



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. xxxv.

An Act for repairing and maintaining the Road
from *Wakefield* to *Aberford* in the County of
York. [30th *March* 1831.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Third, intituled *An Act for repairing and widening the Road from the Town of Wakefield to the Town of Abberford in the West Riding of the County of York*: And whereas another Act was passed in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of Parliament of the Twenty-ninth Year of the Reign of His present Majesty, for repairing and widening the Road from the Town of Wakefield to the Town of Abberford in the West Riding of the County of York*: And whereas another Act was passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Twenty-ninth and Thirty-third Years of the Reign of His present Majesty, for repairing and widening the Road from Wakefield to Abbertord in the County of York*: And whereas a considerable Sum of Money hath been borrowed and is now due and owing upon the Credit of the Tolls authorized to be collected upon the said Road, together with an Arrear of Interest thereon, which cannot be paid off, and the said Road kept in good Repair, unless the Term and Powers of the said Acts are enlarged: And whereas it is expedient that the

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Recited Acts
repealed.

said recited Acts should be repealed, and that further and other Provisions should be granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the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 upon the Day of the Commencement of this Act the said recited Acts of the Twenty-ninth, Thirty-third, and Fiftieth Years of the Reign of King George the Third shall be and the same are hereby declared to be repealed.

This Act to
be put in
execution for
the Purpose
herein men-
tioned.

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 repairing, amending, and maintaining the said Road from the Town of *Wakefield* to near the Town of *Aberford* at the Junction of the said Road with the *Ferrybridge* and *Boroughbridge* Turnpike Road in the West Riding of the County of *York*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *George Addey*, *John Blayds*, *Thomas Barff*, *John Barff*, *Thomas Bailey*, *John Billinton*, *Philip Bennet* the younger, *William Bennet*, *Joseph Bennett*, *John Baron Billam*, *William Thomas Burton*, *John Bell Clerk*, the Honourable and Reverend *Archibald Hamilton Cathcart*, *Thomas Bright Crosse*, *John Cuttle*, *Thomas Casson*, *George Craven*, *George Charlesworth*, *John Dodgson Charlesworth*, *Joseph Charlesworth*, *Richard Charlesworth*, *John Cookson*, *Robert Carr*, *John Francis Carr*, *William Dawson*, of *Wakefield*, *Joseph Dixon*, *Benjamin Dixon*, *John Egremont*, *John Egremont* the younger, *George Lane Fox*, *Jose Luis Fernandes*, *Thomas Foljambe*, *Thomas Foljambe* the younger, *Thomas Oliver Gascoigne*, *Richard Silver Gascoigne*, *George Green*, *James Milnes Gaskell*, *Daniel Gaskell*, *Benjamin Gaskell*, *Jeremiah Glover*, *John Hatfeild*, *Arthur Heywood*, *Peter Heywood*, *Oliver Arthur Heywood*, *Robert Hutchinson*, *Twisleton Haxby*, *John Hardcastle*, *Lawrence Hitchon*, *John Horsfall*, *Joseph Holdsworth*, *Joseph Harner*, *Rowland Hurst*, *Thomas Ikin*, *Thomas Johnstone Clerk*, *Thomas Johnson*, *Thomas Kilby Clerk*, *Sir John Lowther Baronet*, *John Henry Lowther*, *Charles Lowther*, *William Leatham*, *William Lee*, *Robert John Lumb*, *Tottenham Lee*, *Henry Lumb*, *Henry Lumb* the younger, *Thomas Lee*, *Thomas Lee* the younger, *John Earl Moxborough* in the Kingdom of *Ireland*, *John Maude*, *Richard John Sutcliffe Mellin*, *Francis Maude Clerk*, *Daniel Maude* of *Hatfeild Hall*, *Martin Joseph Naylor Doctor in Divinity*, *William Naylor*, *John Naylor*, *Richard Nichols*, *Charles Peterson*, *George Poppleton*, *William Ridsdale*, *George Ridsdale*, *George Robinson*, *Samuel Stocks*, *David Smirthwaite*, *John Scholey*, *Thomas Stott*, *Charles Sorby*, *Joseph Shaw*, *Edward Sidebottom*, *John Stanfield*, the Honourable *John Savile* commonly called *Viscount Pollington*, the Honourable *Henry Savile*, the Honourable *Philip Savile*, *Thomas Tootal*, *Thomas Taylor*, *John Tootal*, *George Nicholson Tootal*, *George Teale*, *Edward Tew*, *Edward Taylor*, *Thomas Woodcock Clerk*, *John Whitaker Clerk*, *James Wilson*, *Thomas White*, *John Walker*, and *William Walter White*, and their Successors, being duly qualified

qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining in repair the said Road, and for otherwise putting this Act into execution.

IV. And be it further enacted, That it shall 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.

Power to appoint additional Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *Lowther's Arms*, in *Swillington* in the said West Riding, or at some other convenient Place near the said Road, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Road, as they shall think proper.

First Meeting of Trustees.

VI. And be it further enacted, That the several Gates, Turnpikes, Weighing Machines, and Toll Houses erected and now standing across and on the Sides of the said Road 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 built or set up and placed upon, in, or across the said Road or any Part or Parts thereof, or by the Sides thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Gates and Turnpikes, and such future Gates, Turnpikes, Side Gates, Side Bars, and Chains, or any of them, as they the said Trustees shall think proper.

