ANNO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lxxx.

An Act for repairing and maintaining the Road from *Tadcaster* to *Halton Dial*, and for making and maintaining a new Road from *Seacroft* to and into the Highway leading from *Scholes* to *Barwick-in-Elmet*, all in the West Riding of the County of *York*. [19th *June* 1840.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the Road from* Tadcaster *to* Halton Dial *in the West Riding of the County of* York: And whereas considerable Sums of Money have been advanced or borrowed, and are still due and owing, on Security of the Tolls authorized to be taken on the said Road from *Tadcaster* to *Halton Dial*, and other Sums of Money are due and owing for and on account of the same Road, and the said Sums of Money cannot be paid off, nor the Interest thereof paid, nor can the said Road be effectually maintained in repair, unless the Powers and Provisions of the said recited Act be amended and enlarged, and the Tolls increased: And whereas the making and maintaining of a new Line of Turnpike Road, to branch or lead from and out of the said *Tadcaster* and

59 G. 3. c. 94.

Halton Dial Road at or near *Seacroft* in the Parish of *Whitkirk* otherwise *Whitchurch* in the said Riding, in a North-easterly Direction, to and into the Highway leading from *Scholes* to *Barwick-in-Elmet* in the said Riding, will open a much shorter and more commodious Communication than there is at present between *Seacroft* and *Scholes* and *Barwick-in-Elmet*, and other Places lying Easterly thereof, and will be of great public Utility: And whereas it is expedient that the said recited Act should be repealed, and further and other Powers and Provisions granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted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That upon the Day of the Commencement of this Act the said recited Act shall be and the same is hereby declared to be repealed.

Recited Act repealed.

This Act to be put in execution for repairing the Road, and also making and maintaining the new Road.

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 repairing, amending, widening, diverting, altering, improving, maintaining, and keeping in repair the said *Tadcaster* and *Halton Dial* Road, and which said Road commences at a certain Dwelling House now in the Occupation of *William Swinden*, situate at the West End of the Town of *Tadcaster* aforesaid, and extends from thence over *Bramham Moor*, through *Kidhall Lane*, over *Whin Moor*, and through *Seacroft* to a Place called *Halton Dial* in the said Riding, where such Road enters into and upon the *Leeds* and *Selby* Turnpike Road; and also for making, maintaining, and keeping in repair the said intended new Line of Road, to branch or lead from and out of the said *Tadcaster* and *Halton Dial* Road at or near *Seacroft* aforesaid, in a North-easterly Direction, to and into the Highway leading from *Scholes* to *Barwick-in-Elmet* aforesaid.

Tolls liable to Debts, &c. contracted under former Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby declared to be subject and liable to the Payment of all Monies which have been advanced or borrowed, and are now due and owing, upon the Credit of the Tolls arising on the said Road from *Tadcaster* to *Halton Dial*, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been advanced or borrowed, or become due and owing, on the Credit of this Act, or of the Tolls granted by this Act; and all and every Persons and Person owing, or who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Act hereby repealed, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees appointed or to be appointed by virtue of this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities, duly and according to Law made or entered into or given by or to or with the Trustees for executing the said recited Act, shall be as available in all Courts of Law and Equity as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts,

and Securities were made or entered into by or to or with the Trustees for executing this Act; and all Bargains, Contracts, Agreements, or Notices duly and according to Law entered into or given by the Trustees for executing the said recited Act, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Act hereby repealed, shall be and remain in as full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Act.

Trustees appointed.

