

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CXLV.

An Act to explain the Exemption from Toll in ſeveral Acts of Parliament, for Carriages employed in Huſbandry; and for regulating the Tolls to be paid on other Carriages, and on Horſes, in certain other Caſes therein ſpecified.

[23d *July* 1812.]

WHEREAS an Exemption from Toll has, by ſeveral Acts for repairing Turnpike Roads, been granted, in reſpect of Cattle or Carriages carrying or drawing any Dung, Manure, or Compoſt for manuring the Land, or Fodder for Cattle: And whereas in ſome of the ſaid Acts there is no expreſs Proviſion made for any Exemption from the Payment of Toll for and in reſpect of any Carriage, or the Cattle drawing the ſame, going empty for ſuch Lading, or returning empty, having been ſo laden; and, by reaſon of ſuch Omiſſion, Toll has in ſome Caſes been lately demanded, and received, in reſpect of Carriages going empty for ſuch Lading; and in other Caſes Diſputes have ariſen concerning the ſame: And whereas the excluding from ſuch Exemption the Caſe of Carriages going empty for ſuch Lading, or returning empty having been ſo laden, muſt operate to the Diſcouragement of Agriculture, and check the due Improvement of Land, and in many Caſes defeat the Benefit intended by the Exemption from Tolls of Carriages carrying Dung, Manure, or Compoſt, or Fodder for Cattle: And whereas by a Clauſe in an Act paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled *An Act to explain, amend, and reduce into one Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, it is enacted, that the Regulations of Weight therein-before mentioned, ſhould not be deemed or conſtrued to extend to any Waggons, Carts, or other Carriages, employed only in Huſbandry, or carrying only Manure for Land, Hay, Straw, Fodder, or Corn unthreſhed: And whereas great Inconvenience will reſult to Perſons employed in Huſbandry, if the ſaid Exemption, in reſpect 13 G. 3 c. 78.

of Waggons, Carts, or other Carriages laden with Manure, and the Cattle drawing the ſame, ſhould be prevented from taking place, by reaſon only of any empty Baſket or Baſkets, empty Sack or Sacks, being in or upon any ſuch Waggon, Cart, or Carriage, if the Loading thereof is ſubſtantially Manure, Hay, Straw, Fodder, or Corn unthreſhed: And whereas great Uncertainty has prevailed, as to the Tolls claimed on Carriages or Horſes, liable to ſeparate Tolls, when affixed, tied, or ſecured to ſome Waggon, Cart, or other Carriage, and much Inconvenience has ariſen therefrom: 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,

Extending the Exemption from Toll in certain Caſes, where not ſpecifically exempted by former Acts.

That from and after the Twenty-ninth Day of *September* in the Year of our Lord One thouſand eight hundred and twelve, in every Caſe in which under any Act of Parliament for making, widening, and enlarging, repairing or otherwiſe relating to any Turnpike Road, there is an Exemption from Toll or Duty in reſpect of any Horſe, Mule, Aſs, Oxen, Waggon, Cart, or other Carriage, carrying or drawing any Dung, Mould, Soil, Marl, Lime, or Compoſt, of any Nature or Kind ſoever, for manuring or improving the Land, or Hay, Straw, or any other Fodder for Cattle, ſuch Exemption ſhall be deemed to extend, in reſpect of every ſuch Waggon, Cart, or other Carriage, and alſo in reſpect to the Cattle drawing the ſame, going empty, or loaded only with Implements neceſſary for more convenient Carriage, or loading or unloading ſuch Lading, or returning empty, or with ſuch Implements as aforeſaid, having been ſo laden, notwithſtanding the ſaid Waggon, Cart, or other Carriage ſhall for the Purpoſes aforeſaid go to or return from any Pariſh or Place in which the ſaid Turnpike Road does not lie.

To prevent Frauds, the Tolls on empty Carriages to be firſt paid, and afterwards returned.

