



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxlvii.

An Act for more effectually repairing and maintaining the Road from *Richmond* to *Reeth* in the County of *York*. [14th *August* 1848.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Turnpike Road from Richmond to Reeth in the County of York*: And whereas the Trustees acting under and by virtue of the said Act have proceeded to carry the same into execution, and have formed the said Road and built the Bridge in the said Act mentioned; but the said Road hath not yet been finished and completed: And whereas the Sum of Two thousand five hundred Pounds, or thereabouts, will be required to finish and complete the said Road, and for other the Purposes provided for by this Act: And whereas it is expedient that the said recited Act should be repealed, and other Powers and Provisions granted for enabling the Trustees appointed by the said Act to vary the Tolls thereby authorized to be taken, and to complete, repair, and otherwise improve the said Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty

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c. 17.

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that

Recited Act
repealed.

that it may be enacted; and be it enacted by the Queen'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 Commencement of this Act the said recited Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth shall be, and the same, except as to anything done under the Authority of the said recited Act, is hereby repealed.

This Act to
be put in ex-
ecution.

II. And be it enacted, That this Act shall from thenceforth be put in execution for and during the Time herein-after mentioned, for the Purpose of completing, amending, altering, repairing, improving, and keeping in repair the said Road commencing at or near a certain Office, Shed, or Woodyard belonging to the Reverend *Mark James Pattison*, situate in the Parish of *Richmond* in the County of *York*, thence passing over the new Bridge lately erected at or in a Farm called *Lownwath* in the Parish of *Richmond* aforesaid, through or into the several Parishes of *Catterick*, *Downholme*, and *Grinton*, and terminating in the Turnpike Road from *Reeth* to *Brough* at or near the *Buck* Inn in *Reeth* aforesaid, and for the Purposes of such Road to make Turnpike and to divert, alter, widen, improve, and repair certain Parts of the existing Highway upon the Line and between the Points of the Commencement and of the Termination of the said Road.

For vesting
the Property
in the Trus-
tees ap-
pointed by
this Act.

III. And be it enacted, That all Arrears of Tolls or Rents and other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees acting under the said recited Act hereby repealed, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such Trustees shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act.

Names of
Trustees.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the North Riding of the County of *York*, together with *Henry Blegborough*, *John Barker*, *Michael Brunton*, *Edward Broderick*, *John Broderick*, *Sheldon Cradock*, *Christopher William Carter Chaytor*, *Christopher Croft*, *Leonard Cooke*, *John Close*, *John Clarkson*, *Samuel Wanley Sawbridge Erle Drax*, *Richard Ellerton* Doctor in Divinity, *Charles Heneage Elsley*, *Gabriel John Fielding*, *Richard Garth* the younger, *George Gilpin*, *Timothy Hulton*, *James Hunton*, *Richard Machell Jaques*, *Edmund Alderson Knowles*, *John Knowles*, *James Knowles*, *William Kendal* (Clerk), *John Langhorne*, *Thomas Langhorne*, *James Littlefair*, *John Wharton Mason* (Clerk), *Peter Constable Maxwell*, *John Richard M'Collah*, *Francis Morley*, *William Metcalfe*, *Ralph Milner*, *John Orde* (Clerk), *Christopier Other*, *William Henry Orde Powlett*, *Thomas Orde Powlett* (Clerk), *Mark James Pattison* (Clerk), *George Robinson*, *Roper Stote Donnison Rowe Roper*, *George Alderson Robinson*, *John James Robinson*

Robinson, Robert Rayson, Simon Thomas Scroope, Gilbert Stapleton, George Smurthwaite, George Smurthwaite (the younger), Thomas Severs, Thomas Smith, Scott Frederick Surtees, Nathaniel Surtees, George Sowerby, Henry Alderson Thompson, Elias Tardy (Clerk), the Honourable Charles Howard Butler Clarke Southwell Wandesford, John Thomas Wharton, James Charles Wharton (Clerk), Matthew Whitelock of Richmond, Matthew Whitelock of Cogden, Joseph White, Edward Wood, 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 this Act into execution.