IV. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the said County of *York*, together with *William Aldam*, *John Atkinson* (*Austhorp*), *James Audus*, *John Benjamin Ansley*, *Benjamin Atkinson*, *William Simpson Atkinson*, *Joseph Atkinson*, *William Addinell*, *Edward Baines*, *Christopher Beckett*, *William Beckett*, *Thomas Blayds*, *George Banks*, *Benjamin Brooksbank*, *John Bramley*, *Richard Bramley*, *Thomas Bischoff*, *George Bischoff*, *John Bischoff*, *James Brook*, *Thomas Davison Bland*, *Charles John Brandling*, *James Brown*, *William Williams Brown*, *Edwin Birchall*, the Reverend *William Hiley Bathurst* Clerk, *Jonathan Briggs*, the Honourable and Reverend *Archibald Hamilton Cathcart* Clerk, *John Clayton*, *John Cawood*, *Thomas Crosland*, the Reverend *Benjamin Eamonson* Clerk, *Edward Ellerton*, *George Lane Fox*, *George Lane Fox* the younger, *Thomas Lodington Fairfox*, *John Fothergill*, *Richard Oliver Gascoigne*, *Thomas Oliver Gascoigne*, *John Squire Gray*, *John Gott*, *William Gatliff*, *John Gouthwaite*, *Henry Hall*, *Abraham Hobson*, *Martin Hind*, *Joshua Holroyd*, *William Hargrave*, *David Hemsworth*, *David Hemsworth* the younger, *Robert Hall*, *William Hey*, *William Hey* the younger, *John Heaton*, *John Hill*, *Benjamin Holroyd*, *Richard Hutchinson*, *Stephen Iveson*, *Joseph Ingham*, *Thomas Jowitt*, *John Kendall*, the Reverend *James Landon* Clerk, Lord Viscount *Lascelles*, Sir *John Lowther* Baronet, the Honourable *William Sebright Lascelles*, *James Maude*, *Ralph Markland*, *William Markham*, *Thomas Motley*, *Robert Menzies*, *Daniel Burton Mouncey*, the Reverend *Charles Medhurst* Clerk, *James Nelson*, *William Frankland Paley*, *Thomas Benson Pease*, *Christopher Paver*, the Reverend *Richard Paver* Clerk, *Thomas Shaw Bancroft Reade*, *Christopher Smith*, *Henry Skelton*, *Thomas Skelton*, *William Sheepshanks*, *Joseph Smith*, *Thomas Shann* (*Tadcaster*), *Michael Scholefield*, *John Smyth*, *Samuel Smith*, *Edward Smith*, *Henry Skelton* the younger, *John Upton*, the Honourable Sir *Edward Marmaduke Vavasour* Baronet, *Griffith Wright*, *George Walker*, *Christopher Wilson*, *John Thomas Wharton*, *Edward Wormald*, *William Waite*, *Charles Weddall*, *Samuel Wilkes Waud*, *Edward Waud*, the Reverend *George Henry Whitaker* Clerk, *Richard Bassett Wilson*, *John Wilson*, the Reverend *Christopher Wilkinson* Clerk, *William Walker*, and *Edward Wales*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, amending, improving, maintaining, and keeping in repair the said Road from *Tadcaster* to *Halton*

Halton Dial, and also for making and repairing, amending, improving, maintaining, and keeping in repair the said new Line of Road, and for otherwise carrying this Act into execution, and shall be called "The Trustees of the *Tadcaster* and *Halton Dial* Turnpike Road."

Power to appoint additional Trustees.

V. And be it further enacted, That it shall and may 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 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 they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet at the Court House in *Leeds* in the said *West Riding*, or at some other convenient Place in *Leeds* aforesaid, on the Third *Wednesday* next after the passing 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 within the Borough of *Leeds* aforesaid, or upon or near the said Road or new Line of Road, as they shall think proper.

Power to continue the present Toll Gates and erect others.

VII. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses placed and erected, and now standing and being, in, upon, or across the said Road from *Tadcaster* to *Halton Dial*, 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, set up, and built, upon, in, or across the said Road from *Tadcaster* to *Halton Dial*, and the said new Line of Road, or on the Sides thereof respectively, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such Toll Gates, Turnpikes, Side Gates, Side Bars, Chains, or Weighing Machines, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to order and cause to be taken down and removed, or altered or discontinued, any such Toll Gates, Turnpikes, Side Gates, Side Bars, Chains, Weighing Machines, or Toll Houses, as they the said Trustees shall think proper: Provided always, that in erecting and placing such Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, on the said new Line of Road, it shall be lawful for the said Trustees and they are hereby authorized

authorized and directed to erect and place One at least in some Part of the said new Line of Road between a certain Lane called *Stanks Lane* and the Highway leading from *Scholes* to *Barwick-in-Elmet*, any thing herein contained to the contrary in anywise notwithstanding.

Toll Houses &c. becoming useless may be sold.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses standing and being upon the Sides of the said Roads, together with the Ground whereon the same may stand, and all Out-houses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be considered by the said Trustees to be useless or unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid it shall be lawful for the said Trustees to convey the said Toll Houses, Gardens, and Premises to the Purchaser or Purchasers thereof; and a Receipt for the Purchase Money, signed by any Three or more of the said Trustees, shall be a sufficient Discharge for the same: Provided always, that such and the like Preference and Priority of purchasing Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land as is by the Statute for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece of Ground not wanted for the Purposes of a Turnpike Road.

