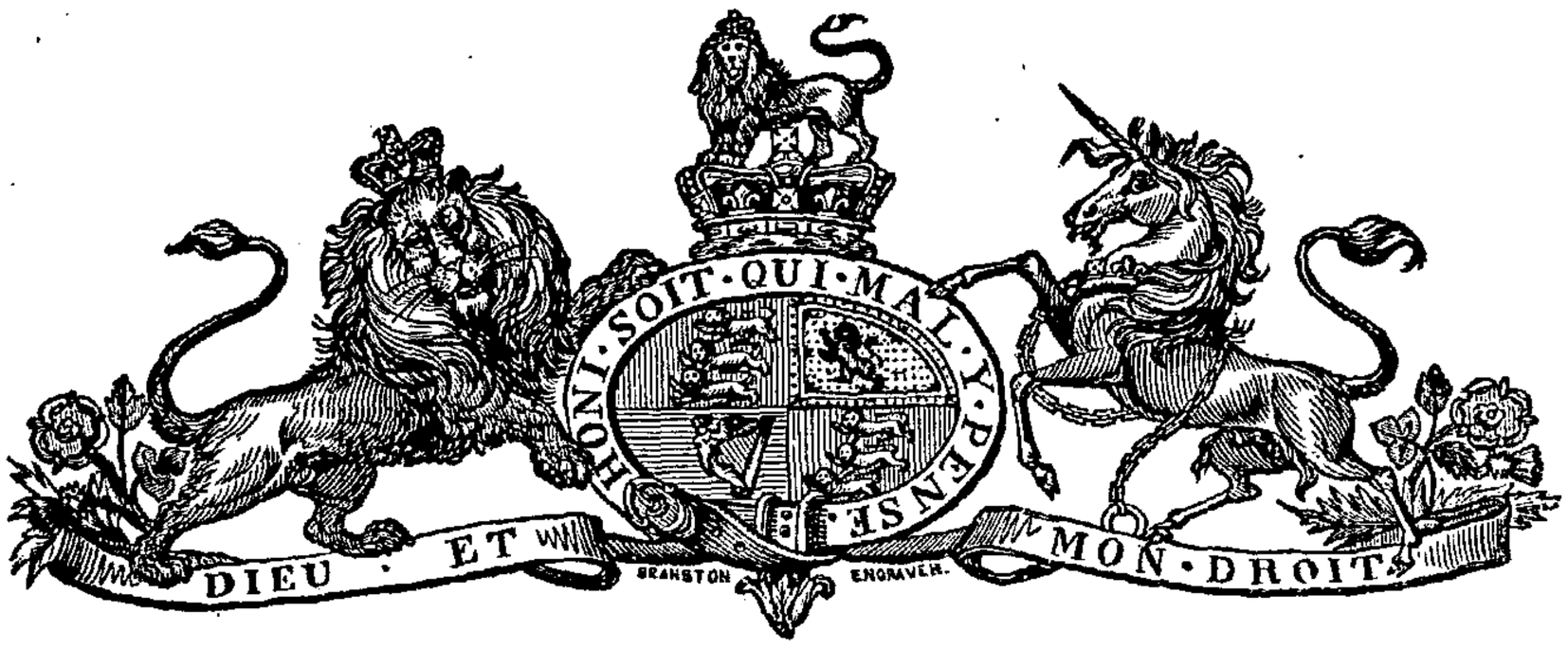


ANNO PRIMO

VICTORIÆ REGINÆ.

