



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xcii.

An Act for improving and maintaining the Road from the Town of *Kingston-upon-Hull* to *Kirk-Ella* in the County of the said Town.

[22d *May* 1829.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing the Road leading from the Town of Kingston-upon-Hull to and through the Town of Anlaby, and from thence to the Town of Kirk-Ella, in the County of the said Town of Kingston-upon-Hull*: And whereas another Act was passed in the Seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Eighteenth Year of His late Majesty, for repairing the Road from the Town of Kingston-upon-Hull to and through the Town of Anlaby, and from thence to the Town of Kirk-Ella, in the County of the said Town of Kingston-upon-Hull*: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and Powers of Two Acts, passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, and the Seventh Year of the Reign of His present Majesty, for repairing the Road leading from the Town of Kingston-upon-Hull to and through the Town of Anlaby, and from thence to the Town of Kirk-Ella, in the County of the said Town of Kingston-upon-Hull*:

[Local.]

24 B

And

And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled
 48 G. 3. c. 53. *An Act for continuing the Term and enlarging the Powers of Three Acts of His late and present Majesty, for repairing the Road leading from the Town of Kingston-upon-Hull to and through the Town of Anlaby, and from thence to the Town of Kirk-Ella, in the County of the said Town of Kingston-upon Hull:* And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected and taken upon the said Road, and are still due, and cannot be repaid, nor can the said Road be properly maintained in repair, unless the Term and Powers of the said Acts are enlarged, some additional Powers are granted, and the Tolls are increased: And whereas it would facilitate the Execution of the Objects herein-before mentioned, if the said Acts were repealed, and other Powers and Provisions were granted and made instead thereof: And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled
 5 G. 4. c. 69. *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas the beneficial Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: 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, That from and after the Fourth *Monday* next after the passing of this Act, the said recited Acts of the Eighteenth Year of the Reign of King *George* the Second, and of the Seventh, Twenty-eighth, and Forty-eighth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed.

Recited Acts of 18 G. 2. and of 7, 28, and 48 G. 3. repealed.

This Act to be put in force for repairing the Roads herein mentioned.

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 amending, improving, repairing, and maintaining in repair the Road leading from the Town of *Kingston-upon-Hull*, to and through the Town of *Anlaby* in the County of the said Town of *Kingston-upon-Hull*, to the End of the Middle Lane of *Anlaby* aforesaid, and from thence in Two Branches to the Town of *Kirk-Ella* and to a certain Pit in *Swanland Field* called *Mares Gate*, in the same County.

Powers of 5 G. 4. c. 69., except as altered, extended to this Act.

III. And be it further enacted; That the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and all and every the Powers and Provisions therein contained, shall (except so far as they are repealed, varied, or altered) be as valid and effectual for carrying this Act into execution as if they had been repeated and re-enacted in the Body of this Act.

Officers appointed under former Acts to continue.

IV. Provided always; and be it further enacted, That the Treasurer, if appointed consistently with the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, and every other Officer employed in the Execution of the said former Acts hereby repealed, shall respectively continue to exercise their Offices

under this Act until they shall be removed therefrom by the Trustees for executing this Act, and shall have the like Powers and Authorities for the Purposes of this Act, and shall be liable to the like Penalties, Conditions, Rules, and Regulations, as if they had been appointed under this Act.

V. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of the Town of *Kingston-upon-Hull*, together with *John Broadley, William Bourne, Henry Broadley, John Barkworth, John Beadle, Henry Bolton, George Barkworth, John Bell, Thomas Cartill, Robert Martin Craven, Samuel Cooper, Samuel Codd, Thomas Dikes the younger, Gardiner Egginton, Joseph Eglin, Robert Earnshaw, Samuel Hall Egginton, Leonard Brooks Earnshaw, John Frost, John Ferraby, Manklin Holland, Robert Hustwick, Christopher Hobson, Francis Hall the younger, Samuel Talbot Hassell, John Hudson the younger, John Hall, Anthony Jones, Thomas Jackson, Robert Keddy, Thomas Bentley Locke, William Levett the younger, Henry Levett, Joseph Robinson Pease, John Platford, Clifford Pease, Thomas Raikes, Robert Raikes the younger, Edward Robinson, Richard Sykes the younger, John Spicer, Joseph Sykes, William Sowby, Henry Schonswar, George Schonswar the younger, John Simpson, John Todd of Swanland, John Todd of Tranby, Charles Thompson, John Thornton, Charles Turner, John Terry, William Voase, James Kiero Watson, William Watson Wilkinson, Thomas Whittaker, Thomas Ward, Samuel Standidge Walton, Thomas Watson, and James Kiero Watson the younger, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.*

