ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 122.

An Act to enlarge the Term and Powers of an Act of His late Majesty, and Three Acts of His present Majesty, for repairing the Road from *Tadcaster Bridge*, within the County of the City of *York*, to *Hobmoor Lane End*. [17th *June* 1814.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to repair the Road leading from* Tadcaster Bridge, *within the County of the City of* York, *to a Place near the said City called* Hobmoor Lane End: And whereas an Act was passed in the Eleventh Year of the Reign of His present Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the Eighteenth Year of King* George *the Second, to repair the Road leading from* Tadcaster Bridge, *within the County of the City of* York, *to a Place near the said City called* Hobmoor Lane End: And whereas an Act was passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts, passed in the Eighteenth Year of the Reign of His late Majesty King* George *the Second, and the Eleventh Year of the Reign of His present Majesty, for repairing the Road leading from* Tadcaster Bridge, *within the County of the City of* York, *to a Place near the said City called* Hobmoor Lane End: And whereas an Act was passed in the Forty-eighth Year of the Reign of His present Majesty, intituled

18 G. 2. c. 16.

11 G. 3. c. 83.

32 G. 3. c. 155.

48 G. 3. intituled *An Act to continue the Term, and alter and enlarge the Powers of Three Acts, of His late and present Majesty, for repairing the Road from* Tadcaster Bridge, *within the County of the City of* York, *to a Place called* Hobmoor Lane End: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted; which Money still remains due and owing, and cannot be paid off, nor can the said Road be effectually amended, widened, improved, and kept in Repair, unless the Tolls by the said Acts granted are increased, and some of the Powers and Provisions thereof altered, amended and enlarged: 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,

Acts further continued. That the said recited Acts, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters and Things whatsoever, therein respectively contained, and now in force (except such Parts of the same as are hereby varied, altered or repealed) shall be, continue and remain, and are hereby declared to be and continue in full force and effect, and, together with this present Act, shall be executed for and during the Term herein-after mentioned, as fully and effectually, in all Respects, and to all Intents and Purposes, as if the said recited Acts, and all the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Penalties, Forfeitures, Remedies, Articles, Matters, and Things therein respectively contained, and now in force, were expressly repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, and Additions herein contained; and that this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies now due and owing, or which may hereafter become due, or be borrowed, on the Credit of the said recited Acts or this Act, and all Interest due or to grow due for the same respectively.

Additional Trustees. II. And be it further enacted, That the Lord Mayor, Recorder, City Council, and Aldermen of the City of *York* for the Time being, the Members in Parliament for the County of *York* and for the City of *York* for the Time being, Sir *Thomas Vavasour*, Sir *William Mordaunt Milner*, Sir *John Ramsden*, Sir *Thomas Slingsby*, Sir *Henry Carr Ibbetson*, Sir *John Ingilby*, Baronets, *Andrew Samuel Barlow*, *Jeremiah Barstow*, *Benjamin Brooksbank*, *Stamp Brooksbank*, *Christopher Brearey*, *Joshua Crompton*, *Gilbert Crompton*, *William Carr*, *John William Clough*, *Harry Croft*, *William Danby*, *John Eyre*, *George Ellin*, *Newcomen Edgeworth*, *John Fothergill*, *Thomas Lodington Fairfax*, *James Fox*, *William Garforth*, *William Gossip*, *William Hale*, *Edmund Lally*, *William Laycock*, *William Marshall*, *Christopher Morritt*, *William Markham*, *Osborne Markham*, Chancellor of *York*, *William Marshall*, *Thomas Norcliffe*, *Samuel William Nicoll*, *Hall Plumer*, *D'Arcy Preston*, *Edward Prest*, *John Raper*, *John Lamplugh Raper*, *William Richardson*, *William Sotheron*, *Thomas Swann*, *Robert Swann*, *Richard Thompson*, *Richard John Thompson*, *Edward Topham*, *John Telford*, *George Telford*, *John Hall Wharton*, *Richard Wood*, *Richard Fountayne Wilson*, *James Walker* and *Henry Yarburgh*, Esquires, the Very Reverend *George Markham* Clerk Dean of *York*, *Robert Markham* Clerk Archdeacon of *York*, *John Eyre* Clerk Archdeacon