***

Road leading to Lands formerly belonging to *William Edward Ledgard* deceased in the Hamlet of *Brighouse* in the Township of *Hipperholme-cum-Brighouse* in the Parish of *Halifax*, and extending through or near to the Town or Village of *Brighouse*, to *Brighouse Old Bridge*, and from such Bridge in a South-eastwardly Direction to the Corner of *Hilly Wood* in the Township of *Rastrick* in the Parish of *Halifax*, and also that Part of the said Road authorized to be made from the said Main Line at or near to a certain Place called *Hillhouse* in the Township of *Huddersfield* in the Parish of *Huddersfield*, running parallel with the *Halifax* and *Huddersfield* Turnpike Road, and terminating at the Town of *Huddersfield* in the Parish of *Huddersfield*, and also the Branch authorized to be made from the Main Line commencing at or near to a certain Close of Land belonging to *Thomas Thornhill* Esquire in the Township of *Rastrick* in the Parish of *Halifax*, and extending from thence in a South-westwardly Direction to the Village of *Rastrick* in the Township of *Rastrick* in the Parish of *Halifax*, are found to be unnecessary for the Use of the Public, and it is therefore expedient that the said Trustees should be relieved from the making or repairing of such unnecessary Part of the said Roads: And whereas the Sum of Seventeen thousand Pounds, or thereabouts, has been borrowed and is still due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads, together with an Arrear of Interest amounting to the Sum of Six thousand Pounds or thereabouts; and it is expedient that the Tolls granted by the said recited Act should be increased or altered: And whereas it would be more convenient to the said Trustees and beneficial to the Public and to the said Road if the said recited Act were repealed, and if further, better, and more effectual Powers were granted for repairing, widening, and otherwise improving so much of the Roads mentioned in the said recited Act as commences at a Branch of the Turnpike Road from *Leeds* through *Bradford* to *Halifax* at or near a Place called the *Top of Odsall*, in the Township of *North Bierley* in the Parish of *Bradford*, and passes from thence through or into the several Townships, Hamlets, or Places of *North Bierley* in the Parish of *Bradford*, *Wike* in the Parish of *Birstal*, *Lightcliffe* and *Brighouse* in the Township of *Hipperholme-cum-Brighouse* in the Parish of *Halifax*, *Rastrick* in the Parish of *Halifax*, *Bradley*, *Fartown*, and *Hillhouse* in the Township and Parish of *Huddersfield*, all in the West Riding of the County of *York*, and terminates at *Hillhouse* in the said Township of *Huddersfield* by a Junction with the *Halifax* and *Huddersfield* Road at or near the Town of *Huddersfield*; but the Purpose aforesaid 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 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 Eleventh Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed (save and except so far as relates to a certain Restriction in such Act mentioned respecting the Erection of any Toll Gate, Toll Bar, or Chain upon or on the Side of the

Recited Act repealed.

the Extension of Road therein mentioned, from *Wibsey Low Moor* to the Branch of the Turnpike Road from *Leeds* through *Bradford* to *Halifax*).

Repeal of the recited Act not to revive a former Act thereby repealed.

II. Provided always, and be it further enacted, That the Repeal of the said recited Act shall not extend to revive an Act passed in the Fourth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* Wibsey Low Moor *near* Bradford *through* Brighouse *to* Huddersfield, *with Three Diversions or Branches from such Road, in the West Riding of the County of* York, the Term whereof is yet unexpired, and which was repealed by the said first-mentioned Act, but the said Act of the Fourth Year of the Reign of His said Majesty shall remain and be and is hereby declared to be repealed.

Arrears of Tolls &c. vested in Trustees under this Act.

III. And be it further 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.

Defining Powers of Act.

IV. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of amending, widening, diverting, altering, repairing, improving, and keeping in repair the Road commencing at a Branch of the Turnpike Road from *Leeds* through *Bradford* to *Halifax* at or near a Place called the *Top of Odsall*, in the Township of *North Bierley* in the Parish of *Bradford*, passing from thence through or into the several Townships, Hamlets, or Places of *North Bierley* in the Parish of *Bradford*, *Wike* in the Parish of *Birstal*, *Lightcliffe* and *Brighouse* in the Township of *Hipperholme-cum-Brighouse* in the Parish of *Halifax*, *Rastrick* in the Parish of *Halifax*, *Bradley*, *Fartown*, and *Hillhouse* in the Township and Parish of *Huddersfield*, all in the West Riding of the County of *York*, and terminating at *Hillhouse* in the said Township of *Huddersfield* by a Junction with the *Halifax* and *Huddersfield* Road at or near the Town of *Huddersfield*.

Trustees appointed.

