ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cviii.

An Act for authorizing the Trustees of the *Tadcaster and Halton Dial* Turnpike Road to make a Diversion or Alteration of such Part of the Line of the *Tadcaster and Halton Dial* Turnpike Road as lies in the Parish of *Tadcaster* in the West Riding of the County of *York*. [22d *July* 1848.]

WHEREAS an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *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: And whereas it would be of public Utility if the Trustees for executing the said recited Act were authorized to make a Diversion or Alteration of such Part of the Line of the *Tadcaster and Halton Dial* Turnpike Road comprised in the said Act as lies in the Parish of *Tadcaster*, by making and maintaining a new Piece of Turnpike Road commencing at or near a certain Lane called *Garnett Lane* in the Parish of *Tadcaster*, and leading from thence in a South-easterly Direction across Lands in the same Parish to and into the present Parish Road or Highway leading from

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from *Tadcaster* to *Stutton* at or near the *Church Fenton and Harrowgate* Branch Railway Bridge which crosses over the said Parish Road or Highway, and if the said Trustees were empowered to widen, improve, repair, and maintain as Turnpike Road such Part of the said Parish Road or Highway lying in the said Parish of *Tadcaster* as extends from the said Termination of the said intended new Piece of Turnpike Road (and passing under the said Railway Bridge) to and into the *Doncaster and Tadcaster* Turnpike Road at the Southerly End of the Town of *Tadcaster* aforesaid, in lieu of such Part of the present Line of the *Tadcaster and Halton Dial* Turnpike Road in the said Parish of *Tadcaster* as extends from the Place where the said intended new Piece of Turnpike Road will commence near *Garnett Lane* aforesaid to a certain Dwelling House late and now in the Occupation of *William Swinden* at the West End of the said Town of *Tadcaster*, which it is expedient should be abandoned; but the Purposes aforesaid cannot be effected without the 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, That all the Powers, Provisions, Clauses, Matters, and Things contained in the said recited Act passed in the Third Year of the Reign of Her present Majesty (except such of them as are or is varied, altered, or repealed) shall extend to this Act, and to the Roads by this Act authorized to be made and maintained, as fully and effectually as if the same were repeated and re-enacted in this Act; and the said recited Act and this Act shall, as to all such Powers, Provisions, Clauses, Matters, and Things whatsoever (except as aforesaid), be construed as One Act.

Powers, &c. of recited Act extended to this Act.

Deposited Map or Plan to remain with the Clerk of the Peace for the West Riding of Yorkshire, and be open to Inspection.

II. And whereas a Map or Plan describing the Line of the said Diversion or Alteration of the said *Tadcaster and Halton Dial* Turnpike Road, that is to say, of the intended new Piece of Turnpike Road, and of such Part of the present Parish Road or Highway leading from *Tadcaster* to *Stutton* as is intended to be widened, improved, repaired, and made Turnpike, and the Lands through which the same are intended to be made, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has 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 inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace 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 thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Map, &c., certified by Clerk of the Peace, to be Evidence.

III. And

Diversion, &c. may be made.

III. And be it enacted, That it shall be lawful for the Trustees of the said *Tadcaster and Halton Dial* Turnpike Road to set out, make, and complete the said Diversion or Alteration of the said *Tadcaster and Halton Dial* Turnpike Road, that is to say, to set out, make, and complete the said intended new Piece of Road from *Garnett Lane* aforesaid to the Railway Bridge aforesaid, and to widen, improve, repair, and maintain as Turnpike Road the said Part of the said Parish Road or Highway herein-before described, extending from the said Termination of the said new Piece of Road to and into the *Doncaster and Tadcaster* Turnpike Road, in the Line and through the Lands delineated in the Map or Plan and described in the Book of Reference herein-before mentioned, of such Width as they may think proper, not exceeding Fifty Feet, (the widening of the said Parish Road or Highway to be made on the South or South-eastern Side thereof only, and to such Extent only as shall suffice to make the Road of any Width not exceeding Fifty Feet,) together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in the said Map or Plan and Book of Reference, making Satisfaction for the same to the Owners thereof, and other Persons interested therein, for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees and for their Surveyor and Workmen from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyor shall think necessary or expedient.