V. And be it enacted, That it shall be lawful for the said Trustees from Time to Time at any of their Meetings to elect and appoint any Number of Persons not exceeding Three in the whole, being duly qualified to act as Trustees of Turnpike Roads in *England*, to be Trustees for the Purposes of this Act in addition to the Trustees herein named, and such additional Trustees so elected shall have the like Powers of executing this Act as if they had been herein named.

Power to
appoint ad-
ditional
Trustees.

VI. And be it enacted, That the Trustees for executing this Act shall hold their First Meeting at the *King's Head Inn* in *Richmond*, or at some other convenient Place near to or in the Neighbourhood of the said Road, on the Second *Saturday* after the passing of this Act, or as soon after 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 *Richmond* 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.

First Meet-
ing of Trus-
tees.

VII. And be it enacted, That the said Trustees shall and they are hereby authorized to demand and take, or cause to be demanded and taken, at each or any Toll Gate, Toll Bar, or Chain continued on the said Road, or to be erected thereon by virtue of any Act for regulating Turnpike Roads in *England*, such Tolls or Sums of Money as they shall think proper, not exceeding the following; (that is to say,)

Tolls.

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricule, Gig, or other such like Carriage, when the same shall be drawn by Six or more Horses or other Beasts, the Sum of Ninepence; and drawn by Four or Three Horses or other Beasts, the Sum of One Shilling; and drawn by Two or One Horse or other Beast, the Sum of One Shilling and Three-pence:

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Sixpence; and in case the Fellies of the Wheels at the Bottom or Sole thereof are of less Breadth than Six Inches and not less than Four Inches and a Half, the Sum of Ninepence;

and

and in case the Fellies of the Wheels at the Bottom or Sole thereof are of less Breadth than Four Inches and a Half and not less than Three, the Sum of One Shilling; and in case the Fellies of the Wheels at the Bottom or Sole thereof are of less Breadth than Three Inches, the Sum of One Shilling and Three-pence: For every Horse, Ass, Mule, or other Beast or Cattle, laden or unladen, and not drawing, the Sum of Sixpence: For every Score of Oxen, Cows, or Neat Cattle, the Sum of Two Shillings, and so in proportion for any less Number than a Score: For every Score of Calves, Swine, Sheep, or Lambs, the Sum of One Shilling, and so in proportion for any less Number than a Score: And for every Carriage with Four or more Wheels, not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of Two Shillings: And for every Carriage with Three or a less Number of Wheels, not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of One Shilling: Such respective Tolls to be paid before any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage as aforesaid, shall be entitled to pass through any Turnpike or Toll Gate continued or to be erected on the said Road or Bridge.

Tolls for
Overweight.

VIII. And be it enacted, That every Waggon, Wain, Cart, or other Carriage drawn by One Horse or other Beast, or impelled or set and kept in motion by or by means of Steam or Mechanism, having the Sole or Bottom of the Fellies of the Wheels thereof of a Breadth of Four and a Half Inches and not less than Three Inches and a Half, which, together with the Loading thereof, shall weigh more than One Ton Thirteen Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive), or than One Ton Seven Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive), and every Waggon, Wain, Cart, or other Carriage drawn as aforesaid, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Three Inches and a Half, which, together with the Loading thereof, shall weigh more than One Ton Five Hundred Weight in Summer (to be computed as aforesaid), or than One Ton in Winter (to be computed as aforesaid), and every Waggon, Wain, Cart, or other Carriage drawn by Two or Three Horses or other Beasts, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches and not less than Three and a Half Inches, which, together with the Loading thereof, shall weigh more than Three Tons in Summer (to be computed as aforesaid), or than Two Tons Seven Hundred Weight in Winter (to be computed as aforesaid), and every Waggon, Wain, Cart, or other Carriage drawn as last aforesaid, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Three Inches and a Half, which, together with the Loading thereof, shall weigh more than Two Tons Five Hundred Weight in Summer (computed as aforesaid), or than One Ton Fifteen Hundred Weight in Winter (to be computed as aforesaid), and every Waggon, Wain, Cart, or other Carriage drawn by more than Three
Horses

Horses or other Beasts, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and not less than Three Inches and a Half, which, together with the Loading thereof, shall weigh more than Four Tons in Summer (to be computed as aforesaid), or than Two Tons Ten Hundred Weight in Winter (to be computed as aforesaid), and every Waggon, Wain, Cart, or other Carriage drawn as last aforesaid, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Three Inches and a Half, which, together with the Loading thereof, shall weigh more than Three Tons in Summer (to be computed as aforesaid), or than Two Tons Five Hundred Weight in Winter (to be computed as aforesaid), shall be liable to, and it shall be lawful for the said Trustees, or any Person or Persons empowered by them to receive the Tolls granted by this Act, to demand, receive, and take such and the same Tolls (in addition to these specifically granted by this Act) for Overweight as Waggons, Wains, Carts, or other Carriages are liable to by Law for Overweights.