V. And be it further enacted, That all Her Majesty's Justices of the Peace for the West Riding of the County of *York*, together with Sir *George Armitage* Baronet, *Joseph Armitage*, *William Armitage Archbell*, *Benjamin Haigh Allen*, *John Whitaker Allen*, *John Aspinall* of *Brighouse*, *Thomas Wentworth Beaumont*, *William Brook*, *William Walker Battye*, *John Brooke* of *Armitage Bridge*, *John Brooke* of *Brighouse*, *John Brooke* the younger, *Joseph Brooke* of *Huddersfield*, *James Brook*, *Charles Brook* of *Healey House*, *Thomas Greenwood*

wood Clayton, John Clay, Joseph Travis Clay, John William Clay, James Cousen, John Carter, Alfred Camm, Samuel Crowther, Christopher Holdsworth Dawson, Joseph Dawson, John Dawson, Christopher Holdsworth Dawson the younger, *William Eddison, Henry Eddison, Henry Lees Edwards, Richard Fawcett, Thomas Firth, Joseph Firth, John Fisher, Edward Fisher, Joseph Fisher, Samuel Freeman, Hanson Freeman, Samuel Freeman* the younger, *Joseph Fryer, Joseph Jowitt Fryer, Charles Fryer, James Garnett, William Garnett, Samuel Hailstone, George Higham, George William Higham, John Holdsworth, William Horsfall, Timothy Horsfall, Michael Horsfall, Thomas Horsfall, John Garnett Horsfall, John Hustler, John Mildred Hustler, John Hustler* the younger, *William Hustler, Charles Harris, Henry Harris, Alfred Harris, John Hardy, John Hardy* the younger, *Charles Hardy, John Hamerton, Thomas Hayne, Lamplugh Hird* Clerk, *Henry Wickham Hird, Lamplugh Wickham Hird, Charles Wickham Hird, Samuel Hodgson, John Holland, William Holland, Samuel Holland, Joseph Holland, Frederick Robert Jones, Thomas Jowitt, Edward Jowitt, Ellis Cunliffe Lister, Henry Leah, Richard Lupton, Joshua Lupton, Samuel Leppington, Joshua Mann, William Wyndham Madden* Clerk, *Joseph Marshall, Martin Manley, Charles Harrold Macaulay, Thomas Firth Macaulay, James Edward Norris, Samuel Naylor, Richard Oastler, John Ormerod, Hanson Ormerod, Thomas Theodore Ormerod, John Outhwaite,* Sir *William Pilkington* Baronet, *John Green Paley, Joshua Pollard, John Priestley, Walker Priestley, Charles Pitchforth, Abraham Crowther Pitchforth,* Sir *John Ramsden* Baronet, Sir *Joseph Radcliffe* Baronet, *Jeremiah Rawson, William Henry Rawson, Edward Rawson, John Rand, William Rand, Joseph Rushforth, Christopher Rawson, John Rawson, Stansfeld Rawson, Jeremiah Riley, Henry Rushforth, Joseph Stocks, Francis Simes, Jonathan Schofield, Cuthbert Schofield, Thomas Sugden, David Sugden, John Sutcliff, John Sutcliff* the younger, *Thomas Thornhill, Matthew Thompson, Benjamin Thompson, Matthew Wilson, Matthew Wilson* the younger, *Henry Currer Wilson* Clerk, *John Whitacre, Richard Bradley Wainman, Joseph Whiteley, William Widdop, William Wrigley Widdop, Thomas Youd,* 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.

Power to appoint additional Trustees.

VI. And be it further 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 for executing this Act as if they had been herein named.

First Meeting of the Trustees.

VII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Black Swan* Inn in *Brighouse*, or at some other convenient Place near to or in the Neighbourhood of the said Road, on the Fourth *Monday* after the passing of this Act, or as soon after as conveniently may be, and shall and

and may then, and from Time to Time afterwards, adjourn to and meet at such Times and Places within the Town of *Bradford* or the Town of *Huddersfield*, 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.

The present Leases declared valid, and no Alteration to be made in Tolls till their Expiration.