Trustees not to deviate from the Line laid down.

IV. Provided always, and be it enacted, That it shall not be lawful for the said Trustees in making the said Diversion or Alteration of Road, or new Piece of Road, and widening of the said Parish Road or Highway, to deviate from the Line delineated upon the said Map or Plan, or into any Lands not described in the said Map or Plan, or in the said Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Errors, &c. in the Map, &c. not to prevent Execution of Act.

V. And be it enacted, That it shall be lawful for the said Trustees to make the said Diversion or Alteration of Road, or new Piece of Road, or widening aforesaid, in the Line and in or through the Lands delineated upon the said Map or Plan, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Map or Plan or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

VI. And

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

VI. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of this Act the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, 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 or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the 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 Assurance, 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 Land not wanted.

VII. Provided always, and be it enacted, That if at any Time any Lands purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have the same Powers of cutting and digging as if they had purchased the Fee Simple.

VIII. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Bridge thereon, as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

No Curtilage, Orchard, &c. to be taken.

IX. Provided also, and be it enacted, That the Powers and Authorities given by this Act shall not authorize the said Trustees to take or pull down, or to use or injure, any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the previous Consent in Writing of the Owner or Proprietor thereof or other Persons interested therein.

Limiting Time for Purchase of Lands.

X. Provided also, and be it enacted, That in case the said Trustees shall not, within the Space of Three Years from the Commencement of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease,

cease, and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Provision for discharging the Trustees from the Care of Part of the Road when the Improvements are completed.

XI. And whereas the making of the aforesaid intended Diversion or Alteration of the Line of the said *Tadcaster and Halton Dial* Turnpike Road will render it expedient to discontinue the Repair as Turnpike Road of such Part of the present Road as lies between *Garnett Lane* aforesaid and the Dwelling House occupied by *William Swinden* situate at the West End of the said Town of *Tadcaster*: Be it therefore enacted, That it shall be lawful for the Trustees, at any Meeting to be held at any Time after the said Diversion or Alteration of Road shall have been completed, to order the whole or any Part of the said Road extending from *Garnett Lane* aforesaid to the said Dwelling House at the West End of the Town of *Tadcaster* to be discontinued as a Turnpike Road, and from and after the making of such Order, or from and after any Day which shall be specified in such Order, the same shall be discontinued as a Turnpike Road accordingly, and the Trustees shall thenceforth be discharged from the Care, Repair, and Maintenance thereof.

After new Diversion of Road completed Railway may be carried across the Road discontinued on a Level.

XII. And whereas the making the said intended Diversion or Alteration of the Line of the said Turnpike Road will render it unnecessary that any Bridge should be erected by the *York and North Midland* Railway Company at the Place where their *Church Fenton and Harrowgate* Branch Railway will cross the said discontinued Part of the said present Turnpike Road: Be it therefore enacted, That after the said Diversion or new Line of Turnpike Road shall have been completed, and opened to the Public, the said Company may make and carry the Line of the said Branch Railway on a Level across such discontinued Part of the said Road, on obtaining the Certificate of any Two of Her Majesty's Justices of the Peace acting for the said West Riding of the County of *York* that such Diversion or new Line of Turnpike Road hath been completed, and opened to the Public, and which Certificate such Justices are hereby authorized to grant, on Application being made to them by the said Railway Company.

Commencement and Continuance of this Act.

XIII. And be it enacted, That this Act shall commence and take effect upon the Day of the passing thereof, and shall thenceforth continue and be in force for and during the Residue of the Term now unexpired granted by the said recited Act.

Interpretation of Act.

XIV. And be it enacted, 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

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

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

Public Act.

XIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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