VI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time at any of their Meetings to be held in pursuance of this Act, (of which Meeting and of the Purpose thereof at least Ten Days previous Notice shall be given in manner by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees herein named; and such additional Trustees so elected, as well as all Trustees to be from Time to Time elected and appointed in pursuance of and according to the Provisions of the said last-mentioned Act of the Third Year of His said present Majesty, in the Place of Trustees dying, resigning, or otherwise becoming incompetent or disqualified to act, and being duly qualified, shall have the like Powers and Authorities for executing this Act as if they had been herein named.

VII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Guildhall in the Town of *Kingston-upon-Hull*, or at some other convenient Place in *Kingston-upon-*

Trustees.

Power to appoint additional Trustees.

3 G. 4. c. 126.

First Meeting of Trustees.

upon-Hull aforesaid, on the Fourth *Monday* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and Places within the Town of *Kingston-upon-Hull* aforesaid, or in the Neighbourhood of the said Road, as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint.

Power to
continue
Toll Gates,
&c.

VIII. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Toll Gates or Toll Bars and Toll Houses and Weighing Machines now standing and being upon or across the said Road, or upon the Sides thereof, and also to erect or build, in lieu thereof or in addition thereto, upon or across the said Road or any Part thereof respectively, or upon the Sides thereof respectively, or any Part thereof, when and where and as they shall judge necessary, any Toll Gates or Toll Bars and Weighing Machines and Toll Houses, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for the same, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to alter or take down and rebuild, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper and direct or appoint.

Tolls.

IX. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricule, Calash, Hearse, Litter, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards on the Bottom or Sole thereof, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage, with any of the Wheels of less Breadth than Six Inches as aforesaid, but not less than Four Inches and a Half, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage, with any of the Wheels thereof of less Breadth than Four Inches and a Half as aforesaid, the Sum of Seven-pence:

For every Horse or other Beast drawing any Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Cart or other such Carriage, with Wheels of less Breadth than Six Inches as aforesaid, but not less than Four Inches and a Half, the Sum of Sixpence:

For every Horse or other Beast drawing any Cart or other such Carriage, with Wheels of less Breadth than Four Inches and a Half as aforesaid, the Sum of Seven-pence:

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For

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 :

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any greater or less Number :

And for every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels projecting more than One Quarter of an Inch above such Tire, the Sum of Ten Shillings.

Such last mentioned Toll to be in lieu of any Penalty to which, by virtue of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable to by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire. 4 G. 4. c. 95.

X. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act granted shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes or other Agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire.

No Exemptions allowed for certain Carriages.

XI. 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 of such Toll Gates or Toll Bars, such Horse, Beast, or Cattle shall, at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass, and again to pass and repass a Second Time, Toll-free, (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other like Carriages, or drawing Post Chaises or other such like Carriages,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free: Provided always, that no such Horse, Beast, or other Cattle shall be permitted to pass and repass through such Toll Gate or Toll Bar a Third Time in any one Day, to be computed as aforesaid, without paying Toll, and so *toties quoties* for every Third Time that such Horse, Beast, or Cattle shall pass through such Toll Gate or Toll Bar on the same Day: Provided nevertheless, that no Horse, Beast, or Cattle for

Toll to be paid every Third Time of passing.

[Local.]

24 C

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which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other Carriage, or drawing for Hire or Reward a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupoise or more in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon the said Road for the Distance of Three Miles or more.