VIII. And whereas the Trustees acting under the said recited Act of the Eleventh Year of the Reign of His Majesty King *George* the Fourth have leased and demised the Tolls by the said Act granted and authorized to be taken to several Persons, for Terms which will not expire until the Eighth and Seventeenth Days of *November* next; be it therefore further enacted, That the several Leases so made by the said Trustees of the Tolls granted and authorized to be taken by the said Act of the Eleventh Year of the Reign of His said Majesty King *George* the Fourth shall, until the said Eighth and Seventeenth Days of *November* next, in all respects continue and be valid and binding upon all the Parties thereto, and upon the Trustees acting under and by virtue of this Act; and no Increase or Alteration whatsoever shall be made in the Tolls so thereby leased and demised during the Continuance of the Term thereby letten, any thing in this Act contained to the contrary notwithstanding.

Power to take Tolls.

IX. And be it further enacted, That on the Expiration of the said Leases 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 or to be erected 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,

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, Curricle, Gig, or other such like Carriage, the Sum of Nine-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 Eightpence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, and not less than Four Inches and a Half, the Sum of Ten-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of One Shilling:

For every Horse, Ass, Mule, or other Beast or Cattle, laden or unladen, and not drawing, the Sum of Nine-pence:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Five Shillings; and so in proportion for any less Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of One Shilling; and so in proportion for any less Number:

For every Carriage drawn or propelled by Steam or Machinery, the Sum of Three Shillings.

In case of a fractional Part of a Halfpenny.

X. 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

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

Certain exempted Articles subject to Toll if conveyed during the Winter Months.

XI. And whereas the carrying and conveying Stone, Dross, Ashes, and other Materials upon the said Road, for the making and repairing Turnpike Roads and Highways, and for Bridges upon or over the same, in the Winter Season, which are exempted from Toll, do considerably more Injury to the said Road than if the same were conveyed during the Summer Months; be it therefore enacted, That it shall be lawful for the said Trustees, between the first Day of *October* in one Year and the last Day of *March* in the succeeding Year, both Days inclusive, to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates, Toll Bars, or Chains erected or to be erected on the said Road, for every Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage carrying or laden with Stone, Dross, Ashes, or other Materials which may be used for making or repairing any Roads, Highways, or Bridges whatsoever, the same Tolls as are herein-before imposed upon Horses, Beasts, and Cattle drawing Waggons, Wains, Carts, and Carriages, any Exemption granted by any Law or Statute to the contrary notwithstanding.

No Exemption allowed in respect of Carriages having the Nails of the Tire projectingmore than a Quarter of an Inch.

XII. 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 Road, Highway, or Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, or Fodder for Cattle, or Corn in the Straw, Potatoes, or other agricultural Produce, such Waggon, Wain, 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, or having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, (save and except in respect of any Horse, Beast, or Cattle drawing any Cart, where the same shall be drawn by One Horse, Beast, or Cattle only, between the first Day of *April* and the last Day of *September* in any Year, both Days inclusive, laden with Materials for amending or repairing the said Road hereby authorized to be amended and repaired, or any Bridge over the same,) any thing in this or any other Act of Parliament contained to the contrary thereof notwithstanding.

No Toll to be paid on repassing.

XIII. 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, Toll Bars, or Chains, such Horse, Beast, or Cattle shall, at any Time during the same Day, 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, or let out to Hire,) through the same Toll Gate, Toll Bar, or Chain, and also through such other Toll Gates, Toll Bars, and Chains (if any) as the Ticket for such Payment shall free.

XIV. Pro-

Limiting the Number of Tolls.

XIV. Provided always, and be it further enacted, That no more than Five full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horses, Beasts, or Cattle, in any one Day, for passing and repassing once through all the several Toll Gates, Toll Bars, or Chains upon the said Road.

Horses drawing Stage Coaches, &c. to be subject to Toll for every Time passing;

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 drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, and for or in respect of any Carriage drawn or propelled by Steam or Machinery, 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, Stage Cart, Van, Caravan, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Horses let out to Hire on every new Hiring.

XVI. 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 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.

Weights of single Horse Carts limited.

XVII. And for regulating the Weights to be allowed to Carts or other such 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 such 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 Eight Hundred Weight for each such Carriage and the Lading thereof.

One Horse Carts to be weighed.

XVIII. 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 of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

As to the Advance made by the Exchequer Loan Bill Commissioners.

