ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xliii.

An Act for repairing and maintaining the Roads leading from *Wakefield* to *Halifax*, and from near *Hipperholm Bar* to near *Stump Cross*, all in the West Riding of the County of *York*.

[11th *June* 1838.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Wakefield *to* Halifax, *with certain Branches therefrom, all in the West Riding of the County of* York: And whereas a considerable Debt is due and owing on the Credit of the Tolls arising on the Roads comprised in the said Act, with large Arrears of Interest: And whereas it is expedient that the Trustees should be discharged from the Necessity of making and completing and maintaining in repair as a Turnpike Road certain Parts of the Line of Roads comprised in or authorized to be made by the said Act, and that the Powers and Provisions of the said Act should be altered and amended: And whereas the Purposes aforesaid might be more conveniently effected if the said recited Act of the Ninth Year of the Reign of King *George* the Fourth were repealed, and if other Powers and Provisions were granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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

9 G 4. c.69.

Recited Act repealed.

assembled, and by the Authority of the same, That from and after the Commencement of this Act the said recited Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed.

This Act to be put in execution for maintaining Roads from Wakefield to Halifax, &c.

II. And be it further enacted, That this Act shall be put into execution for and during the Term herein-after mentioned for repairing, improving, and maintaining the Roads leading from *Wakefield* to *Halifax*, and from or from near to the Toll Bar called the *Hipperholm* Toll Bar on the said Road leading from *Wakefield* to *Halifax* to or to near to the Toll Bar upon the *Godley Lane Head* Turnpike Road, at or near a Place called *Stump Cross*, all in the West Riding of the County of *York*.

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 authorized to be taken by the said recited Act of the Ninth Year of the Reign of King *George* the Fourth hereby repealed, or on the Credit of the Tolls arising on the said Road from *Wakefield* to *Halifax* under or by virtue of the Acts repealed by the said recited Act of the Ninth Year of the Reign of King *George* the Fourth, and of all Interest due and to grow due thereon respectively, 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 made to or entered into by any Person or Persons to or with the Trustees for executing the said recited Act of the Ninth Year of the Reign of King *George* the Fourth hereby repealed, or any former Acts relating to the Roads comprised in this Act, shall remain in as full Force and Effect as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made to or entered into by such Person or Persons to or with the Trustees for executing this Act, and shall be and continue available accordingly in all Courts of Law and Equity, notwithstanding the Repeal of the said Act, until the same are or shall be fully satisfied and performed on account of and for the Benefit of the Roads included in this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said recited Act of the Ninth Year of the Reign of King *George* the Fourth with or to any Person or Persons for any Purpose relating to the said Roads, or to the Execution of the said Act of the Ninth Year of the Reign of King *George* the Fourth, shall be and remain in as full Force and Effect, and shall be binding on 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, as if such Bargains, Contracts, Agreements, or Notices had been made, entered into, or given by the Trustees for executing this Act.

