


ANNO SEXTO & SEPTIMO

# GULIELMI IV. REGIS.

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## CAP. XCI.

**An Act to enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to make and maintain a Road from the Church in the Parish of *Sunk Island* to the Town of *Ottringham* in the East Riding of the County of *York*. [17th *August* 1836.]**

WHEREAS the King's most Excellent Majesty is seised in right of His Crown of an Estate called *Sunk Island*, in the East Riding of the County of *York*: And whereas it would be of great Benefit, not only to the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments in the Parish of *Sunk Island*, and to all Persons residing in the Neighbourhood, but to the Public at large, if Powers were given to make a Road commencing at or near the Church in the Parish of *Sunk Island*, and from thence to pass through the said Parish of *Sunk Island* into and through the Parish of *Ottringham* to the Town of *Ottringham* in the said East Riding of the County of *York*, and to terminate or unite in the said Town of *Ottringham* with the Turnpike Road from *Kingston-upon-Hull* through *Hedon* to *Patrington* in the same Riding: And whereas the beneficial Objects herein-before mentioned 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 this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining a Road to commence at or near the Church in the Parish of *Sunk Island* in the East Riding of the County of *York*, and to pass from thence, towards the North, through the said Parish of *Sunk Island*, into and through the Parish of *Ottringham*, to the Town of *Ottringham* in the said East Riding of the said County of *York*, and to terminate or unite in the said Town of *Ottringham* with the Turnpike Road from *Kingston-upon-Hull* through *Hedon* to *Patrington* in the same Riding.

Authorizing Formation of Road.

Trustees.

II. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and such other Person or Persons as shall be nominated and appointed in manner herein-after mentioned, 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 the several Acts for regulating Turnpike Roads in *England* and this Act into execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time, by any Writing under their Hands, to elect and appoint any Number of Persons (not exceeding Eight in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees herein-before nominated and appointed; and such additional Trustees so elected, and being duly qualified according to the Acts for regulating Turnpike Roads in *England*, shall have the same Powers and Authorities for executing the several Acts for regulating Turnpike Roads in *England* and this Act as if they had been named herein.

Meetings of Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Office of Woods, *Whitehall Place*, *Westminster*, in the County of *Middlesex*, on the Second *Tuesday* next after the Commencement of this Act, or so soon afterwards as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times and Places as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint.

Power to make the Road, &c.

V. And be it further enacted, That it shall be lawful for the said Trustees to make the said Road herein-before mentioned of such Width as they shall think proper, not exceeding Thirty Feet, together with such Footpaths, Causeways, Embankments, Foundations, Piers, Abutments, Bridges, Archways, Arches, Culverts, Ditches, Drains, Fences, and other Works on the Lines of the said Road as they shall

think expedient, and for the Purposes aforesaid to take and use any Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees and for their Surveyors and Workmen from Time to Time to enter upon any Lands, Tenements, or Hereditaments upon, in, over, or through which such Road, Causeways, Embankments, Foundations, Piers, Abutments, Bridges, Archways, Arches, Culverts, Ditches, Drains, Fences, and other Works as aforesaid, or any of them, are intended to be made or pass, and also upon, in, over, or through any adjoining Lands, Tenements, and Hereditaments, and to stake out the same in such Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands, Tenements, or Hereditaments for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Map of Road and Book of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

VI. And whereas a Map or Plan describing the said intended Road, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same is intended to be carried, together with a Book of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited in the Office of the Clerk of the Peace for the East Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all reasonable Times have Liberty to inspect the same, and to take Copies thereof and Extracts therefrom, paying to the said Clerk the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or either of them, or any Copy thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and Equity; and the said Trustees in making such Road shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands, Tenements, or Hereditaments any such Deviations beyond the said Distance of One hundred Yards shall be made.

Certified Copies thereof to be Evidence.

Limiting Deviations.

Houses, &c. not to be taken without Consent unless mentioned in the Schedule.

VII. Provided always, and be it further enacted, That the Powers and Authorities by this Act given for making the said Road shall not authorize the said Trustees to pull down, take, or use any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantations, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first had and

and obtained, except such as are mentioned in the Schedule to this Act annexed.

Unintentional Errors remedied.