XIX. And whereas the Commissioners acting in the Execution of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present*

present Majesty, 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 Acts, did advance to the Trustees acting under the said first herein-before recited Act the Sum of Five thousand Pounds upon the Security of a certain Indenture of Mortgage bearing Date the Fifth Day of *January* One thousand eight hundred and thirty-five, and the said Trustees did assign the Tolls therein mentioned, to hold the same, subject to the Repayment of the Sum of Two hundred and fifty Pounds *per Annum*, as Part of the Principal Money so advanced, and the Interest on such Part of the Principal Money as should from Time to Time remain unpaid at the Rate of Five Pounds *per Centum per Annum*: And whereas the Persons entitled to Mortgages of the Tolls at the Time of the Advance made by the said Commissioners gave their Consent thereto, and agreed that the same should claim Priority over all other Mortgages upon the said Road, both for the Payment of the Interest and Repayment of the Principal as aforesaid; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate or in any Manner prejudice or affect the said Indenture of Mortgage, but the said Mortgage shall be entitled to the same Priority of Security which the same may now possess over any other Mortgages or Securities; and the said Loan and Interest shall be repaid in the Manner provided by the said Indenture of Mortgage, to all Intents and Purposes and in such and the like Manner as if this Act had not been passed.

Application of Tolls.

XX. And be it further enacted, That all the Tolls and 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; that is to say, in the first place, in Payment of all the Costs, Charges, and Expences incident to and attending the applying for, obtaining, and passing this Act, and in erecting and repairing Toll Gates, Toll Bars, and Chains, Toll Houses, Milestones, Posts, and Fences, and the Expences of Books, Advertisements, Salaries of Officers, and of other Expences incidental to the Execution of this Act; secondly, in paying the Instalment of the Principal Money and the Interest due on the Indenture of Mortgage given to the Commissioners for issuing Exchequer Bills for Public Works, as herein-before mentioned; thirdly, in discharging the Interest now due or which shall hereafter be due for and in respect of the Sum of Five thousand Pounds (for the Repayment of the Principal and Interest of which certain of the Trustees acting under the said first-recited Act have become personably liable), or in discharging the Interest of any Sum raised in lieu of the said Sum of Five thousand Pounds or of any Part thereof; fourthly, in paying and discharging the Interest which shall hereafter accrue or become due upon or by virtue of any other Mortgages

or

or Securities for Money lent and advanced before the passing of this Act, and all Interest upon any Arrears of Interest which may be funded as herein-after mentioned; and fifthly, in paying and discharging any Arrears of Interest due before the Commencement of this Act, and not funded as herein-after mentioned, and the Interest to accrue and become due upon or by virtue of any other Mortgages or Securities made or granted for Money lent and advanced after the Commencement of this Act (but which last-mentioned Mortgages or Securities shall not be made or granted without the Consent in Writing of the several Mortgagees, or of the Persons previously entitled to Mortgages of the Tolls hereby granted); sixthly, in paying the said Principal Sum of Five thousand Pounds for which certain of the said Trustees have become personally liable, or any Fund raised in lieu thereof or of any Part thereof; seventhly, in defraying the Expences of amending, widening, diverting, altering, repairing, improving, and keeping in repair the said Road; and lastly, in reducing, paying off, and discharging, *pari passu*, and without Priority, among the respective Mortgagees, (except the Commissioners for issuing Exchequer Bills for Public Works, and the said Principal Sum of Five thousand Pounds, or any Sum to be raised in lieu thereof as aforesaid,) the several Principal Sums of Money which shall be due and owing on the Credit of the Tolls hereby granted.

For granting Mortgages for Arrears of Interest.

