



ANNO UNDECIMO

# GEORGII IV. REGIS.

\*\*\*\*\*

## *Cap. iv.*

An Act for repairing certain Turnpike Roads leading to and from *Thirsk* in the County of *York*.  
[19th *March* 1830.]

**W**HEREAS an Act was passed in the Twenty-sixth Year of the Reign of King George the Second, intituled *An Act for widening and repairing the High Road leading from Northallerton to the South Wall of the Churchyard of the Town of Thirsk, and from the South-east End of the Street called Finkell Street, in Thirsk aforesaid, to and through the Town of Easingwold in the County of York, to a Place called Burton Stone, near the City of York, and also the Road from Thirsk aforesaid to Topcliffe in the North Riding of the County of York*: And whereas an Act was passed in the Eighteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty, for widening and repairing the Road leading from Northallerton to the South Wall of the Churchyard of the Town of Thirsk, and from the South-east End of the Street called Finkell Street, in Thirsk aforesaid, to and through the Town of Easingwold in the County of York, to a Place called Burton Stone, near the City of York, and also the Road from Thirsk aforesaid to Topcliffe in the North Riding of the County of York*: And whereas an Act was passed in the Thirty-fourth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of the Twenty-sixth Year of King George the Second and the Eighteenth Year of His present Majesty,*  
[Local.] H Majesty,

26 G. 2. c. 75.  
18 G. 3. c. 92.  
34 G. 3. c. 118.

48 G. 3. c. 7.

Former Acts  
repealed,and this Act  
to be put in  
execution in-  
stead thereof.Trustees  
appointed.

*Majesty, for widening and repairing the High Road leading from Northallerton to the South Wall of the Churchyard of the Town of Thirsk, and from the South-east End of the Street called Finkell Street, in Thirsk aforesaid, to and through the Town of Easingwold in the County of York, to a Place called Burton Stone, near the City of York, and also the Road from Thirsk aforesaid to Topcliffe in the North Riding of the County of York: And whereas an Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled An Act for continuing the Term and enlarging the Powers of Three Acts for repairing the Road from Northallerton to Thirsk, and from Thirsk, through the Town of Easingwold, to Burton Stone, near the City of York, and also the Road from Thirsk to Topcliffe, in the County of York: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in execution, and several considerable Sums of Money are due and owing on the Credit of the Tolls by the said Acts authorized to be taken on the Roads comprised in the said Acts, which cannot be paid off, nor can the Roads comprised in the said Acts be properly amended, widened, improved, and kept in repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased or altered: And whereas it would be more convenient to the Trustees, and beneficial to the said Roads and to the Public, if the said Acts were repealed, and if further and other Powers were 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 from and after the Day of the Commencement of this Act the said Acts passed in the Twenty-sixth Year of the Reign of King George the Second, and in the Eighteenth, Thirty-fourth, and Forty-eighth Years of the Reign of His late Majesty, 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 Purpose of repairing, improving, and keeping in repair the Roads leading from the South Wall of the Churchyard of the Town of Thirsk to Northallerton, and from the South-east End of the Street called Finkell Street, in the Town of Thirsk, to and through the Town of Easingwold, to a Place called Burton Stone, near the City of York, and from Thirsk to Topcliffe, all in the County of York.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the North Riding of the County of York, together with John Leathley Armitage, John Bell, Francis Beddingfield, Richard Blanshard, Thomas Barstow, John Croft Brooke, Stamp Brooksbank, Henry Barton, Wilson Beckett Clerk, Samuel Crompton, Cornelius Cayley, William Rooks Crompton, Warcop Consett, Thomas Crawford, Thomas Comber Clerk, the Honourable William Duncombe, the Honourable Thomas Dundas, the Honourable and Reverend William Henry Dawney Clerk, William Dent Clerk, William Dealtry Clerk, Henry Duncombe of Sigston, Clerk, Drake Doctor in Divinity, George Vandeput Drury, Robert Dent, Charles Heneage

*Elsley, Thomas Eeles, Sir Thomas Frankland Baronet, Robert Frankland, James Favill, Thomas Hartland Fowle Clerk, Sir Bellingham Reginald Graham Baronet, Powel Colchester Guise Clerk, John Headlam Archdeacon of Richmond, Henry Hewgill, John Hutton, Thomas Lumley Hodgson Clerk, Jonathan Holmes Clerk, Benjamin Johnson, Robert Jefferson Doctor in Divinity, Charles Johnstone Clerk, Valentine Kitchingman, Robert Bell Livesey, John Leife, John Francis Lascelles, William Lambert, William Lockwood Clerk, Thomas Maddison, Thomas Meynell, George Marwood Clerk, Thomas Newton Clerk, Benjamin Newton Clerk, Place of Skelton, Richard William Christopher Peirse, Edmund Payley Clerk, John Charles Ramsden, John Wayne Rockliffe, William Rutson, Thomas Richardson, William Lodge Rockliffe Doctor of Medicine, John Seavers Richardson Clerk, Martin Stapylton, Edward Strangways, Charles Smith, James Serjeantson, Edmund Turton, Thomas Thrush, William Tetley, Thomas Stubbs Walker senior, Thomas Stubbs Walker junior, John Sanders Walton, Robert Ward, William Walbanke, Thomas Wilkinson, Jonah Wasse senior, William Whythead Barrister at Law, and Thomas Young Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining in repair the said Roads, 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, (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 *Three Tuns* Hotel in the Town of *Thirsk* aforesaid, or at some other convenient Place in the said Town, or upon or near to the Line of the said Roads, 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 after adjourn to and meet at such Times, and at such Place or Places in the said Town or upon or near to the Line of the said Roads, as they shall think proper.