Present Tolls to be taken till Thirty-first December One thousand eight hundred and forty.

IX. And be it further enacted, That notwithstanding the Repeal of the said recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third the several Tolls granted by the said Act, or now taken on the said Road, shall be continued to be demanded, paid, and received at the several and respective Turnpikes and Toll Gates on the said Road from *Tadcaster* to *Halton Dial*, until Twelve of the Clock at Night on the Thirty-first Day of *December* next, when the Term of the existing Lease for letting the Tolls will expire.

Tolls to be taken after the Thirty-first December One thousand eight hundred and forty.

X. And be it further enacted, That from and after Twelve of the Clock at Night of the said Thirty-first Day of *December* next the several Sums of Money or Tolls herein-after mentioned shall and may be demanded and taken at the several Turnpikes, Toll Gates, Side Gates, Side Bars, and Chains which shall be continued, set up, or erected upon, across, or by the Sides of the said Road from *Tadcaster* to *Halton Dial*, and at the several Turnpikes, Toll Gates, Side Gates, Side Bars, and Chains which shall be set up or erected upon, across, or by the Sides of the said new Line of Road authorized to be made by this Act, by the said Trustees, or by any Lessee or Lessees, or Taker or Takers of the Tolls, or by any Person or Persons appointed or continued, or to be appointed by the said Trustees, or such Lessee or Lessees, Taker or Takers, Collector or Collectors of the Tolls; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Stage Coach, Diligence, Omnibus, Van, Caravan, Chaise, Hackney Coach, Cab, Car, Stage Carriage, Berlin, Sociable, Chariot, Curricle, Calash, Barouche, Vis-à-vis, Landau, Phaeton, Whiskey, Hearse, Litter, Chair, Gig, Tax Cart, or any other such like Carriage, by whatsoever Name the same may be called or known, any Sum not exceeding Ten-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, not being laden with Coals only, or going empty for Coals only, or returning empty after having passed laden with Coals only, having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, any Sum not exceeding One Shilling; and 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, any Sum not exceeding Ten-pence; and having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, being laden with Coals only, or going empty for Coals only, or returning empty after having passed laden with Coals only, having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, any Sum not exceeding Nine-pence; and 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, any Sum not exceeding Seven-pence Halfpenny; and having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Sixpence:

For every Four-wheeled Carriage of any Description which shall be fastened or in any Manner fixed to another Carriage of any Description, any Sum not exceeding One Shilling and Sixpence; and for every Two-wheeled Carriage of any Description, so fastened or fixed, any Sum not exceeding Nine-pence:

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

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

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

For every Carriage of any Description, moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings:

And in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby authorized to be taken the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part; and which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, drawing or not drawing any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to

pass through any Toll Gate or Turnpike, or Sidegate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road from *Tadcaster* to *Halton Dial*, or which shall be erected or placed by virtue of this Act upon or across the said Line of Road, or on the Sides thereof respectively, or any Part thereof; and which said respective Sums of Money or 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.

Toll to be paid only once a Day at the same Gate.

XI. And be it further enacted, That upon Payment of the Toll hereby authorized to be taken for any Horse or other Beast or Cattle, or for any Carriage of any Description, passing through any Toll Gate, Side Bar, or Chain erected or to be erected upon the said Roads or either of them, such Horse or other Beast, Cattle, or Carriage shall, upon the Production of the Collector's Ticket denoting such Payment, be exempt during the same Day on which the Payment was made from the Payment of any further Toll at the same Toll Gate, Side Bar, or Chain.

Horses, &c. drawing Stage Coaches, &c. and Carriages, propelled by any other than Animal Power to pay Toll every Time of passing.

XII. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, Stage Waggon, Stage Cart, or any other Cart or Waggon whatsoever, or for and in respect of any Carriage of any Description moved or propelled by Steam or Machinery, or by any other Power than Animal Power, and conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid for every Time of passing or re-passing along the said *Tadcaster* and *Halton Dial* Road, or any Part thereof, and also for every Time of passing or repassing along the said new Line of Road or any Part thereof: Provided always, that no further or additional Toll shall be payable in respect of the Horses or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, Stage Waggon, State Cart, or other Cart, or Waggon, or other Carriage carrying Passengers or Goods for Pay, Hire, or Reward as aforesaid, on account only of the Horses or other Beasts drawing the same having been changed between any Two Toll Gates on either of the said Roads.

