



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xciii.

An Act for maintaining the Roads from the Town of *Kingston-upon-Hull* to the Town of *Beverley* in the East Riding of the County of *York*, and from *Newland Bridge* to the West End of the Town of *Cottingham* in the same Riding.

[10th June 1833.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of King George the Second, intituled *An Act for repairing the Road between the Town of Kingston-upon-Hull and the Town of Beverley in the East Riding of the County of York*: And whereas another Act was passed in the Fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act to continue the Term and enlarge the Powers of an Act passed in the Seventeenth Year of the Reign of His late Majesty, for repairing the Road between the Town of Kingston-upon-Hull and the Town of Beverley in the East Riding of the County of York, and for repairing the Road from Newland Bridge to the West End of the Town of Cottingham in the said Riding*: And whereas another Act was passed in the Thirty-second Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts passed in the Seventeenth Year of the Reign of His late Majesty King George the Second and the Fourth Year of the Reign of His present Majesty, for repairing the Road between the Town of Kingston-upon-Hull and the Town of Beverley in the East Riding of the County of York, and for repairing the Road from Newland Bridge to the*

[Local.] 22 M West

52 G.3. c.22.

Recited Acts
repealed.This Act to
be put in
force for the
Purposes
herein men-
tioned.

Trustees.

West End of the Town of Cottingham in the said Riding: And whereas another Act was passed in the Fifty-second Year of the Reign of His said late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for repairing the Roads from Hull to Beverley, and from Newland Bridge to Cottingham, in the County of York*: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected on the said Roads, and are still due, and cannot be repaid, nor can the said Roads 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 Acts herein-before recited were repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas the beneficial Objects herein-before mentioned 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the Fourth *Tuesday* next after the passing of this Act the said recited Acts of the Seventeenth Year of the Reign of King George the Second, and of the Fourth, Thirty-second, and Fifty-second Years of the Reign of His late Majesty King George the Third, shall be and the same are hereby declared to be repealed.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purposes of improving, repairing, and maintaining in repair the Road leading from the West End of *Whitefriar Gate* in the Town of *Kingston-upon-Hull*, formerly called *Beverley Gate*, to a House at the South-east End of the Town of *Beverley* in the East Riding of the County of *York*, commonly called and known by the Name or Sign of the *Golden Fleece*, and also the Road leading from the North End of *Newland Bridge* to *Cottingham Bars* at the West End of the Town of *Cottingham* in the same Riding.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the East Riding of the County of *York*, together with *John Barker Arden, William Watson Bolton, Christopher Bolton, John Barkworth, William Bourne, William Beverley, Henry Bolton, John Beadle, Charles Brereton, George Barkworth, John Broadley, George Coulson, Thomas Clubley, Frederick Campbell, John Christopher Cankrien, Edward Foster Coulson, Theophilus Carrick, Samuel Codd, Robert Martin Craven, Robert Craven, Thomas Dewsberry, Thomas Dikes the younger, Samuel Hall Egginton, John Egginton, Robert Earnshaw, John Ferraby, William Hall, Francis Hall, Benjamin Blaydes Haworth, Samuel Hall, Watts Hall, John William Hentigg, Simon Horner, John Horseley, Thomas Hull, Thomas Hall, John Hall, Manklin Holland, Robert Hustwick, Samuel Talbot Hassell, John Hudson the younger, Francis Iveson, Robert Jarratt, John Jarratt, Anthony Jones, Robert Keddey, Thomas Bentley Locke, Henry Levett, William Liddell, Richard William Moxon, Henry William Maister, William Moxon, John Platford, Clifford Pease, Dennis Peacock, Robert Raikes the younger, Thomas Raikes, William Ringrose, Samuel Ringrose, George Rudston,*

Rudston, Edward Robinson, George Schonswar, Henry John Shepherd, John Spicer, John Henry Smith, Henry Thompson, Avison Terry, John Terry, John Todd of Swanland, John Todd of Tranby, John Thornton, Isaac Turner, William Voase, Charles Whitaker, John Williams, Robert Wylie, Thomas Whitaker, William Williamson Whitaker, William Watson Wilkinson, James Kiero Watson, Thomas Watson of Waudby, Thomas Ward, 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 declared to be Trustees for carrying into execution this Act.

IV. And be it further enacted, That it shall be lawful for the said Trustees at their First Meeting to be held for the Execution of this Act to elect 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, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein named.

Power to elect additional Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Guildhall within the Town of *Kingston-upon-Hull*, or at some other convenient Place in the said Town, on the Fourth *Tuesday* next after the passing of this Act, or as soon afterwards as conveniently may be, between the Hours of Eleven and Two of the Clock, 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 Roads, as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint.

First Meeting of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto upon the said Roads or upon any Part or Parts thereof respectively, or upon the Sides thereof or any Part thereof, when and where and as they shall judge necessary, and also from Time to Time to alter or to take down, and to re-erect or re-construct, or to discontinue and remove, such Toll Gates, Toll Bars, Toll Houses, and Weighing Machines, or any of them, as they the said Trustees shall think proper.

Power to continue Toll Gates, &c.

VII. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Branch of Road comprised in this Act One or more Toll Gate or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the various Acts for regulating Turnpike Roads in *England*; and no Money arising from any of the Tolls by this Act authorized to be taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be some Toll Gate or Toll Bar at the Time standing; and no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised

Trustees to erect Toll Gates on each Branch Road, and to take Tolls thereat.

raised or received upon or in respect of such Branch Road ; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls.