First Meet-  
ing of Trus-  
tees.

VI. And be it further enacted, That the respective Sums hereinafter mentioned (or any Sum not exceeding the same Sums respectively) shall or may be demanded and taken for Tolls; (that is to say,)

Tolls.

For every Horse or Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Sociable, Car, Chair, Gig, Whiskey, Caravan, Van, Hearse, Litter, or other such like Carriage, if drawn by Six or more Horses or Beasts, the Sum of Sixpence; if drawn by Five Horses or Beasts, the Sum of Seven-pence; if drawn

- drawn by Four Horses or Beasts, the Sum of Seven-pence Halfpenny; if drawn by Three Horses or Beasts, the Sum of Ten-pence; if drawn by Two Horses or Beasts, the Sum of Seven-pence Halfpenny; and if drawn by One Horse or Beast only, the Sum of Eight-pence for such Horse or Beast:
- For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Eight-pence:
- For every Waggon, Wain, Cart, or other such Carriage as shall be drawn along the said Roads affixed or fastened to any other Waggon or other Carriage drawn along the said Roads, the Sum of One Shilling in addition to the aforesaid Tolls on the Horses or Beasts drawing the same:
- For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-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 less Number:
- For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score; and so in proportion for any less Number:
- For every Carriage travelling along the said Roads propelled by Steam or otherwise, without Horses or Beasts, the Sum of Nine-pence for every Wheel on which the same shall run.

Fractional Part of a Halfpenny in Tolls.

VII. 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 mentioned in this Act, in respect of any Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting the Number of Gates at which Payments shall be enforced.

VIII. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand and take the respective Sums or Tolls aforesaid at more than Four Gates, in any One Day, in respect of the same Horses, Beasts, or Cattle passing or repassing at any Time or Times in the same Day through all the Toll Gates, Turnpikes, and Side Gates on the said Roads, any thing in any Law or Statute relating to Turnpike Roads contained to the contrary notwithstanding.

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

IX. Provided always, and be it further enacted, That the Tolls payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, 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 Roads or any of them.

Post Chaises to pay each Time of passing with a fresh Hiring.

X. Provided also, and be it further enacted, That the Tolls payable for and 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 fresh Hiring thereof shall take place.

XI. And

XI. And be it further enacted, That notwithstanding any Law or Statute to the contrary, all Carts and other Carriages drawn by One Horse or other Beast shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Roads, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable by Law; and every such Cart or other Carriage drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Thirty-five Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Thirty Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls mentioned in this Act) to receive and take, such and the same additional Tolls for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

One Horse  
Carts to be  
weighed.

Additional  
Toll for Over-  
weight.

XII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts, 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, 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 to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences incurred in or incidental to the applying for, preparing, obtaining, and passing this Act; secondly, in repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts, and in paying Expences of Books, Advertisements, Salaries of Officers, and other such current Expences of the Trustees, and in paying and discharging the Interest to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the same Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls by virtue of this Act; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads; 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, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act.

Application  
of Tolls and  
Money bor-  
rowed.

XIII. 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 Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and

No Money to  
be laid out on  
the Roads  
where there  
is no Turn-

[*Local.*]

I

continued

pike erected  
or no Tolls  
taken.

continued upon such Branch Road, 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 Branch Road than shall be collected thereon.

Not to repair  
Streets in  
Thirsk,  
Northaller-  
ton or Eas-  
ingwold.

XIV. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies now borrowed or hereafter to be borrowed on the Credit thereof, in or towards the repairing, lighting, or improving any of the Streets, Highways, or Places in the Towns of *Thirsk*, *Northallerton*, or *Easingwold*, or any of them.

Ditches,  
Drains,  
Bridges, &c.  
by whom to  
be made and  
cleansed.

XV. 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 Carriage-ways or Footways lead into or out of or cross 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 and 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.

Public Act.

XVI. 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.

Commence-  
ment and  
Continuance  
of this Act.

XVII. And be it further enacted, That this Act shall commence upon the Second *Tuesday* 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.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1830.