Post Chaises, Hackney Coaches, &c. to be subject again to Toll on every new Hiring.

XIII. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of any Horse or other Beast let out to Hire for Riding, or any Horse or other Beast drawing any Post Chaise, Hackney Coach, Omnibus, One Horse Chaise, Cab, Gig, Car, or other Carriage let out or travelling for Pay, Hire, or Reward, shall be payable and paid for every Time of passing or repassing along the said Road, or new Line of Road, or either of them, whenever any new Hiring thereof shall take place.

Limiting the Number of Tolls for passing through all the Gates on each Line of Road.

XIV. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to take or cause to be taken for or in respect of the same Horses, Beasts, Cattle, or Carriages passing on the same Day (to be computed as aforesaid), through all the Toll Gates, Side Bars, and Chains on the said *Tadcaster* and *Halton Dial* Road, or through all the Toll Gates, Side Bars, and Chains on the said

said new Line of Road, more than the several Tolls following; (that is to say,) on the said Road from *Tadcaster* to *Halton Dial* Three full Tolls, and on the said new Line of Road One full Toll.

No Exemption from Toll for Horses drawing Waggons, &c. laden with Manure during the Winter Months.

XV. Provided also, and be it further enacted, That no Exemption whatsoever allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road, for or in respect of any Horse or other 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, shall be allowed in respect of the Tolls by this Act granted or authorized to be taken, between the First Day of *October* in any One Year and the First Day of *April* in the then next succeeding Year, in any Case where the Breadth of the Tire of the Wheels of the Waggon, Wain, Cart, or other Carriage so laden or employed shall be less than Six Inches, nor unless the whole Breadth of the Sole or Bottom of such Wheels (being Six Inches at least) shall roll on a flat or level Surface, and shall bear equally on such flat or level Surface, and the Nails of the Tires of such Wheels be countersunk so as not to project more than One Eighth of an Inch beyond the Surface of such Tires, any Law or Statute to the contrary notwithstanding.

For compelling Payment of Subscriptions.

XVI. And be it further enacted, That the several Persons who have already agreed or who may hereafter agree to subscribe any Money for or towards the making or maintaining of the said new Line of Road, shall pay, and they are hereby required to pay, the respective Sums of Money by them respectively subscribed for, or such Parts and Proportions thereof as shall from Time to Time be called for by the said Trustees, to such Persons, and at such Times and Places, as the said Trustees shall from Time to Time direct and appoint; and if any Person shall refuse or neglect to pay the Sum of Money so subscribed or to be subscribed, or such Part or Proportion thereof as shall be so from Time to Time called for by the said Trustees, for the Space of One Calendar Month next after the Day appointed by the said Trustees for the Payment thereof, then it shall be lawful for the said Trustees to sue for and recover the same, in the Name of any One of such Trustees, or of their Clerk for the Time being, with full Costs of Suit, in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign or Protection of Law, nor more than One Imparlance, shall be allowed.

Application of Tolls, &c.

XVII. And be it further enacted, That all Monies (if any) which on the Day of the Commencement of this Act shall be in the Hands of the Trustees for executing the said recited Act hereby repealed, or in the Hands of their Treasurers, and all Monies which shall be received by the Trustees for executing this Act, in respect of any Debts or Arrears due previous to the Commencement of this Act, and all Tolls which shall be collected or received, under the Powers or Provisions of this Act, upon the said Road from *Tadcaster* to *Halton Dial*, and all Monies which shall be received from the Lessees of the Tolls collected on the same Road, and all other Sums of Money which shall be received in respect of such Road,