VIII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road and other Works aforesaid upon, in, over, or through any Lands, Tenements, or Hereditaments upon, in, over, or through which such Road and other Works are delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, provided it shall appear to any Two or more Justices of the Peace for the County, Riding, or Place within which such Lands, Tenements, or Hereditaments shall be situate, (in case of Dispute about the same,) and be certified by Writing under their Hands, that such Omission, Misstatement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said East Riding for the Time being, as the Case may require.

Limiting the Time for the Purchase of Property.

IX. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Two Years next after the passing of this Act agree for or cause to be valued and purchased the Lands, Tenements, and Hereditaments which they are by this Act authorized to take, or so much thereof respectively as they shall deem necessary for the Purposes of this Act, then and from thenceforth the Powers by this Act or by any other Act or Acts granted in relation to the taking of Lands, Tenements, or Hereditaments for the Purposes of Turnpike Roads, shall, so far as relates to the Lands, Tenements, or Hereditaments herein-before mentioned, cease and be utterly void, unless with the Consent of the respective Owners of such Lands, Tenements, or Hereditaments; any thing in this Act or in any such Act or Acts as aforesaid contained to the contrary thereof notwithstanding.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

X. And be it further enacted, That in case any Lands shall, in pursuance of this Act or of the Acts for regulating Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees; but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

XI. Pro-

XI. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Road mentioned in this Act shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Land shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way. The Right of Way to cease when Lands are not wanted

XII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and of building any Toll House or any Bridge, or any other Erections thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*; any thing herein contained to the contrary in anywise notwithstanding. The Trustees to have the same Powers of cutting the Lands taken by them as if they had purchased the Fee Simple.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to erect or build upon the said Road or any Part thereof, or upon the Sides thereof or any Part thereof, when and where and as they shall judge proper, any Toll Gates or Toll Bars, Toll Houses and Weighing Machines, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for such Toll Houses, not exceeding One Eighth Part of a Statute Acre, as they shall think necessary, and from Time to Time to alter or take down and rebuild or to discontinue and remove the same or any of them as they shall think proper. Toll Houses may be erected.

XIV. 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,) Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Chaise, Curricle, Car, Gig, Hearse, or any such Carriage, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Van, Caravan, or other such Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Van, Caravan, or other such Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Four Inches and a Half, and not of the Breadth of Six Inches, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Van, Caravan, or any such Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half, the Sum of Five-pence:

For every Horse or Beast, laden or unladen, and not drawing, One Penny:

For every Score of Oxen or Neat Cattle, Ten-pence, and so in proportion for any less Number:

For every Score of Calves, Sheep, Lambs, or Swine, Five-pence, and so in proportion for any less Number:

And for every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or any such like Means, or by Machinery, or otherwise than by Animal Power, the Sum of Two Shillings and Sixpence:

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 to be erected on the said Road.

Fractions of One Halfpenny in Tolls.

XV. 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 hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Restriction on Exemption.

XVI. 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, Wain, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with Dung, Soil, Compost, or Manure for improving Lands, or Lime for Agricultural Purposes, 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 above the Surface of such Tire.

Horses, &c. for which Tolls have been once paid, to repass Toll-free on the same Day,

XVII. Provided also, 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 Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other such like Carriages,) through the same 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 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 a 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

unless drawing a different Waggon or Carriage.

travel upon the said Road for the Distance of Two Miles or more.

Stage Coaches to pay each Time of passing.

XVIII. Provided always, 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 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 to pay on each new Hiring.

XIX. Provided always, 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 for 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.

Only One Toll to be paid at the several Gates on the same Day.

XX. 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 Horse or Horses, Beast or Beasts, or Cattle, or Carriages, in any one Day, for passing and repassing through all the several Toll Gates or Toll Bars upon the said Road.

Steam Carriages to pay every Time of passing.

XXI. Provided always, and be it enacted, That the Tolls hereby made payable for and in respect of any Carriage propelled or moved by Steam, Gas, Machinery, or any other like Means, shall be paid every Time of the passing and repassing of such Carriage along the said Road or Roads.

Commissioners of Woods may advance Money to defray the Expences of this Act, &c.