Trustees. 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 County of *York*, together with *John Abbott*, *Jonathan Akroyd*, *George Allott*, *Robert Allott*, *Joseph Archer*, *Joseph Armitage*, *Robert Baldry*, *John Baldwin*, *William Baldwin*, *William Barff*, *Thomas Barff*, *Thomas Bateman*, *George Beaumont*, *Henry Briggs*, *George Buxton Browne*, *Copley Brown*, *Richard Burrell*, *John Francis Carr*, *John Clay*, *Thomas Clayton*, *Oliver Levi Collins* Clerk, *Thomas Cooke*, *Edward Copley*, *George Craven*, *John Craven*, *Caleb Crowther* Doctor of Medicine, *Christopher Holdsworth Dawson*, *Joseph Dawson*, *John Dawson*, *Thomas Edwards Dyson*, *Jeremiah Dyson*, *Henry Lees Edwards*, *Thomas Edwards*, *William Emmett* Paper Maker, *John Emmett*, *James Firth*, *Edwin Firth*, *Thomas Foljambe*, *Nathaniel Fowler*, *Samuel Freeman*, *John Fuller*, *Jeremiah Glover*, *Samuel Glover*, *John Greaves*, *John Greenwood*, *Abram Greenwood*, *Henry Greenwood*, *Thomas Greenwood*, *George Greenwood*, *John Beswick Greenwood*, *John Hague*, *John Hague* the younger, *Edward Hague*, *Thomas Hague*, *Joshua Haigh*, *George Haigh*, *John Haigh*, *William Haigh*, *Samuel Hailstone*, *John Hatfield* *Joseph Heald*, *Peter Heywood*, *Oliver Heywood*, *Arthur Heywood*, *Lamplugh Hird*, *Thomas Hirst*, *Lawrence Hitchon*, *Robert Hodgson*, *Samuel Hodgson*, *Newsom Hodgson*, *Joseph Holdsworth*, *William Holdsworth*, *Samuel Holdsworth*, *John Holland*, *John Holland* the younger, *Thomas Holmes*, *William Hoyland*, *Abraham Jackson*, *George Kershaw*, *Riley Kitson*, *Henry Lumb*, *Richard Kershaw Lumb*, *Francis Maude* Clerk, *Ralph Maude* Clerk, *Daniel Maude*, *John Milner*, *Richard Rhodes Milnes*, *William Mitchell*, *Charles Musgrave* Doctor in Divinity, *Martin Joseph Naylor* Doctor in Divinity, *Richard Nichols*, *William John Norris*, *James Edward Norris*, *Henry Oates*, *Robert Parker*, *Jonathan Popplewell*, *George Poppleton*, *William Priestley*, *John Priestley*, *Walker Priestley*, *Thomas Ramsden*, *Stansfeld Rawson*, *William Henry Rawson*, *Jeremiah Rawson*, *Francis Rawson*, *Edward Markland Rawson*, *William Henry Rawson* the younger, *Thomas William Rawson*, *William Rayner*, *William Rayner* the younger, *John Rayner*, *Daniel Rhodes*, *George Ridsdale*, *William Rothwell*, *William Routh*, *William Saunders*, *George Scott*, *Robert Scott*, *Samuel Sharp* Clerk, *Edward Sidebottom*, *Joshua Smithson*, *George Smith*, *John George Smyth*, *Robert Stansfeld*, *George Stansfeld*, *Samuel Stead*, *David Stephenson*, *Michael Stocks*, *John Sutcliffe*, *Joseph Swaine*, *Edward Swaine*, *John Swallow*, *George Swallow*, *John Sykes*, *George Teale*, *Percival Terry*, *William Barnes Thompson*, *James Thompson*, *Thomas Thornhill*, *Joshua Thorns*, *Isaac Thwaite*, *Thomas Todd*, *William Toone*, *Thomas Turney*, *Joshua Waddington*, *John Horsfield Wadsworth*, *John Wadsworth*, *Robert Wainhouse*, *William Wainhouse*, *Benjamin Walker*, *Gervase Walker*, *Samuel Waterhouse*, *John Waterhouse* the younger, *Samuel Waterhouse* the younger, *Charles Waterton*, *George Westerman*, *Charles Wheatley*, *Charles Wheatley* the younger, *Joshua Whitaker*, *Thomas White*, *Joseph Whiteley*, *William Wood*, 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, improving, and

and maintaining the Roads from *Wakefield* to *Halifax*, and from the *Hipperholm Bar* to the *Godley Lane Head* Turnpike Road at or near *Stump Cross*, and for otherwise putting this Act into execution.

For appointing 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 shall be Trustees for the Purposes of this Act, and 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 House of Mrs. *Royle* Innkeeper in *Heckmondwike* in the said Riding, or at some other convenient Place near to the said Roads, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, for carrying the Purposes of this Act into execution; and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times and at such Place and Places in the Neighbourhood of the said Roads as they shall think proper.

Toll Gates.

VII. And be it further enacted, That the several and respective Toll Gates or Turnpikes, and Weighing Machines and Toll Houses, erected and now standing and being in, upon, across, or on the Sides of the said Roads, or any of them, 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 and set up and built upon, in, or across the said Roads, or on the Sides thereof respectively, or of any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, and any Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near such Gates, Turnpikes, Side Gates, Bars, and Chains, and Weighing Machines, and to take and inclose on the Sides of the said Roads suitable Garden Spots, not exceeding One Eighth Part of an 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, the same present Toll Gates, Turnpikes, Side Gates, Side Bars, Chains, Weighing Machines, or Toll Houses, and such future Toll Gates, Turnpikes, Side Gates, Bars, Chains, Weighing Machines, or Toll Houses, or any or either of them, as the said Trustees shall from Time to Time think proper.

Tolls to be taken.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or authorized by the said Trustees or their Lessees, and they are hereby authorized and empowered, to demand and take the several Tolls herein-after mentioned at each and every of the respective Toll Gates, Turnpikes, Bars,

Bars, or Chains, and Side Gates which shall be continued or erected by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricle, Chair, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding Two Shillings:

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Cart, or other such like Carriage, where the Fellies of the Wheels are of a less Breadth than Four and a Half Inches, any Sum not exceeding One Shilling and Sixpence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Cart, or other such like Carriage, where the Fellies of the Wheels are of the Breadth of Four and a Half Inches, and of less Breadth than Six Inches, any Sum not exceeding One Shilling and Three-pence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Cart, or other such like Carriage, where the Fellies of the Wheels are of the Breadth of Six Inches or upwards, any Sum not exceeding One Shilling:

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

For every Score of Oxen or Neat Cattle, any Sum not exceeding Two Shillings and Sixpence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, any Sum not exceeding One Shilling and Eight-pence, and so in proportion for any greater or less Number:

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, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof; and which said respective 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.