VIII. 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, Ass, Mule, or other Beast or Cattle drawing any Coach, Stage Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricule, Calash, Hearse, Litter, or other such Carriage, the Sum of Sixpence :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Waggon, Wain, Van, Caravan, 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 Sixpence :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Waggon, Wain, Van, Caravan, 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 Seven-pence and One Halfpenny :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Waggon, Wain, Van, Caravan, 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 Nine-pence :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Cart or other Two-wheeled Carriage with Wheels of the Breadth of Six Inches or upwards as aforesaid, the Sum of Sixpence :

For every Horse, Ass, Mule, or other Beast or Cattle 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 Seven-pence and One Halfpenny :

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

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

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

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than animal Power, the Sum of One Shilling *per* Wheel for each Wheel thereof :

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 late Majesty King George the Fourth, 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

called England, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable 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.

IX. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken the Sum of One Halfpenny may be demanded and taken in lieu of such fractional Part.

As to the fractional Part of a Halfpenny in Tolls.

X. 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 of the said 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 the next succeeding Night, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass, and also 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 such like Carriages, or drawing Post Chaises or other such like Carriages,) through such 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 also, that no 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 again 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 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 such 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 such 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 Roads for the Distance of Three Miles or more.

Toll to be paid for every Third Time of passing.

XI. Provided always, and be it further enacted, That no more than Two full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horse, Beast, or Cattle, or Carriage, in any One Day, for passing and repassing once through all the several Toll Gates or Toll Bars upon the said Roads.

Limiting the Number of Tolls for passing and repassing.

XII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages of whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing along the said Roads: Provided always, that no further or additional Toll shall be payable in respect of Horses, Beasts, or Cattle drawing such Stage Carriages on account only of the Horses, Beasts, or Cattle drawing the same having been changed.

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

[Local.]

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XIII. Pro-

Post Chaises,
&c. to pay
on every new
Hiring.

XIII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for Riding, or for drawing Post Chaises or other Carriages, passing upon the said Roads, upon each and every Occasion of a new and distinct Hiring of such Horses, Beasts, or Cattle.

Weight of
One-horse
Carts limited.

XIV. And be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads shall not exceed the 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.

XV. And be it further enacted, That all Carts and other such Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads may be weighed at any Weighing Machine upon such Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law now payable in respect of the Overweight 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 Roads drawn by only One Horse, Beast, or Cattle, and to the Owners and Drivers thereof.

Penalty on
Lessees of
Tolls com-
pounding for
Overweight.

XVI. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition, by the Year or otherwise, with any Person or Persons whomsoever, for or in lieu of the Tolls of any Carriage of whatever Description by Law liable to be weighed, and charged for or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall on Conviction thereof, by Confession, or upon the Oath of any Witness, before any of His Majesty's Justices of the Peace, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his or her Contract, Lease, or Agreement for renting the Tolls if the said Trustees shall think proper to order that the same shall be made void, and every such Composition shall be null and void; and One Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied in the Repair of the said Roads.

Leases may
be vacated.

XVII. 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 next 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, Buildings, and Appurtenances thereto belonging, shall

shall cease and be void from and after the Twenty-first Day next after the Day on which such Meeting shall be held; and from and after the Time mentioned in the said Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, except as to the Right of the said Trustees (which in all Cases is hereby reserved) to receive and recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon; and the said Trustees shall and they 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 by the Determination of such Demises, Leases, and Agreements before the Expiration of the Time for which they were originally granted or made, such Compensation and Satisfaction to be paid at such Times and in such Proportion as shall be agreed upon between the said Trustees and such Lessees respectively: Provided always, that in case such Compensation or Satisfaction shall not be paid within Six Calendar Months after the same shall have become due to any such Lessee, and have been demanded of the Clerk or Treasurer to such Trustees, or in case the said Trustees and any such Lessees shall not agree upon the Amount of such Compensation or Satisfaction, the same may be recovered by such Lessee by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: 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 in respect of the Tolls by this Act granted as they shall think reasonable and proper, for the unexpired Term of the existing Demises, Leases, or Agreements.

XVIII. And be it further enacted, That the Money already received or which shall be received by virtue or in respect of the said former Acts hereby repealed, and also the Money which shall be received under or by virtue of this Act, shall be applied by the said Trustees in manner following; that is to say, in the first place, and in preference to all other Disbursements whatever, in paying and discharging all Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced 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; 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 Roads, 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 Tolls granted by 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 Monies.

XIX. And it further enacted, That no Preference shall be given to any Person who may have heretofore advanced any Money on the Credit

No Priority of
Mortgages.

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 in respect of the Priority 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.

No Part of
Tolls to be
laid out in
repairing
Streets, &c.

XX. And be it further enacted, That no Part of the Money received by virtue of the said former Acts hereby repealed, or of this Act, shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway, or any Part thereof, having Houses or Buildings ranged along the Sides, within or immediately adjoining the said Towns of *Kingston-upon-Hull*, *Beverley*, and *Cottingham*, or the Parish of *Sculcoates* in the East Riding of the County of *York*, or any or either of them, or within any other City, Town, or Place through which the said Roads may pass, nor shall any Tolls be collected in any such Street, Road, or Highway.

Trustees, &c.
declared
competent
Witnesses.

XXI. And whereas by the said Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, it is enacted, that the Trustees and Commissioners of Turnpike Roads may sue and be sued in the Name or Names of any of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in any Action or Suit in which they may be Plaintiffs or Defendants; and it is expedient that such Doubts should be removed; be it therefore enacted, That no Trustee or Clerk acting under the Authority of the said recited Act or of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any such Action or Suit, by reason of such Trustee, Commissioner, or Clerk being Plaintiff or Defendant in such Action or Suit.

Term of Act.

XXII. And be it further enacted, That this Act shall commence on the Fourth *Tuesday* after the passing hereof, 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.

Public Act.

XXIII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.