IX. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls hereby granted the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

As to a fractional Part of a Halfpenny in Tolls,

X. Provided always, and be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate or Bar on the said Road, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll free for 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 the same or any other Waggon, Wain, Cart, or other such Carriage containing a fresh or different Lading of the Weight not exceeding One Ton Five Hundred Weight in Summer (computed as aforesaid) and One Ton in Winter (computed as aforesaid), shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying One Half of the Toll which would otherwise be payable; provided also, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing the same or any other Waggon, Wain, Cart, or other Carriage containing a fresh or different Lading of a greater Weight than One Ton Five Hundred Weight in Summer (computed as aforesaid) and One Ton in Winter (computed as aforesaid), and not exceeding the several Weights allowed to the respective Waggons, Wains, Carts, or other Carriages of the Breadth of Wheels respectively aforesaid, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying the Toll which would otherwise be payable, 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,

Tolls to be paid but once a Day at the same Gate.

Stage Carriages to pay each Time of passing.

XI. Provided always, and be it 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 for each Time of repassing along the said Road: Provided nevertheless, that no further or additional Tolls shall be payable in respect of any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises, &c. to pay on each fresh Hiring.

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

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

XIII. Provided always, and be it enacted, That no Part of the Money to be received by virtue of this Act shall be laid out or expended in repairing, lighting, or improving any Street, Road, or Highway within any Town through which the said Road may pass.

Application of Monies.

XIV. And be it enacted, That all the Tolls and other Monies already received or to be received by virtue of the said Act hereby repealed, or which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with any Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise by virtue of this Act, shall be vested in the said Trustees for the Time being, and be applied to and for the Uses, Intents, and Purposes and in the Order and Manner following; namely,

Firstly, in discharging the Expenses of and incident to the obtaining and passing this Act;

Secondly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect of any Sum of Money not exceeding Two thousand five hundred Pounds which may hereafter be borrowed on the Credit of the Tolls to be collected on the said Road, for the Purpose of finishing and completing the said Road, and for other the Purposes provided for by this Act;

Thirdly, in completing, improving, maintaining, and keeping in repair the said Road, and in paying and discharging all Sums of Money which have heretofore been *bonâ fide* expended by the respective Landowners in making and maintaining such good and sufficient Fences to the Lands adjoining the said Road, as the Trustees under the Act hereby repealed ought or were liable to have made and maintained, or as the Trustees under this Act would be liable to make and maintain under the Powers and Provisions of the general Acts of Parliament for regulating Turnpike Roads in *England*, and in defraying the Expenses of putting this Act into execution with reference to the maintaining and repairing of the said Road;

Fourthly, in paying and discharging all Sums of Money, and the Interest thereof, now or hereafter to become due for or by reason of any Debts which have been or may be incurred, for Interest

on

on Money heretofore lent and advanced for making the said Road, for Work and Labour done and performed, for Land taken, and for Wood and other Materials purchased for, upon, and on account of the said Road ; and,

Lastly, in reducing, paying off, and discharging any Principal Sums which may be now or hereafter become due on the Credit of the Tolls to be taken on the said Road.

XV. And be it enacted, That (except as herein-before provided) no Preference shall be given to any Person or Persons who shall advance any Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect of the Priority of the Mortgage or Assignment or other Security for the same, or of advancing such Money, but all such respective Persons shall (in proportion to the Sums mentioned in such Security) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority. Priority of Mortgages.

XVI. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament. Act not to exempt Roads from Provisions of any general Act.

XVII. And be it enacted, That this Act shall commence on the Second *Saturday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of Act.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such. Public Act.

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