty King *George* the Third, hereby repealed, and which shall remain undisposed of, and also all the Monies which shall arise and be produced under or by virtue of this Act, shall be applied, in the first place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in or incidental to the applying for and obtaining and passing this Act; in the second place, in paying and discharging the Interest now in arrear and accruing and becoming due upon the several Mortgages and Securities which have been already made and granted or which shall be at any Time hereafter made or granted upon the said Tolls in pursuance of this Act; and in the next place, in defraying the Expences of making, erecting, and keeping in repair Toll Gates, Toll Houses, and other

Buildings upon the said Roads, and of widening, repairing, preserving, and otherwise improving the said Roads, and in putting this Act into execution in all other respects; and lastly, in reducing, paying off, and discharging the several Sums for the Time being due and to become due on Security of the Tolls and Duties granted by this Act; and to or for no other Use or Purpose whatsoever.

Money not to be laid out in repair of Streets.

XIV. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Acts or to be raised by virtue of this Act, shall be paid, laid out, or expended in the Repair or Improvement of any Street, Highway, or Place within any of the Towns through which the said Road shall pass.

No Preference to be given in paying off Creditors.

XV. And be it further enacted, That no Preference shall be given to any Person who may have heretofore advanced any Money on the Credit of the Tolls granted by the said recited Acts hereby repealed, or who may hereafter advance any Money on the Credit of the Tolls granted by this Act, in respect of the Priority of the Mortgage or Assignment or other Security for the same, or of advancing such Money, but such respective Persons shall (in proportion to the Sums mentioned in any such Security) be Creditors under this Act in equal Degree one with another.

Penalty for exercising Three Horses abreast, &c.

XVI. And be it further enacted, That if any Person or Persons shall exercise Three Horses at the same Time upon any Part of the said Roads, by riding one of them and leading the others abreast, or if any Person shall hang out any Linen or other Clothes within Forty Feet from the Centre of the said Roads or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Public Act.

XVII. 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.

Commencement and Continuance of the Act.

XVIII. And be it further enacted, That this Act shall commence upon the First Day of *May* next after the passing thereof, and shall continue and be in force and be extended for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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