Road, and also all Monies which shall be borrowed on the Credit of the Tolls arising on the same Road, shall be vested in the said Trustees, and shall be applied in manner following; (that is to say,) in the first place, in defraying One Half Part of the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, and also One Half Part of the Interest for any Money paid and advanced for such Purposes, and afterwards in defraying the necessary Expences of erecting or repairing Toll Gates and Toll Houses on the said Road from *Tadcaster* to *Halton Dial*, and for Books, Advertisements, Salaries of Officers, and other such Expences, and paying and keeping down the Interest of the Principal Monies already advanced or borrowed on the Credit of the Tolls arising on the same Road, and paying any Compensation Money which shall be agreed to be paid to the Trustees of the *Selby* and *Leeds* Road, as herein-after mentioned, whenever any such Agreement shall be made, and paying and keeping down the Interest of any Money which shall hereafter be advanced or borrowed on the Credit of the Tolls arising on the same Road, and then in repaying the Principal Monies already borrowed, and any Principal Monies to be hereafter borrowed, on the Credit of the Tolls arising on such Road, and amending, improving, altering, and maintaining in repair the said Road; and all Monies already subscribed, or which shall hereafter be subscribed, for making the said new Line of Road from *Scacroft* to and into the Highway leading from *Scholes* to *Barwick-in-Elmet* aforesaid, and all Monies which shall arise or be received from or in respect of the Tolls to be collected or received under or by virtue of the Powers or Provisions of this Act, upon the said new Line of Road, and all other Monies which shall be received by the said Trustees in respect of such new Line of Road, and also all Monies which shall be borrowed on the Credit of the Tolls by this Act granted or authorized to be taken on the said new Line of Road, shall be also vested in the said Trustees, and shall be applied in manner following; (that is to say,) in the first place, in defraying the remaining one Half Part of the said Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, and the remaining one Half Part of the Interest for any Money paid and advanced for such Purposes, and afterwards in making the said new Line of Road, and defraying the necessary Expences of erecting and repairing Toll Gates, Toll Houses, and Fences thereon, and for Books, Advertisements, Salaries of Officers, and other such Expences, and paying and keeping down the Interest of the Monies subscribed as aforesaid, or to be subscribed for making the said new Line of Road, and the Interest of all Monies which shall hereafter be borrowed on the Credit of the Tolls arising on the said new Line of Road by virtue of this Act, and repaying the Principal Monies already subscribed or to be subscribed, and any Principal Monies to be hereafter borrowed on the Credit of the Tolls arising on the said new Line of Road by virtue of this Act, and amending, improving, altering, and maintaining in repair the same new Line of Road.

Trustees not to apply any Money in

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply or expend any of the Monies

repair of Roads repairable under any Local Act.

Monies which shall arise from any of the Tolls by this Act granted, or which shall be borrowed on the Credit of such Tolls, in the Repair of any Road or Way in any Town the Roads or Ways in which are directed to be repaired under the Powers or Provisions of any Local Act of Parliament.

Rights of Mortgagees not to be prejudiced.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Rights of any Mortgagees holding any Mortgages or Assignments of the Tolls made or granted before the passing of this Act.

Tolls not to be applied to repair any Road unless there be a Toll Gate erected thereon, &c.

XX. Provided also, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be made or repaired by this Act, unless some Toll Gate, Toll Bar, Chain, or Turnpike shall be placed, erected, and continued upon such Road or on the Side thereof, nor unless Toll shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act; provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Roads than shall be collected thereat, or borrowed on the Credit of the Tolls collected thereon.

Trustees or Clerk not incompetent to give Evidence.

XXI. And whereas by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, it is enacted, that Trustees and Commissioners of every Turnpike Road may sue and be sued in the Name or Names of any One of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in Actions or Suits in which they may be Plaintiffs or Defendants; be it therefore enacted, That no Trustee or Clerk acting in the Execution of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action or Suit, by reason of his being Plaintiff or Defendant in any such Action or Suit.

Map or Plan deposited with the Clerk of the Peace for the West Riding of Yorkshire, of the intended new Road, to be Evidence, &c.

XXII. And whereas a Map or Plan describing the Line of the said intended new Road from *Seacroft* to and into the Highway leading from *Scholes* to *Barwick-in-Elmet* aforesaid, and the Lands, Buildings, Hereditaments, and Premises through or over which the same is to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Buildings, Hereditaments, and Premises, have been deposited with the Clerk of the Peace for the said West Riding; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the Time being of the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies of or Extracts therefrom, at their Will and Pleasure, paying 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 same Map or Plan and Book of Reference, or any Copy or Copies thereof, certified by the Clerk of the Peace for the Time being of the said Riding, or his Deputy, shall be and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others, in all Courts of Law or elsewhere.

