ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

****

Cap. xciii.

An Act for repairing and improving the Road from *Tadcaster* to *Otley* in the West Riding of the County of *York*. [30th *June* 1842.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge* 1&2G.4.c.1. *the Powers of several Acts passed for repairing the Road from the Town of* Tadcaster *to the Town of* Otley *in the County of* York: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued, and the Tolls increased: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the Purposes aforesaid cannot be effected without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 upon the Fourth *Wednesday* next after the passing

Recited Act repealed,

and this Act to be put in force.

passing of this Act the said recited Act of the Second Year of the Reign of His late Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

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

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable on the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with the Right Honourable *Henry* Viscount *Lascelles*, the Honourable *William Sebright Lascelles*, the Honourable *Edwin Lascelles*, the Honourable *Arthur Lascelles*, *Benjamin Brooksbank*, *William Collins*, *William Thomas Carruthers*, *William Francis Carruthers*, *Thomas Constable*, *William Vavasour Carter*, the Reverend *Edward Duncombe*, the Reverend *Benjamin Eamonson*, the Reverend *Ayscough Fawkes*, *Charles Wilson Faber*, *Thomas Fairfax*, *George Lane Fox*, *Francis Hawkesworth Fawkes*, *George Lane Fox* junior, *Randall Gossip*, the Reverend *Richard Hale*, the Honourable and Reverend *William Herbert*, *William Hatfield*, the Reverend *George Lewthwaite*, the Reverend *Francis Steward Menteath*, the Honourable and Reverend *Jacob Marsham*, *William Markham*, *Peter Middleton*, *William Marshall* (*Newton*), *Robert Menzies*, *Michael Nicholson*, *William Rhodes*, *Benjamin Rawson*, *William Lister Fenton Scott*, *John Spence*, the Honourable Sir *Edward Marmaduke Vavasour* Baronet, *Richard Fountayne Wilson*, *Christopher Wilson*, *John Wormald*, *Matthew Wilson*, *Matthew Wilson* junior, *Thomas Clifton Wilkinson*, *Richard York*, *Edward York*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it enacted, That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at the *Harewood Arms* Inn in *Harewood*, or at some other convenient Place in the Neighbourhood of the said Road, upon the said Fourth *Wednesday* after the passing of this Act, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

VI. And

Road to which this Act is applicable.

VI. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Road from the Town of *Tadcaster* to the Town of *Otley* in the West Riding of the said County of *York*.

Present Tolls continued until the 25th of August next.

VII. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Toll Bars, and Chains to be continued or erected on or on the Sides of the said Road until the Twenty-fifth Day of *August* next, when the present Lease of such Tolls will expire, and for such further Time as shall be ordered by the Trustees acting in execution of this Act.

Power to take Tolls.

VIII. And be it enacted, That upon and after Twelve of the Clock at Night on the said Twenty-fifth Day of *August* next, or of such later Day (if any) as shall be directed by the Trustees acting in execution of this Act, it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates, Toll Bars, and Chains which shall by virtue of this Act be upon, across, or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings, shall direct not exceeding the following; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Van, Caravan, Chaise, Hackney Car, Stage Carriage, Hearse, Litter, Chair, Gig, Tax Cart, or any other such like Carriage, by whatsoever Name the same may be called or known, the Sum of Nine-pence:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Seven-pence Halfpenny:

For every Ass drawing any such Waggon, Wain, Cart, or other such like Carriage, One Half of the Tolls above mentioned:

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number, except for One only, which shall pay the Sum of One Penny:

For every Carriage propelled or drawn by Steam, or any Power other than Animal Power, the Sum of Two Shillings and Six-pence for every Wheel of such Carriage running upon the said Road:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate, Toll Bar, or Chain which shall be by virtue of this Act upon or across the said Road, or on the Sides thereof.

A Halfpenny to be taken in case of a Fraction

IX. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act

of a Half-penny in Tolls.

Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Only Two full Tolls to be taken in One Day.

X. And be it enacted, That no more than Two full Tolls shall be taken for passing and repassing once only in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal, and any Carriage or Thing liable to Toll or Duty, through all the Toll Gates, Toll Bars, or Chains erected or to be erected or continued on or across the said Road, or on the Sides thereof.

Persons having paid Toll to return Toll-free.

