



ANNO UNDECIMO

# GEORGII IV. REGIS.

\*\*\*\*\*

## *Cap. xcvi.*

An Act for making and maintaining a new Turnpike Road from the Town of *Kingston-upon-Hull* in the County of the said Town to *Hedon* in the County of *York*. [29th May 1830.]

**W**HEREAS the making and maintaining of a new Turnpike Road, to commence at the West End of a certain Street situate in the Parish of *Drypool* in *Holderness* in the County of *York*, called *Popple Street*, and to continue thence along the said Street to its Eastern Extremity, and thence through certain Lands in the Township of *Southcoates* in the said County of *York*, and thence in an Easterly Direction through certain Lands in the said Parish of *Drypool* and in the said Township of *Southcoates*, to the Lordship of *Marfleet* in the said County of *York*, and thence Easterly through certain Lands in the said Lordship of *Marfleet* to the East End of a certain Road there which adjoins on the North-west Corner of an Open Pasture in the same Lordship called *Little England*, and thence in a South-easterly Direction and in a straight Line through certain other Lands in the said Lordship of *Marfleet* and in the Parish of *Preston* in the said County of *York* to and across a certain Road in the said Parish of *Preston* called *Stakes Road*, and thence continuing in a straight Line in the same Direction,

[*Local.*]

29 E

through

through certain Lands in the said Parish of *Preston* and certain Lands in the Parish of *Hedon* in the said County of *York*, to and across a certain Piece of Land in the said Parish of *Hedon* called *Farbank*, to the West End of *St. John's Lane* in the same Parish, and thence along the same Lane to the West End of a certain Street in the Town of *Hedon* aforesaid called *Fletcher Gate*, will be of great Advantage and Convenience to the Inhabitants of the said Towns, and to the Owners and Occupiers of Lands in the Neighbourhood, and will greatly facilitate the Communication and materially shorten the Distance between the said Towns of *Kingston-upon-Hull* and *Hedon*, and will otherwise be of great public Utility; but the same 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 all His Majesty's Justices of the Peace for the Time being acting for the said County of the Town of *Kingston-upon-Hull* and for the East Riding of the County of *York* respectively, together with *George Alder, Thomas Appleby, Robert Bell of Roos, Robert Bell the younger, John Burstall, Samuel Burstall, John Barkworth, George Blenkin, William Bunney, James Brook, Charles Barker, William Collinson, Robert Martin Craven, George Clifford, Edward Foster Coulson, Samuel Cooper, Thomas Dikes, William Dryden, Samuel Hall Egginton, John Egginton, John Frost, Joseph Garforth, Edward Gibson, William Fewson, Thomas Blackborne Hildyard, Francis Hall the younger, Samuel Talbot Hassell, James Henwood, Robert Hustwick, John Harrison, William Harland, William Iveson, James Iveson, Francis Iveson, Thomas Jackson, Thomas Bentley Locke, William Levett the younger, William Lowthrop, George Liddell, Robert Linsdale, Samuel Lightfoot, Edward Lorrimer, Richard Lacy, John Lambert, Henry William Maister, Thomas Joseph Owest, John Cowham Parker, Henry Parker, Clifford Pease, Miles Popple, Thomas Priestman, Robert Pattinson, Josiah Prickett, Marmaduke Thomas Prickett, William Potchett, Robert Raikes, Thomas Raikes, Robert Raikes the younger, Samuel Ringrose, Robert Ramsey, Edward Rheam, George Rheam, William Ranson, Richard Sykes the younger, John Henry Smith, Joseph Sanderson, William Sowby, William Stickney, Robert Stubbing, Samuel Stocks, George Henry Sherwood, John Vincent Thompson, John Todd of Tranby, John Todd of Swanland, George Twisleton Thompson, William Todd of Hull, William Todd of Turner Hall, John Terry, John Thrackray, William Voase, Francis Watt, Thomas Whitaker, Anthony Wilkinson, William Watson, Thomas Watson of Waldby, Edward Ward, Thomas Wilson, William Wilkinson, and James Kiero Watson, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for making and maintaining the said Road herein-before described, and for otherwise putting this Act in execution.*

Trustees.