New Line of Road may be made.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, to make the said new Line of Road from *Seacroft* to and into the Highway leading from *Scholes* to *Barwick-in-Elmet* aforesaid, in the Line described in the said Map or Plan, upon, in, over, and through any Lands, Buildings, Hereditaments, and Premises, and along Part of the said Highway, of such Width as they shall think proper, not exceeding Sixty Feet, together with such Footpaths, Causeways, Bridges, Arches, and Fences as shall be necessary and expedient for the Accommodation of all Persons having Occasion to pass thereon; and for the Convenience of the several Owners and Occupiers of the Lands, Buildings, and Hereditaments in or through which the said intended new Line of Road shall be made, and for such Purpose or Purposes it shall and may be lawful for the said Trustees, and all Persons acting under their Authority, and they are hereby authorized and empowered, to enter upon, and to take and use, and lay open the Lands and Hereditaments along the Line described in the aforesaid Map or Plan or Book of Reference, and to take and use, and pull down and lay open, the Gardens, Orchards, Buildings, or Erections, and Hereditaments, mentioned in the Schedule to this Act annexed, any Law or Statute to the contrary notwithstanding, having first paid or tendered Satisfaction to the Owners or Proprietors of or Persons interested in any private Lands, Gardens, Orchards, Buildings, Erections, Hereditaments, and Premises, for the same.

Deviations from the Line described in the Map not to exceed One hundred Yards, except with Consent.

XXIV. Provided always, and be it further enacted, That the said Trustees in making the said new Line of Road shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited with the Clerk of the Peace for the said West Riding as aforesaid, provided no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan so deposited as aforesaid, without the Consent of the Person or Persons, Party or Parties, upon, in, over, or through whose Lands any such Deviation beyond the said Distance of One hundred Yards shall be made.

Misnomers in the Map or Schedule not to prevent the new Road being made.

XXV. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Line of Road into, through, over, and across the several Lands, Buildings, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of any Lands, Hereditaments, or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, and also to pull down, take, and use the Gardens, Orchards, Buildings, Erections, Hereditaments, and Premises mentioned in the Schedule to this Act annexed, although the Name or Names of such Person or Persons may happen to be omitted,

omitted, or mis-stated in the said Book of Reference or in the said Schedule to this Act annexed, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Buildings, &c. to be taken, except such as are mentioned in the Schedule.

XXVI. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Line of Road shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Buildings, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Power to take Buildings, &c. limited to Three Years, except with Consent.

XXVII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Gardens, Orchards, Buildings, Erections, Hereditaments, and Premises mentioned in the Schedule to this Act annexed within the Space of Three Years from the Commencement of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Ditches, Drains, &c. by whom to be made and cleansed.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth as they shall consider expedient, for the Purpose of keeping the said Roads dry, and conveying the Water from the same respectively, into or through any Lands or Grounds adjoining or lying near to the same Roads (not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House), and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act applicable to the making or maintaining the Roads where such Works shall be made or done, any thing in any Law or Statute contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be so made on the Sides of the Roads or either of them, shall, when so made and completed by the said Trustees, be for ever afterwards scoured, cleansed, and kept open, repaired and maintained, by the Occupiers respectively of the adjoining Lands and Grounds; but all such Arches, Culverts, Trunks, Tunnels, or Plats as shall cross or pass through, under, or over such Roads, or either of them, shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

XXIX. And

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XXIX. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of any Road authorized by this Act to be made, the Freehold and Inheritance, if of Freehold Tenure, or the Estate or Interest, if of any other Tenure, of and in the Lands so purchased, shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance, Estate or Interest, of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands not wanted.

XXX. Provided always, and be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of making the said new Line of Road shall not be wanted for any Road, and such Road shall cease to be a Highway, then and in such Case the Right of Way in, over, or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Powers of using the Lands as if they had purchased the Fee Simple thereof.

XXXI. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of making the said new Line of Road, and also of erecting any Toll Houses or other Buildings, or of building any Bridge or Culvert thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

Authorizing the Trustees to make Compensation to the Trustees of the Selby and Leeds Road for the Use of such Part of the Road from Selby to Leeds as lies between Halton Dial and Leeds.

XXXII. And whereas the said Road from *Tadcaster* to *Halton Dial* is the only direct Turnpike Road from *Tadcaster* to the great trading Town of *Leeds*, and the Public travelling thereon, to or from the said Town of *Leeds*, must for Two Miles or thereabouts pass along and use such Part of the Road under the Care and Management of the Trustees acting in execution of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for amending the Road from* Selby *to* Leeds *in the West Riding of the County of* York as lies between *Halton Dial* aforesaid and *Leeds* aforesaid; and in consideration of there being no Toll Gate erected thereon by the Trustees of the said *Selby* and *Leed* Roads a proportional Part of the Tolls arising on the said Road from *Tadcaster* to *Halton Dial* hath been annually paid by the Trustees of the *Tadcaster* and *Halton Dial* Road to the Trustees of the *Selby* and *Leeds* Road, as a Compensation for the requisite extra Repair of the said Part of the said *Selby* and *Leeds* Road lying as aforesaid between *Halton Dial* and *Leeds*, and such Compensation has been accepted by