of

of *Nottingham*, *Robert Croft*, *George Deſmoth Kelly*, *James Willoughby*, *Andrew Ewbank*, *William Dealtry*, *Robert Elliot*, *Charles Percival*, *Richard Smith*, *John Parker*, and *Robert Stephen Thompſon*, Clerks, *Thomas Beal*, *John Fearby*, *Jonathan Fearby*, *Joſeph Munby*, *Thomas Swann* and *Matthew Todd*, Gentlemen, being qualified according to the Directions of the ſaid recited Acts together with the Truſtees appointed or to be appointed by or in purſuance of the ſaid recited Acts, ſhall be Truſtees for putting the ſaid recited Acts and this Act in Execution, and ſhall be and are hereby empowered to act in the Execution of the ſaid recited Acts and this Act, as fully and effectually, to all Intents and Purpoſes, as if the Truſtees herein named had been appointed Truſtees in or by the ſaid recited Acts, or as if the Truſtees for executing the ſaid recited Acts had been named in this Act.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of the ſaid recited Acts or this Act to elect any Number of Perſons, not exceeding Twenty in the whole, to be Truſtees for the Purpoſes of this Act and the ſaid recited Acts, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing this Act and the ſaid recited Acts, as if they had been hereby nominated and appointed.

Truſtees may adjourn for not more than Six Calendar Months.

IV. And be it further enacted, That any Meeting of the ſaid Truſtees, for executing the ſaid recited Acts or this Act, may be adjourned for any Period of Time not longer then Six Calendar Months; any Thing in the ſaid recited Acts, or either of them, contained to the contrary notwithſtanding.

Treaſurer to give Security.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall take ſufficient Security from their Treaſurer, to the Satisfaction of the ſaid Truſtees, for the due Execution of his Office.

Former Tolls repealed, and new Tolls granted.

VI. And whereas the Tolls granted by the ſaid recited Acts of the Eighteenth Year of His late Majeſty, and the Eleventh Year of His preſent Majeſty, have been found inſufficient for the Purpoſes of the ſaid recited Acts; be it therefore enacted, That the ſame ſhall be and are hereby repealed; and that inſtead thereof, the ſeveral Tolls following ſhall or may be demanded and taken upon the ſaid Road; that is to ſay,

For every Coach, Chariot, Berlin, Landau, Barouche, Calaſh, Chaiſe, Chair, Phaeton, Vis-à-vis, Hearſe, Caravan or Litter, drawn by Six Horſes or other Beaſts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Three Shillings, and drawn by Three Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Stage Coach or Diligence drawn by Six Horſes or other Beaſts of Draught, the Sum of Five Shillings; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Four Shillings; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For

For every Chaiſe or Chair drawn by One Horſe or other Beaſt of Draught, the Sum of Nine-pence:

For every Waggon, Wain, Cart or other ſuch Carriage, drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Five Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horſes, or other Beaſts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Nine-pence:

For every Carriage, of whatſoever Deſcription, drawn along by being faſtened to or behind any other Carriage, the Sum of One Shilling:

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score; and ſo in Proportion for any greater or leſs Number:

And upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall, and he is hereby required to deliver, *gratis*, to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment: Provided always, that One full Toll in the whole, and no more, ſhall be demanded or paid for or in reſpect of the ſame Horſes, Beaſts, or Cattle, Coach, Waggon, Cart, or other Carriage, for once paſſing and repaſſing through all the Gates erected or to be erected upon the ſaid Road between *Tadcaſter Bridge* and *Hobmoor Lane End* aforeſaid.

For repealing certain Parts of 48 G. 3.

VII. And be it further enacted, That ſo much and ſuch Part or Parts of the ſaid recited Act of the Forty-eighth Year of the Reign of His preſent Majeſty, as enacts, that not more than Three Fourth Parts of the Tolls thereby granted, ſhould be demanded or taken at the preſent Toll Gate upon the ſaid Road near to the Town of *Tadcaſter*, and that not more than the remaining Fourth Part of the full Tolls thereby granted ſhould be demanded or taken at an additional Turnpike Gate to be erected as therein mentioned (which additional Gate hath been erected near the Town of *Dringhouſes*), ſhall be and the ſame is and are hereby repealed.

Not more than One Third of the Tolls to be collected at Dringhouſes Gate.

VIII. Provided always, and it is hereby enacted and declared, That of the whole of the Tolls which by virtue of this Act ſhall or might be demanded and taken at both the Turnpike Gates now erected upon the ſaid Road, not more than One Third Part ſhall be demanded and taken at the ſaid Turnpike Gate near the Town of *Dringhouſes*.

Waggons, &c. drawn by more than One Horſe, and with Wheels of leſs Breadth than Six

IX. Provided always, and be it further enacted, That for every Waggon, Cart, or other Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches from Side to Side at the Bottom or Sole thereof, and drawn by more than One Horſe or Beaſt of Draught, paſſing through any Turnpike Gate or Toll Bar now or hereafter to be erected on the ſaid Road, there ſhall be charged One Half more than the

Tolls or Duties which shall by virtue of the Powers herein-before granted, be payable for the same respectively at such Gate or Toll Bar.