II. Provided alſo, and be it further enacted, That for the preventing of Frauds on Toll Collectors, by Carts or Waggons paſſing empty, or loaded only with Implements neceſſary for the more convenient Carriage of, or for loading or unloading Manure, through Turnpike Gates, under Pretence of going for ſuch Manure, the Owner or Driver of every empty Waggon, Cart, or Carriage, claiming the Exemptions hereby extended, any or either of them, ſhall in all Caſes pay the Toll in reſpect of ſuch Waggon, Cart, or Carriage, before the ſame ſhall be permitted to paſs through ſuch Turnpike Gate, and that the Collector of ſuch Toll ſhall thereupon deliver to ſuch Owner or Driver a Ticket, to be marked 'Manure Exemption,' with the Name of the Gate and the Date when delivered, and the Amount of the Toll ſo paid; all which Sum and Sums ſo paid ſhall be repaid to the Owner or Driver of ſuch Waggon, Cart, or other Carriage, upon his or their returning on the ſame Day with ſuch Waggon, Cart, or other Carriage ſo laden as aforeſaid, and producing ſuch Ticket; and every Collector of ſuch Toll refuſing or neglecting to return the ſame upon the Return of ſuch Waggon, Cart, or other Carriage, and Production of ſuch Ticket as aforeſaid, ſhall for every ſuch Offence forfeit and pay to the Owner of ſuch Waggon, Cart, or other Carriage, a Penalty of not leſs than Ten Shillings or more than Forty Shillings, upon Conviction thereof before one or more Juſtice or Juſtices of the Peace for the County, Shire, or Place where ſuch Offence ſhall be committed, upon the Oath of one or more credible Witneſs or Witneſſes (which Oath the ſaid Juſtice or Juſtices is or are hereby empowered to adminiſter); and if the ſame ſhall not be paid upon ſuch Conviction, to commit

commit the Perſon or Perſons ſo offending to the Common Gaol or Houſe of Correction for the ſaid County, Shire, or Place, for any Time not exceeding one Month.

Perſons aggrieved to appeal to Juſtices of Peace where Offence committed.

III. Provided alſo, and be it enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done by any Juſtice or Juſtices of the Peace in purſuance of this Act, then and in ſuch Caſe ſuch Perſon may appeal to the Juſtices of the Peace to be held for the Limits wherein the Cauſe of ſuch Complaint ſhall ariſe, ſuch Appellant giving ſuch Notice, and entering into ſuch or the like Recognizance as by the ſaid recited Act paſſed in the Thirteenth Year of the Reign of His preſent Majeſty is in that Caſe directed, and thereupon ſuch Proceedings ſhall be had and taken as in the ſaid recited Act are directed, in reſpect of Appeals under the Authority of that Act, in ſuch and the ſame Manner as if ſuch Powers and Regulations were herein repeated and re-enacted.

Truſtees to releaſe Leſſees of Tolls from their Contracts at Michaelmas next.

IV. And whereas many Perſons may, at the Time of paſſing of this Act, be Farmers or Contractors for the Tolls ariſing or payable on Turnpike Roads, and whoſe Contracts will not expire until after the Twenty-ninth Day of *September* next; for Remedy whereof, and for Protection of ſuch Leſſees or Contractors, be it further enacted, That in caſe any Leſſee or Leſſees, Farmer or Farmers, Contractor or Contractors, for any Tolls payable to any Truſtees or Commiſſioners appointed by virtue of any Act of Parliament for making, repairing, or amending Turnpike Roads, whoſe Contract will not expire until after *Michaelmas* next, ſhall, by reaſon of this Act, be deſirous of being diſcharged from his, her, or their Contract or Contracts, and of ſuch his, her, or their Deſire ſhall, within Fourteen Days from the paſſing of this Act, give Notice in Writing to the Treaſurer or Clerk of any ſuch Truſtees, Forty Days at the leaſt before the ſaid Twenty-ninth Day of *September* next, then and in every ſuch Caſe all ſuch Farmers, Leſſees, or Contractors ſhall, from and after the Twenty-ninth Day of *September* next, be releaſed and diſcharged from their reſpective Contracts, and all and every ſuch Contracts ſhall, from and after the ſaid Twenty-ninth Day of *September* next, ceaſe and be null and void as to the Reſidue of the Term or Time for which ſuch Tolls are or were farmed or taken, or contracted or agreed to be farmed or taken; any Thing in ſuch Leaſes and Agreements to the contrary notwithſtanding.

Leſſees, &c. of Tolls wiſhing to determine Contracts, Truſtees, &c. to re-let the Tolls.