the Trustees of the said *Selby* and *Leeds* Road for such Purpose; and the Public travelling from *Tadcaster* to *Leeds*, or from *Leeds* to *Tadcaster*, are thereby relieved from any additional Toll which might otherwise be imposed; be it therefore enacted, That for and during such Time as no Toll Gate or Toll Bar or Chain shall be erected on the said *Selby* and *Leeds* Road between *Halton Dial* and *Leeds*, and no Toll shall be taken or collected thereon, it shall be lawful for the said Trustees acting in execution of this Act to make such Compensation out of the Tolls arising on the said Road from *Tadcaster* to *Halton Dial*, to the Trustees of the said *Selby* and *Leeds* Turnpike Road, as shall be mutually agreed upon between such respective Trustees, as a Satisfaction for the Use of such Part of the said Road from *Selby* to *Leeds* as lies between *Halton Dial* and *Leeds*, such Compensation or Satisfaction not exceeding One Fifth Part and not less than One Seventh Part of the net Money arising from the Tolls to be collected or received on the said Road from *Tadcaster* to *Halton Dial* (after deducting therefrom the necessary Expences of or Allowances for collecting or receiving the same Tolls, the Interest of the Debt owing thereon, Salaries, and other incidental Expences), and such Compensation Money shall be paid yearly on or before the Thirty-first Day of *December* in every Year by the Treasurers for the Time being of the said *Tadcaster* and *Halton Dial* Road to the Treasurers for the Time being of the said *Selby* and *Leeds* Road; and in default of such Payment the same shall and may from Time to Time be recovered from the said Trustees appointed by or in pursuance of this Act by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, in the Name of the Clerk for the Time being of the said *Selby* and *Leeds* Road: Provided always, that the Trustees of the said Road from *Selby* to *Leeds*, or any of them, or their Clerk for the Time being, shall and may, at all seasonable Times, inspect the Accounts and Books relating to the said *Tadcaster* and *Halton Dial* Road, or to the Tolls taken or collected thereon, for ascertaining the Amount of Tolls so taken or collected, and of the Deductions aforesaid, and obtaining such other Information in the Premises as they shall consider requisite.

This Act to be subject to any future Turnpike Law.

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Roads by this Act authorized to be repaired, made, or maintained from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may be passed during the present or any future Session of Parliament.

Public Act.

XXXIV. 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.

Commencement and Continuance of this Act.

XXXV. And be it further enacted, That this Act shall commence upon the Third *Wednesday* 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.

The

The SCHEDULE to which the foregoing Act refers.

Nos. on the Map or Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
Township of Seacroft in the Parish of Whithirk otherwise Whitchurch in the County of York.			
1	Mary Mawson	James Appleyard	Part of a Garden.
2	Ditto	Michael Harrison	Part of Barn, Stable, Yard, and Garden.
3	James Townend	William Johnson	Part of Garden.
4	Mary Mawson	Elizabeth Silverwood	Part of Garden.
5	Ditto	Benjamin Attack	Part of Garden.
6	Ditto	Michael Harrison	Part of Garth.
7	Ditto	Joseph Goddard	Part of Garden and Yard.
7 *a*	Ditto	Ditto	Orchard.
8	Ditto	John Stoner	Garden and Pig-cote.
9	Ditto	Christopher Dacre	Garden and Pig-cote.
10	Ditto	George Johnson	Pig-cote and Part of Garden.
11	Ditto	William Muscroft	Pig-cote and Part of Garden.
12	Ditto	Timothy Turnpenny	Pig-cote and Part of Garden.
14	John Wilson, Esq.	Robert Fitton	Pig-cote, Privy, and Part of Garden.
		Cornelius Toft	Ditto.
		Joseph Attack	Ditto.
		John Taylor	Ditto.
Stanks in the Township and Parish of Barwick-in-Elmet in the County of York.			
43	Benjamin Atkinson, Esq.	Frances Baker	Garden and Orchard.
44	John Stainburn	John Stainburn	Garden.
45	Richard Oliver Gascoigne, Esq.	Richard Wilson	Ditto.
46	Ditto	John Roberts	Ditto.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.