XXII. And whereas the said Road will be a considerable Improvement to the annual Value of the Estate of the Crown aforesaid, and it is therefore expedient that the Money to be advanced for making the same should be deemed to be within the Intent and Meaning of any Act in force for the Improvement of the Land Revenues of the Crown; be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and they are hereby authorized and empowered, if they shall think proper so to do, with and out of any Monies in their Hand as such Commissioners as aforesaid, to advance any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, towards the Payment and Discharge of the Costs, Charges, and Expences of obtaining and passing this Act, and of carrying the same into execution, in such and the like Manner as they are empowered to advance any Sums of Money for the Purchase of any Land, or the Management and Improvement of the Land Revenues of the Crown, by virtue of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to the Land Revenues of the Crown; which Sum or Sums of Money shall, from the Time of advancing

advancing the same, become and be a Charge on the Tolls, Rates, and Duties receivable or to be received under or by virtue of this Act, and shall be repaid to the said Commissioners by the said Trustees, together with Interest not exceeding the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing thereof, on so much of the said Sum or Sums as shall from Time to Time remain due and unpaid.

Exchequer Loan Commissioners under 1 & 2 W. 4. c. 24. may advance Money in Exchequer Bills for the Purposes of this Act.

XXIII. And be it further enacted, That it shall be lawful for the Commissioners for carrying into execution an Act passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act*, and of the said several Acts therein recited and referred to, and they are hereby authorized and empowered, on Application being made to them by the said Trustees, to advance to them, or as they may direct or appoint, any Sum or Sums of Money in Exchequer Bills, not exceeding in the whole the Sum of Five thousand Pounds, for the Purposes of this Act, upon the Terms and Conditions herein-after mentioned.

Security to be taken for Repayment of the Exchequer Bills.

XXIV. And be it further enacted, That upon the said Commissioners for the Issue of Exchequer Bills making such Advance to the said Trustees as aforesaid the said Trustees shall execute an Assignment to the said Commissioners for the Issue of Exchequer Bills, in such Manner and Form as the said last-mentioned Commissioners shall direct and appoint, of so much of the Tolls, Rates, and Duties receivable or to be received under this Act as shall be a sufficient Security for the Repayment of the said Exchequer Bills, by an annual Instalment of at least Two Pounds Ten Shillings *per Centum* on the Principal Money advanced as aforesaid, with Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Date of the said Exchequer Bills on such Part of the said Principal Money as shall from Time to Time remain due and unpaid.

Application of Tolls.

XXV. And be it further enacted, That all the Monies which may be advanced by the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Power herein-before contained, or which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies that shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in defraying the Expences of making the said Road, and of erecting Turnpikes, Toll Gates, Side Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the said Road; thirdly, in paying and discharging

discharging the Interest which shall from Time to Time become due in respect of every Sum and Sums of Money now or hereafter to be advanced by the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, for the Purposes of this Act, or which shall be borrowed or taken up at Interest on Security of the Tolls hereby granted; fourthly, in defraying the Expences of keeping in repair the Toll Gates, Toll Bars, Weighing Engines, Toll Houses, and other Buildings, and of widening, repairing, improving, and preserving the Road by this Act directed to be made and kept in repair as aforesaid, and in building, erecting, and in keeping in repair Bridges, Archways, Arches, and other Erections, as the same respectively may be required, and in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been advanced and borrowed or which may be hereafter advanced and borrowed and secured by virtue of this Act.

Rule for the Construction of certain Expressions in this Act.

XXVI. And be it further enacted, That wherever in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be construed to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be construed to include Tenements and Hereditaments; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Term of Act.

XXVII. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall thenceforth 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.

Public Act.

XXVIII. 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.

SCHEDULE referred to by the foregoing Act.

| Owners Names. | Occupiers Names. | Description of Property. |
|---|---|---|
| | *Ottringham Parish.* | |
| George Bebb, Martha Bebb, and Margaret Bebb. | Daniel Gibson - - | Garden and Garth. |
| William Escreet - | William Escreet - | Pig-cote and old Building. |
| Francis Watt, Esquire - | James Blenkins - - | Part of Orchard. |
| Ditto - - | Ditto - - | Part of Garden and Garth. |
| Ditto - - | The Reverend John Mackereth. | Part of Orchard and Garden. |
| Ditto - - | John Wilkinson - - | Part of Garden and Garth. |
| John Ward - - | John Ward, late W. Watson. | Part of Garden. |

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