One full Toll only to be taken for passing and repassing all the Gates.

XII. Provided always, and be it further enacted, That no more than One full Toll (except as herein provided to the contrary) shall be taken for in respect of the same Horses, Beasts, or Cattle, or Carriages, in any one Day, for passing and repassing once through all the several Toll Gates or Toll Bars upon the said Road.

Stage Coaches, &c. to pay Toll every Time of passing.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for each Time of passing and repassing along the said Road.

Post Chaises on every new Hiring.

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, whether for riding, or for drawing any Post Chaise or other Carriage, for each Time of passing along the said Road whenever a new Hiring thereof shall take place.

Weight of Single Horse Carts.

XV. And for regulating the Weights to be allowed to Carts or other Carriages which shall be drawn upon the said Road by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to the Carts or other Carriages drawn by One Horse, Beast, or Cattle shall never exceed the Weights following; that is to say, from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) 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 Seven Hundred Weight for each such Carriage and the Lading thereof.

One Horse Carts to be weighed.

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

XVII. And

XVII. And be it further enacted, That the Monies already received or to be received by virtue of the said former Acts hereby repealed, and also all Monies which shall be received under this Act, shall be applied by the said Trustees in manner following; that is to say, in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act; or otherwise incident thereto, with lawful Interest for any Money which may have been advanced by any Person for the Payment thereof or of any Part thereof, from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid by the said Trustees; and in the next place, in paying and discharging any Interest which may from Time to Time be owing on the Credit of the said former Acts hereby repealed, or which may at any Time hereafter become due on the Credit of this Act; and afterwards in defraying the Expence of amending, improving, repairing, and maintaining in repair the said Road, and of otherwise executing the several Purposes of this Act; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may have been borrowed and secured under or upon the Credit of the said former Acts, and also any Principal Sum or Sums of Money which may hereafter be borrowed and secured under or upon the Credit of this Act.

Application
of Tolls and
other Monies.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within Three Calendar Months after the passing of this Act, or at any Adjournment thereof; to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Acts hereby repealed, and of the several Toll Houses and Buildings and Appurtenances thereto belonging, shall cease and be vacated from and after the Twenty-first Day next after such Meeting; and from and after such Declaration and Order the same shall cease and be void to all Intents and Purposes, except as to the Right and Power of the said Trustees to receive and recover Payment of all Rents and Arrears of Rent and Payments due and to become due thereon; and the said Trustees shall and are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain thereby, to be paid at such Times and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction may be recovered by such respective Lessees, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Six Calendar Months after the same shall be due and be demanded of the Clerk or Treasurer to such Trustees, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided always, that in case such Trustees and Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same shall and may be recovered by Action at Law as aforesaid: Provided also, that nothing herein contained shall prevent the said Trustees from entering into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent for the Tolls hereby granted and made payable,

Leases may
be vacated.

payable, as they shall think reasonable and proper; for the unexpired Term of their respective Leases or Agreements.

No Priority
of Mortgages.

XIX. And be it further enacted, That no Preference shall be given to any Person who may have heretofore advanced any Money on the Credit of the Tolls granted by the said former Acts hereby repealed, or who may hereafter advance any Money on the Credit of the Tolls granted by this Act, in respect of the Priority of the Mortgage or Assignment or other Security for the same, or of advancing such Money, but such respective Persons shall (in proportion to the Sums mentioned in any such Security) be Creditors under this Act and in equal Degree one with another.

Money received under
this Act not to be laid
out in
repairing
Streets.

XX. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of any of the said former Acts hereby repealed, or of this Act, shall be laid out in paving, cleansing, or repairing any Street, Road, or Highway within or immediately adjoining the said Towns of *Kingston-upon-Hull*, *Anlaby*, and *Kirk-Ella*, or either of them, or any Town through which the said Road passes, any thing herein contained to the contrary notwithstanding.

Term of Act.

XXI. And be it further enacted, That this Act shall commence upon the Fourth *Monday* 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 may then next follow.

Public Act.

XXII. 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.

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