Power to  
appoint  
additional  
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any

Number of Persons duly qualified as aforesaid, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

III. And be it further enacted, That the First Meeting of the said Trustees shall be held at the House known by the Name or Sign of the *Kingston Hotel*, or at some other convenient House or Place in the Town of *Kingston-upon-Hull* aforesaid, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be; at which Meeting the said Trustees shall and may proceed in the Execution of this Act, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Time and Place or Times and Places, within the Town of *Kingston-upon-Hull* aforesaid, or on the Line or in the Neighbourhood of the said Road, as they may think proper and appoint.

First Meeting of the Trustees.

IV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to set out and make the said Road herein-before described upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Common and Waste Lands without making any Satisfaction for such Commons and Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Road as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time, by Order of the said Trustees, to enter upon the Lands and Premises and Hereditaments through or over which or whereupon such Roads, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees to set out and make the Road.

V. And whereas a Map or Plan describing the Line of the said Road, and the Lands through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at each of the Offices of the Clerks of the Peace for the said Town and County of the Town of *Kingston-upon-Hull*, for the Borough of *Hedon*, and for the said East Riding of the County of *York* respectively;

Copies of Maps or Plans deposited at the Offices of the Clerks of the Peace to remain there, and be open to Inspection.

tively; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace respectively, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof or therefrom, at their Will and Pleasure, paying the said Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, and Collegiate, through whose Lands such Deviation shall be made.

Not to deviate more than 100 Yards without Consent.

Misnomers not to prevent the Execution of this Act.

VI. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Premises to be taken and used for the Purposes of this Act shall happen not to be described in the said Maps or Plans and Books of Reference, or any of the Owners or Occupiers of the same, or any of the Lands, Houses, Buildings, or other Premises described in the said Maps or Plans and Books of Reference, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands, Houses, Buildings, and other Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the same had been accurately described in the said Maps or Plans and Books of Reference respectively, and as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named, provided it shall appear to any Two or more Justices of the Peace acting for the County, Riding, or Place in which such Lands, Houses, Buildings, and other Premises which have been so omitted, misnamed, or inaccurately described lie, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands, Houses, Buildings, or other Premises had Notice that the same would be wanted for the Purposes of this Act.

Limiting the Time within which the Trustees may purchase Buildings, &c.

VII. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Five Years (to be computed from the passing of this Act) agree for or cause to be valued and paid for the several Messuages, Cottages, and other Buildings, Gardens, Yards, Plantations, Hereditaments, and Premises in the Schedule to this Act annexed, which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose only shall cease, determine, and be utterly void (save and except with the Consent of the Owners or Proprietors thereof respectively).

Trustees may erect Toll Gates, &c.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized to erect and set up, or cause to be erected and set up, such and so many Turnpikes,  
Toll

Toll Gates, and Toll Bars, in, upon, or across the said Road by this Act authorized to be made and maintained, or in, upon, or across any Part or Parts thereof, or at the Commencement or End thereof, or at, upon, or near the Side or Sides thereof, or as they shall think proper, and from Time to Time remove, take away, or alter the Situation of the same or any of them, and to erect another or others in the Room or Stead thereof, or to discontinue the same, as the said Trustees shall deem expedient, and also to erect and provide so many Toll Houses, with suitable Outhouses and other Conveniences, and to take in and inclose from the Sides of the said Roads, or from the Lands adjoining the same, such suitable Garden Spots for the same respectively (not exceeding One Eighth Part of a Statute Acre to each Toll House), and to erect and set up so many Weighing Machines at or near each and every or any of such Toll Houses, as to the said Trustees shall seem proper or expedient.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors or other Person or Persons acting under the Authority of the said Trustees, to demand and take, at each and every of the Turnpikes, Toll Gates, and Toll Bars which shall be erected or set up in, upon, or across the said Road, or any Part or Parts thereof, or at the Commencement or End thereof, or upon or near the Side or Sides thereof, the several and respective Sums or Tolls, or such Sum or Sums not exceeding the following Sums or Tolls respectively, as the said Trustees at any of their Meetings shall from Time to Time appoint and order ; (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 : Tolls.

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 :

[*Local.*]

29 F

For

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

Tolls vested in Trustees.

Which said Tolls shall be and are hereby vested in the said Trustees.