Inches to pay One Half more Toll.

X. And whereas in and by the said herein-before recited Act of Parliament, of the Eighteenth Year of His late Majesty's Reign, it is enacted, that no Person or Persons having occasion to pass the Place or Places where the Toll or Duty is or shall be taken, and who shall return the same Day, or before Twelve of the Clock at Night of that Day, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which the Toll or Duty has been paid, shall be liable or compelled the same Day to pay the same Toll or Duty more than Once on the said Road; be it enacted, That the Benefit of Exemption from the Payment of Toll more than Once on the same Day, shall not extend or be construed to extend to any Stage Coach or other such public Carriage whatsoever, although the same shall return and repass with the same Horses; nor to any Coach, Chaise, or other such Carriage, which shall return and repass with different Horses.

Exemption under former Act from Payment of Toll more than once a Day, not to extend to Stage Coaches or public Carriagen, nor to other Coaches, &c, with different Horses.

XI. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle, or any Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Manure, or Lime employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Royal Proclamation to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in

Exemptions from Toll.

carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in carrying or conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements according to the Regulations of such Corps, at the Time of claiming the Exemption; or for any Horses, Carts or Waggons, travelling with Vagrants sent by legal Passes, or returning empty, after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, or Members for the City of *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Notice to be given before Materials taken.

XII. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of the said recited Act or this Act, to dig, gather, get, take or carry away any Materials for repairing such Road, out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupiers, to appear before any Justice or Justices of the Peace acting in and for the said Riding to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person to dig, gather, get, take and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any of them are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended.

Exempting Carriages conveying

XIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage, provided for

for the Service of His Majeſty's Forces, or conveying any Ordnance, or Barrack or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart or other Carriage, or the Horſe or Horſes drawing the ſame, while ſo employed, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the ſaid recited Acts contained to the contrary notwithſtanding.

King's Stores, &c. from Penalties for Overweight.

XIV. And be it further enacted, That the ſeveral Tolls by this Act granted or authorized to be taken, ſhall be and the ſame are hereby declared to be veſted in the ſaid Truſtees; and the ſame and every Part thereof ſhall be collected, recovered, paid, applied and diſpoſed of, to and for the ſame Uſes, Intents and Purpoſes, in ſuch and the ſame Manner, and by ſuch and the ſame Ways, Means and Methods, and with ſuch Remedies for Recovery in caſe of Non-payment or Evaſion thereof, as are mentioned and contained in the ſaid recited Acts or either of them, reſpecting the Tolls thereby authorized to be taken and collected.

New Tolls veſted in Truſtees.

XV. Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages or Horſes employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Quantity of Stone, Brick, Timber, Wood, Gravel or other Materials, for repairing certain Mills called the *Tadcaſter Mills*, or the Dams or Weirs thereto belonging; nor for any Horſe, Beaſt of Burthen, Waggon, Wain, Cart or Carriage laden with or employed in carrying Corn or Griſt to or from the ſaid Mills, or any other Mill now erected or hereafter to be erected in the Pariſhes or Townſhips through which any Part of the ſaid Road doth paſs, or in any Pariſh or Townſhip immediately adjoining upon and contiguous to the ſame or any of them: Provided always, that the ſaid Exemption from Tolls ſhall not extend to any other Cattle or Carriages than thoſe laden with or employed in carrying Corn or Griſt, for the grinding whereof Hire or Moulter ſhall be taken at the ſaid Mills reſpectively.

Waggons, &c. carrying Materials for repairing Tadcaſter Mills, exempt from Tolls.

Exemption of Corn, &c. ground at the ſaid Mills.

XVI. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, defeat or interrupt the Right or Claim of the Right Honourable *George* Earl of *Egremont*, to any Toll or Duty paid or payable for or on account of the paſſing of Carts and Waggons over and along the Common or Moor called *Tadcaſter Low Moor*.

Not to prejudice the Earl of Egremont's Toll.

XVII. And be it further enacted, That all the Coſts, Charges and Expences incident to and attending the obtaining and paſſing this Act, with Intereſt for the ſame from the paſſing of this Act to the Day of Payment thereof, ſhall in the Firſt Place be paid and diſcharged by the ſaid Truſtees,

Expences of the Act.

or any Five or more of them, out of any Monies already collected or received by virtue of the said recited Acts, or out of the first Monies to arise by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

Public Act.

XVIII. 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 Term of the Act.

XIX. And be it further enacted, That the Term granted and continued by the said recited Acts, and now unexpired, shall on the passing of this Act cease and determine; and that this Act and the said recited Acts (except so much thereof as is by this Act altered, amended or repealed) shall from thenceforth commence, continue and be in force, and be executed, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1814.