V. Provided alſo, and be it enacted, That in caſe any ſuch Leſſee or Leſſees, Farmer or Farmers, Contractor or Contractors for Tolls, ſhall give ſuch Notice of determining his, her, or their Contract as herein-before mentioned, then and in every ſuch Caſe it ſhall be lawful for ſuch Truſtees or Commiſſioners if they think fit, forthwith to cauſe the ſaid Tolls to be re-let on a Day and at a Place to be by them appointed, of which One Month's Notice at leaſt ſhall be given, as by the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty is directed, and thereupon to proceed to re-let the ſame, and to re-let the ſame for the beſt Price they may then be enabled to obtain for the ſame, without being compelled to put up the ſaid Tolls at the Sum at which they were laſt let, or to have any other Meeting for the letting thereof; any Thing in the ſaid recited Act to the contrary notwithſtanding.

Regulations of Weight in 13 G. 3. not

VI. And be it further enacted, That the Regulations of Weight in the before-mentioned Act of the Thirteenth Year of the Reign of His

to extend to Manure Waggons, &c. by reason of their having empty Baſkets, Sacks, &c.

preſent Majeſty ſhall not be deemed or conſtrued to extend to any Waggon, Cart, or other Carriage, laden with Manure for Land, paſſing through any Turnpike Gate, ſo as to ſubject the Owner or Driver thereof to the Payment of Toll in reſpect of Over-weight, by reaſon of any empty Baſket or Baſkets, empty Sack or Sacks or Tubs, for more convenient Carriage, or Spade, Shovel, or Fork, neceſſary for loading or unloading ſuch Manure, being in or upon any ſuch Waggon, Cart, or Carriage, in addition to ſuch Manure, if the Loading thereof is ſubſtantially Manure for Land as aforeſaid, provided that the Fellies of the Wheels of ſuch Carriages, Waggons, Carts, or other Carriages, are of the Breadth or Gauge of Six Inches or more, and that ſuch Waggon, together with the Loading thereof, ſhall not exceed Three Tons in the Summer, and Two Tons Ten hundred Weight in the Winter; and to every Cart having the Fellies of the Wheels of leſs Breadth than Six Inches, Two Tons in Winter, and Two Tons Ten hundred Weight in Summer; and that it ſhall be deemed Summer from the Firſt Day of *May* to the Thirty-firſt Day of *October*, both Days incluſive, and Winter from the Firſt Day of *November* until the Thirtieth Day of *April*, both Days incluſive; any Thing in the ſaid Act of the Thirteenth Year of His preſent Majeſty or any other Act contained to the contrary thereof notwithſtanding.

Regulation as to Payment of Toll, when Coaches, &c. are affixed to Waggons, &c. or Saddle Horſes ſent by Drivers of Waggons.

VII. And whereas Coaches, Chariots, Chaiſes, Chairs, Carts, and other Carriages, ſometimes paſs through Turnpike Gates, affixed, tied, or ſecured to Waggons or Carts; and Horſes are ſometimes ſent under the Charge of the Drivers of ſuch Waggons and Carts, and are faſtened thereto, and it is expedient to determine what Toll ſuch Coaches, Chariots, Chaiſes, Chairs, Carts, and other Carriages and Horſes, ought to pay on paſſing through ſuch Gates; be it therefore enacted, That where any Coach, Chariot, Chaiſe, or any other Carriage whatſoever with Four Wheels, ſhall paſs through any Turnpike Gate, affixed, tied, or ſecured to any Waggon or Cart, it ſhall be liable to the ſame Toll, and no more, as if it had paſſed through the ſaid Turnpike Gate drawn by Two Horſes; and in caſe any Chair, Cart, or other Carriage whatſoever, with Two Wheels only, ſhall paſs through any Turnpike Gate, ſo affixed, tied, or ſecured to any Waggon or Cart as aforeſaid, it ſhall be liable to the ſame Toll, and no more, as the ſame would have been if paſſing through the ſaid Gate drawn by One Horſe only; and where any Horſe ſhall be faſtened to but not uſed in drawing any Waggon, Cart, or other Carriage, ſuch Horſe ſhall not be liable to a higher Toll than a ſingle Horſe; provided, that if any Coach, Chariot, Chaiſe, Chair, Cart, or other Carriage, ſo affixed, tied, or ſecured to any Waggon or Cart, ſhall have any Goods conveyed therein, other than the Harneſs thereof, and ſuch Articles of Package as may be neceſſary for the Protection of ſuch Carriages, the ſame ſhall be liable to double the Toll hereby impoſed.

Publick Act.

VIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

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