No Exemptions allowed in respect of Carriages having the Nails of the Tire projecting more than a Quarter of an Inch.

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 Toll to be paid on repassing, but to be paid every Third Time of passing.

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 hereinafter 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 or 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

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 Avoirdupois 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.

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 or 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.

Only One full Toll for passing all the Gates in One Day.

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.

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

XIV. Provided always, and be it further enacted, That no further or additional Toll shall be payable for or in respect of any Stage or Mail Coach or other public Conveyance, on account only of the Horses drawing the same being changed.

No Toll on Change of Horses only.

XV. 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.

Horses let to Hire subject to Toll on every new Hiring.

XVI. 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 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.

Weight of Single-horse Carts limited.

XVII. 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

One-horse Carts to be weighed.

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.

Application  
of Tolls and  
Money bor-  
rowed.

XVIII. And be it further enacted, That out of the Monies already subscribed or advanced for the Purpose of making the said Road, or which shall be borrowed on the Credit of the Tolls granted by this and the said Acts, the said Trustees shall, in the first place, and in preference to all other Payments whatsoever, pay and discharge all the Costs, Charges, and Expences relative or incident to the obtaining and passing of this Act, with lawful Interest on any Sum or Sums of Money which shall be advanced for that Purpose, and the Remainder of all such Monies shall be applied in defraying the Expences of making the said Road, building any Bridges or other necessary Works, and in purchasing Lands, Hereditaments, and Materials for that Purpose, and in erecting, making, or providing Turnpikes, Toll Gates, Toll Bars, Weighing Machines, and Toll Houses, with Lamps, Lights, Outhouses, and Conveniences thereto as aforesaid, and all other Matters and Things necessary or requisite for carrying the Purposes of this Act into full and complete Execution, and after Payment of all such Expences the Residue (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted, and all other Monies which shall come to the Hands of the said Trustees, shall from Time to Time be applied, first, in paying and keeping down the Interest of the Monies borrowed on the Credit of this Act, and in the next place in maintaining, amending, and keeping in repair the said Road, and the Turnpikes, Toll Gates, Toll Bars, and Weighing Machines, Toll Houses, Outhouses, Lamps, and other Conveniences aforesaid, and in otherwise putting this Act into execution, and in repaying the Principal Monies borrowed by virtue thereof, and to or for no other Use or Purpose whatsoever (except as next herein-after mentioned).

Trustees em-  
powered to  
set apart a  
Sum for the  
gradual Pay-  
ment of the  
Principal.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, when and as they shall judge necessary, to set apart such annual Sum, not being less than Twenty Pounds, as they shall think proper, (the Interest to the several Creditors or Mortgagees having been first paid and discharged,) during the Continuance of this Act, to be appropriated and paid, out of the Tolls to arise at the several Toll Gates on the said Road, towards the gradual Payment of the Principal Sum or Sums of Money already or hereafter to be borrowed, in such Manner as the said Trustees shall from Time to Time think proper and expedient.

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

XX. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in paving, cleansing, or repairing any Street, Road, or Highway within or immediately adjoining the Towns of *Kingston-upon-Hull* and *Hedon* aforesaid, or either of them, or any Town through which the  
said



said Road shall pass, nor shall any Toll be collected thereon by virtue of this Act.

XXI. And be it further enacted, That this Act shall be deemed Public Act. 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.

XXII. And be it further enacted, That this Act shall commence Term of Act. and take effect from the passing thereof, and shall continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

## SCHEDULE referred by the foregoing Act.

County.	Township.	Owners.	Occupiers.	Description.
York -	Drypool {	The Rev. Miles Popple - - }	——— Levett -	Part of a Garden.
Ditto	Ditto	Ditto - -	Jeremiah Stark -	Ditto.
Ditto	Ditto	Ditto - -	Edmund Murray -	Ditto.
Ditto	Ditto	Ditto - {	Christopher Jack- son - - - }	House and Gar- den.
Ditto	Ditto	Ditto - -	John Wood - -	Garden.
Ditto	Hedon {	William Iveson Esq. - - }	Mary Barker - {	Part of a House and Garden.
Ditto	Ditto {	George Blenkin Esq. - - }	James Fenwick and his Under- tenants - - }	Ditto Ditto.

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