Power to continue and erect Toll Gates, &c.

VII. And be it further enacted, That, notwithstanding the Repeal of the said recited Acts, the several Tolls granted by the said recited Acts shall be continued to be demanded, paid, and received at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, erected and continued on the Road comprised in this Act, until Twelve of the Clock at Noon on the Fourth Day of *March* next (when the Term of the several existing Leases of the said Tolls will expire).

The present Tolls to be taken until 4th March.

VIII. And be it further enacted, That from and after Twelve of the Clock at Noon on the Fourth Day of *March* next it shall and may be lawful for the said Trustees to demand and take, or cause to be demanded

Power to take Tolls.

demanded and taken, the Tolls or Sums herein-after mentioned, or such Sum or Sums, not exceeding the respective Tolls or Sums herein-after mentioned, as the said Trustees at any of their Meetings from Time to Time shall think proper and order to be taken at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and being, for continued or erected by virtue of this Act, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night; (that is to say,)

Tolls.

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, if drawn by more than One Horse or other Beast, the Sum of Six-pence, and if drawn by only One Horse or other Beast, the Sum of Five-pence:

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

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

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of Two-pence at the First Gate through which the same shall pass; the Sum of One Penny Halfpenny at the Second Gate through which the same shall pass; and the Sum of One Penny at the Third Gate through which the same shall pass:

Which said respective Tolls or Sums of Money shall or may be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and such several and respective Tolls or Sums of Money 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.

Limiting the Number of Tolls on the whole Line of Road.

IX. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates or Turnpikes, or Side Gates or Side Bars or Chains, along the whole Line of the said Road; except for Horses or other Beasts laden or unladen and not drawing, which are to be subject to Toll at the Three first Gates through which the same shall pass as herein-before mentioned, and which shall not be liable to Toll at more than such Three Gates in any One Day, to be computed as aforesaid.

Tolls to be paid but once a Day.

X. Provided always, and be it further enacted, That when the full Toll shall have been paid for or in respect of any Horse or other Beast passing through any Toll Gate or Turnpike, Side Gate or Side Bar or Chain, erected or to be erected on the said Road, such Horse or

or other Beast (except Horses drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage herein-after specified,) shall (on a Ticket being produced denoting such Payment) be permitted to go and return at any Time or Times in the same Day (to be computed as aforesaid) Toll-free through the same Toll Gate or Turnpike, Side Gate, Side Bar, or Chain, and also through such other Toll Gates or Turnpikes, Side Gates, Side Bars, or Chains, on the said Road, as the Ticket for such Payment shall free.

XI. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Half-penny shall be demanded and taken in lieu of such fractional Part.

Fraction of a Halfpenny in Tolls.

XII. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Cart, or other such Carriage, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on the said Road, and any such Horse or other Beast shall afterwards be employed on the said Road during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

Horses drawing different Carriages to pay each Time of passing.

XIII. Provided always, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Road: Provided also nevertheless, that no further or additional Toll shall be payable in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed.

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

XIV. Provided also, and be it further enacted, That the Tolls 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 Road, whenever any fresh Hiring thereof shall take place.

Post Chaises on every fresh Hiring.

XV. Provided also, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Cows or other Cattle or Sheep going to or returning from Pasture or Watering Place, or to or from any Field or Inclosure belonging to or occupied by the Owner of any Cows, Cattle, or Sheep, to any other Field or Inclosure belonging to or occupied by such Owner, subject to the like Provisions and Penalties as are provided or imposed by the several Acts for repairing Turnpike Roads in *England* in Cases of Exemptions for Horses or other Beasts employed in Husbandry going to or

Exemption for Cows, &c. going to Pasture.

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returning

returning from Plough or Harrow, or to or from Pasture or Watering Place.

Application
of Monies.

XVI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts, or any of them, hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned and authorized to be collected on the said Road, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied by the said Trustees to and for the several Uses, Intents, and Purposes, and in the Manner following; (that is to say,) the said Trustees shall in the first place pay and discharge thereout all the Costs, Charges, and Expences incurred in, about, and relating to the applying for, preparing, obtaining, and passing this Act; and the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and other such general current Expences,) be applied in keeping down the Interest hereafter to accrue and the Arrears of Interest now due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Road, and the Interest of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable thereon; and in defraying the Expences of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Road, and of keeping the said Road in repair, and of diverting, altering, widening, and improving the said Road, and otherwise in executing the Powers of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts, or any of them, hereby repealed, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act on account of the said Road, and all other Debts and Money now owing and which may hereafter become due and owing by or on account of the said Road; provided that the Powers heretofore given by the General Turnpike Acts to the Mortgagees of the Tolls on the said Road shall not be defeated or lessened.

Monies not
to be laid out
in repairing
Streets, &c. in
Wakefield.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any Money in paving or repairing any Highway or Street within the Town of *Wakefield*, or to collect any Tolls by virtue of this Act therein.

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.

XIX. And

XIX. And be it further enacted, That this Act shall commence upon the Second *Thursday* next after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Term of Act.

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UNITED STATES DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY OF COMMERCE
WASHINGTON, D. C.