XI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Cart, Waggon, or other Stage Carriage, as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Toll Bar, or Chain as aforesaid shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate, Toll Bar, or Chain, and in going and returning through such other Toll Gate, Toll Bar, or Chain (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Regulations as to Stage Coaches, &c.

XII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam, or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Toll Bar, or Chain, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate, Toll Bar, or Chain which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach, or other such Carriage as aforesaid, at any Toll Gate, Toll Bar, or Chain, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Post Chaises, &c. to pay Toll every Time of passing with fresh Hiring.

XIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

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

XIV. Provided always, and be it enacted, That in case the Toll by this Act authorized shall have been paid in respect of any Horses or Cattle drawing any Waggon, Wain, Cart, or other Carriage, at any Toll Gate, Toll Bar, or Chain as aforesaid, and any such Horses or Cattle shall be afterwards employed on the said Road, during the same Day, in drawing a different Waggon, Wain, Cart, or other Car-

riage

riage from that which they were employed in drawing when such Payment was made, all such Horses and Cattle so drawing shall, notwithstanding such Payment, be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other Carriage, in the same Manner as if no previous Payment of Toll in respect of the same had been made.

Lime not to be exempt from Toll.

XV. And be it enacted, That no Exemption from Payment of Tolls shall be allowed at any Toll Gate, Toll Bar, or Chain as aforesaid, in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in carrying or conveying, or returning empty after having been employed in carrying or conveying Lime, whether to be solely used for improving or manuring Lands, or for any other Purpose.

Respecting Toll Gates.

XVI. And be it enacted, That the several Toll Gates, Toll Bars, Chains, and Toll Houses now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, in or across the said Road or on the Sides thereof, any Toll Gate, Toll Bar, Chain, or Toll House, and to remove the present or any future Toll Gates, Toll Bars, Chains, or Toll Houses, as they shall think proper.

Application of Monies.

XVII. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act shall be applied, in the first place, in discharging the Expences of obtaining and passing this Act, or otherwise incident thereto; secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, or which may be hereafter borrowed on the Credit of the Tolls authorized by this Act to be taken, not exceeding Two hundred Pounds; thirdly, in defraying the Expences of improving, maintaining, and keeping in repair the said Road, and in putting this Act into execution; fourthly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may hereafter be borrowed on the Credit of the Tolls by this Act, in addition to the said Sum of Two hundred Pounds; fifthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed; and, sixthly, in reducing, paying off, and discharging the several Principal Sums which may be hereafter borrowed on the Credit of the Tolls authorized by this Act to be taken.

No Tolls to be taken or Money laid out in Towns.

XVIII. And be it enacted, That no Money shall be collected or laid out on any Part of the Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, or in either of the Towns following; (that is to say,) *Tadcaster* and *Otley*.

Ditches, Drains, &c. to be made.

XIX. And be it enacted, That it shall be lawful for the said Trustees, and their Surveyor or other Person by them appointed, to make

make such Ditches, Drains, or Watercourses, and of such Depth or Breadth, as they shall consider expedient, for the Purpose of keeping the said Road dry, and conveying the Water from the same into or through any Lands adjoining or lying near to the said Road, (not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House,) and also such sufficient Bridges, Arches, Culverts, Trunks, or Tunnels 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, any thing in any Law or Statute contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, or Tunnels, to be so made on the Sides of the Road, 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; but all such Arches, Culverts, Trunks, or Tunnels as shall cross or pass through, under, or over the said Road 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*.

Entrance to Fields to be made with hard Materials.

XX. And be it enacted, That wherever any Entrance shall be or shall be made to any Field, Garden, Yard, or other Land or Ground, or to any Building, from the said Road or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Owner or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Owner or Occupier, or left for him at his usual Place of Residence, by the Surveyor of the said Trustees, or other Person appointed by them, requiring such Owner or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be; and the Expences thereof shall be reimbursed and paid to the said Trustees by such Owner or Occupier, as the Case may be, and in case of Nonpayment of such Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the said West Riding of the County of *York*; and such Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him on Oath, of such Expences having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

XXI. And

Trustees or Clerks competent Witnesses in Actions, &c.

XXI. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

The Road not to be exempted from any general Act.

XXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXIII. And be it enacted, That this Act shall commence on the Third *Wednesday* after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

XXIV. 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.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.