XXI. And be it further enacted, That in case any Person to whom any Arrears of Interest now are or shall at any Time hereafter be due on account of any Money advanced for making or repairing the said Road, or for any Monies borrowed for the Purposes of the said recited Acts passed in the Fourth Year and in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, shall be desirous of taking a Mortgage of the Tolls by this Act granted in lieu of the immediate Payment of a Sum of Money for discharging such Arrears, and shall signify such Desire by Writing under his Hand to the Clerk to the said Trustees, then and in every such Case it shall be lawful for the said Trustees at any of their Meetings to demise and mortgage the Tolls by this Act granted or authorized to be collected upon the said Road, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, as a Security to such Person for the Sum or Sums mentioned in such Mortgage, and Interest thereon; and the said Trustees, or any Three or more of them, shall accordingly make and execute a Mortgage of the said Tolls, Turnpikes, and Toll Houses to any such Person, his or her Executors, Administrators, and Assigns; and the Sum of Money for which such Mortgage shall be given shall be considered as so much Money advanced to and for the Use of the said Trustees; and such Mortgage, or any Assignment or Transfer thereof, may be made in the Words, or as near thereto as may be convenient, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England*, and shall be subject to such Provisions and Regulations as any Demise or Mortgage, or any Assignment or Transfer of any Demise or Mortgage of Tolls on Turnpike Roads in *England* is or shall be subject: Provided always, that on the Execution of every such Mortgage the Person to whom the same shall be

made shall give a Discharge to the said Trustees for the Arrears of Interest for or in respect of which such Mortgage shall have been granted.

Burr Walls to be maintained on the Sides of the Road.

XXII. And whereas many Parts of the said Roads are made on the Side of steep Declivities, where it has been necessary to support the Road by Burr Walls, which occasionally fall down or require to be repaired: And whereas no Compensation was made to the Owners of the Land in which such Burr Walls have been made for the Injury they might sustain from their Liability to repair such Burr Walls; for Remedy thereof be it therefore enacted, That whenever any such Burr Wall shall fall down or require to be repaired the same shall be rebuilt or repaired up to the Level of the Road by the Surveyor of the said Roads at the Expence of the Trustees thereof, whose Surveyor and Workmen, in making such Repairs, shall have Power to enter upon the Grounds or Places where such Repairs are necessary, for the Purpose of doing and making the same, without being considered as Trespassers, and without being required to make any Compensation for Damages reasonably arising or caused thereby; and the Occupier of the Land for the Time being to which such Wall belongs or adjoins shall make a good and sufficient Fence, and keep the same in repair, upon the said Burr Wall, after the same shall have been so rebuilt or repaired where necessary by the said Trustees.

In Case Fence Walls are out of repair.

XXIII. And be it further enacted, That if any such Occupier shall neglect to make and repair such good and sufficient Fence Wall from the Level of the said Road in such Case as before mentioned, or if such Part as last aforesaid of such Wall, or of any Wall or Fence adjoining the said Road, shall from any Neglect be out of repair, and not of sufficient Height above the Road, and shall not be repaired within Ten Days after any Notice in Writing to be given to or left at the Dwelling House of such Occupier, by or under the Hand of the Surveyor or Clerk of the said Trustees, it shall be lawful for the said Surveyor to rebuild or repair the same, and to charge the Costs and Expences thereof to such Occupier; and if such Occupier shall neglect or refuse to pay the same Costs and Expences to the said Surveyor within Ten Days after Demand thereof, it shall be lawful for the said Surveyor to make Complaint before One of Her Majesty's Justices of the Peace for the West Riding of the County of *York*, who shall thereupon proceed to summon such Defaulter, and if he fail to appear to such Summons, or to show sufficient Cause for the Nonpayment of such Charges, it shall be lawful for such Justice, upon the Evidence of One or more Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), to determine the Amount of the Costs and Expences of any such Repair, and to cause the same to be levied, together with the Costs of such Complaint, Information, and Conviction, by Distress and Sale of the Goods and Chattels of such Defaulter, by Warrant under his Hand and Seal.

Act not to affect any Powers of the Man-

XXIV. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed, construed, or taken to abridge, take away, diminish, alter, lessen, prejudice, or affect any of the

Rights, Privileges, Powers, Authorities, or Advantages which the *Manchester* and *Leeds* Railway Company now have or are entitled to exercise and enjoy under and by virtue of an Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* Manchester *to* Leeds, and of an Act passed in the Seventh Year of the Reign of His said Majesty, intituled *An Act for enabling the* Manchester *and* Leeds *Railway Company to vary the Line of such Railway, and for amending and enlarging the Powers and Provisions of the Act relating thereto*, of either or them. chester and Leeds Railway,

XXV. And be it further enacted, That this Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow. Commencement and Duration of Act.

XXVI. 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. Public Act.

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