Tolls to be paid but once a Day at the same Gate.

IX. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One such Toll Gate, Turnpike, or Side Gate, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate at which such Payment shall have been made, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Payments for

X. Provided also, and be it further enacted, That no more than Three full Tolls in the whole shall be demanded or taken from any Person

passing along the whole Line of the Roads.

Person or Persons for passing and repassing the same Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) with the same Horse or Horses, Beasts or Cattle, through all the several Toll Gates or Turnpikes to be continued or erected by virtue of this Act along the whole Line of the said Roads.

Tolls to be paid for Horses drawing public Carriages every Time of passing;

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads, or any or either of them: Provided also nevertheless, that in case the Horses or Beasts drawing any such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, shall be changed after such Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart shall have passed through any Toll Gate or Turnpike on the said Roads, and Tolls shall have been paid thereat for the same, no further Toll shall be payable in respect of any such other Horses or Beasts than would have been payable in respect of such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, in case such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, had been drawn by the same Horses or Beasts along the whole Line of the said Roads.

and for Horses drawing Post Chaises on every new Hiring.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

Regulating Weights on Carts drawn by One Horse.

XIII. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Roads by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse, Beast, or Cattle shall never exceed the Weights following; (that is to say,) between the last Day of *April* and the First Day of *November* One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Eight Hundred Weight for each such Carriage and the Lading thereof.

Authorizing the weighing of One-horse Carts.

XIV. And be it further enacted, That all Carts or other such Carriages passing along the said Roads drawn by only One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of the Oversight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such

Carriages passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Exchequer Loan Commissioners to have Priority as heretofore.

XV. And whereas the Commissioners acting in the Execution of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, did advance to the Trustees acting under the said first herein-before recited Act the Sum of Ten thousand Pounds, upon the Security of a certain Indenture of Mortgage bearing Date the Seventeenth Day of *August* One thousand eight hundred and twenty-nine, and the said Trustees did assign the Tolls, as therein mentioned, to hold the same subject to the Repayment of the Sum of Five hundred Pounds *per Annum*, as Part of the Principal Money so advanced, and the Interest on such Part of the Principal Money as should from Time to Time remain unpaid, at the Rate of Five Pounds *per Centum per Annum*; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate or in any Manner prejudice or affect the said Indenture of Mortgage, or any of the Powers, Remedies, and Privileges now vested in the said Commissioners in respect thereof; and that the said Mortgage shall be entitled to the same Priority of Security which the same may now possess, to all Intents and Purposes and in such and the like Manner as if this Act had not been passed.

Application of Monies.

XVI. And be it further enacted, That out of the Monies already received or which shall be received by virtue of the said recited Act of the Ninth Year of the Reign of King *George* the Fourth, hereby repealed, or out of the first Money which shall arise or be received by virtue of this Act, or otherwise, the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall, after Payment of the necessary Expences of erecting and repairing Toll Gates, Toll Houses, and Milestones, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act, be applied in the Repayment of the Advance from the said Commissioners for the Issue of Exchequer Bills as aforesaid; and next in keeping down the Interest of the Principal Monies advanced or borrowed by virtue of the said recited Act hereby repealed, or by virtue of any former Act or Acts, on the Credit of the Tolls arising on the said Road from *Wakefield* to *Halifax*; and afterwards in keeping down the Interest of the Principal Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and in repairing, improving, and maintaining in repair the Roads comprised in this Act, and in otherwise putting this Act into execution; and lastly, in repaying the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said Roads from *Wakefield* to *Halifax* by virtue of the said recited Act hereby repealed, or of any former Act or Acts for making

or

or maintaining the same Roads, or to be borrowed on the Credit of this Act.

Tolls not to be applied in the Repair of any Road unless there be a Toll Gate continued thereon.

XVII. Provided always, 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, or Turnpike shall be erected and continued upon such Road or on the Side thereof, nor unless the said Tolls 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 to maintain Ditches, Drains, &c.

XVIII. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees or their Surveyor or other Officer on the Sides of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House,) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made or completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads 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*.

Public Act.

XIX. 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.

Term of Act.

XX. And be it further enacted, That this Act shall commence on the Day of the passing thereof, and shall thenceforth continue in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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