ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

***

Batley Carr Branch Road) commencing at a Point in the said Main Road near the Village of *Batley Carr* in the said Parish of *Dewsbury*, and extending to the said Village: And whereas the Trustees acting by virtue of the said recited Act have made and completed the said Main Road and both the said Branch Roads: And whereas the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-five, unless Parliament shall in the meantime continue the same: And whereas several Principal Sums of Money, amounting altogether to the Sum of Five thousand four hundred and nine Pounds Three Shillings and Eightpence, and particularly mentioned in the Second Column of the Schedule to this Act annexed, have been advanced or secured on the Credit of the Tolls authorized to be taken upon the Roads made or maintained under the said Act, which Sums still remain owing, together with an Arrear of Interest thereon; and such Principal Monies cannot be paid off unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but such Purposes cannot be effected without the Authority of Parliament: May it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, as follows; that is to say,

Recited Act repealed, and this Act to be put in force.

I. That from and after the Commencement of this Act, the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes hereinafter mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament or in any Instrument or Document whatever, it shall be sufficient to use the Expression "The *Gomersal* and *Dewsbury* Turnpike Roads Act, 1855."

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Word "Person" shall be understood to include Corporation:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Expression "Toll Gate" shall include Turnpike, Side Gate, Side Bar, or Chain, either on the said Roads or on the Sides thereof.

IV. That

All Arrears of Tolls and Monies due under recited Act vested in Trustees under this Act.

IV. That all Rents, Arrears of Rents, Tolls, Arrears of Tolls, and other Monies due, or reserved, or belonging to, and all Monies, Property, and Choses in Action, vested in the Trustees under the Act hereby repealed, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been due or reserved, belonging to, or vested in them under the said repealed Act; and they shall be liable to the Payment of all Sums of Money, Debts, and Demands now due and owing on the Credit or Security of the said repealed Act, and all Interest due and to grow due on the same respectively, and to all the Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof, save and except such Debts, Liabilities, and Arrears of Interest as are by this Act reduced, varied, or extinguished.

Conveyances &c. under former Act to continue in force.

V. That, subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said repealed Act, or with any of them, shall remain in full Force and Effect, and be and continue available, in all Courts of Law and in Equity, until the same be fully satisfied and performed, on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said repealed Act, with or to any Person or Persons, for any Purpose relating to the Roads therein comprised, or to the Execution of the said Act or any of them, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Former Books to be Evidence.

VI. That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the Act hereby repealed, or any of the Acts therein recited, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

VII. That

Roads shut up under repealed Act to remain shut up.

VII. That all Roads and Parts of Roads diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said recited and repealed Act, shall remain and continue diverted, shut up, and discontinued in such and the same Manner as if the said recited Act had not been repealed.

Trustees appointed.

VIII. That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *William Ackroyd*, *Thomas Ackroyd*, *Thomas Burnley*, *Thomas William Burnley*, *James Burnley*, *James Booth*, *Charles Barker*, *John Battye*, *George Blakeley*, *Robert Brearley* the younger, *William Carr* (Surgeon), *William Carr* the younger, *Charles Carr*, *William Carr* (Solicitor), *William Crowther*, *Thomas Cook*, *Thomas Hague Cook*, *Robert Clapham*, *Benjamin Clay*, *Edward Clarkson*, *Emanuel Emmet*, *John Emmet*, *Joseph Ellison*, *George Ellison*, *Joshua Ellis*, *George Ellis*, *George Fearnley*, *John Beswicke Greenwood*, *John Hague*, *Matthew Hale*, *Thomas Hampson*, *John Jubb*, *Lionel William Knowles*, *Stephen Hartley Knowles*, *James Knowles*, *Frederick Hartley Knowles*, *William Lipscomb*, *John Nussey*, *James Nowell*, *Charles Oldroyd*, *Henry Rhodes*, *William Rhodes*, *Joseph Swaine*, *Edward Swaine*, *William Edward Swaine*, *John Swaine*, *Benjamin Senior*, *George Sheard*, *Thomas Todd*, *Joshua Taylor*, *John Taylor* (of *Spen*), *John Plumbe Tempest*, *Thomas Haines Plumbe Tempest*, *John Tweedale*, *Joseph Tweedale*, *Charles Arthur Tennant*, *Thomas Tong*, *Joshua Walker*, *John Walker*, *Richard Walker*, *John Wormald*, *John Wormald* the younger, *Percival Wormald*, *Frank Wormald*, *Edward Baime Wheatley*, *John Whitaker* (of *Howley*), and *James Upton Wooler*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IX. That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

X. That the said Trustees shall hold their First Meeting at the House of *Elizabeth Kenyon*, known as the Sign of the *Black Bull* Inn in *Gomersal* in the said Parish of *Birstal*, or at some other Place in the Neighbourhood of the said Roads, on the Second *Monday* next after the Commencement of this Act, between the Hours of Eleven

of

of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

XI. That the said Trustees may appoint Committees out of their own Number, to take the Care and Management of any particular Part or Parts of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and the Officers of the Trust may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

XII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the several Roads herein-after mentioned; that is to say,

The said Main Turnpike Road leading from *Gomersal* to *Dewsbury*;

The said Branch Road to the Village of *Havercroft* aforesaid; and

The said Branch Road to the Village of *Batley Carr* aforesaid.

Style of the Trust.

XIII. That the Roads comprised in this Act shall be called "The *Gomersal* and *Dewsbury* Turnpike Roads;" and the Trustees for executing this Act shall be styled "The Trustees of the *Gomersal* and *Dewsbury* Turnpike Roads."

Present Tolls continued until the 1st April 1856.

XIV. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until the First Day of *April* One thousand eight hundred and fifty-six.

For erecting Turnpikes.

XV. That, subject to the Provisions of this Act, the several Toll Gates and Weighing Machines now standing or being upon the said Roads, or any of them, or on the Sides thereof, shall be continued until removed by an Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, upon, in, or across the said several Roads by this Act directed or authorized to be maintained, and upon the Sides thereof or any Part thereof respectively, any Toll Gate and any Weighing Machine, and from Time to Time to remove the present or any future Toll Gates or Weighing Machines as they shall think proper: Provided always, that no Toll Gate which by this Act is authorized to be maintained or set up on the said Roads or the Sides thereof, shall be removed, or set up upon

or across the said Roads, or any of them, or the Sides thereof, except the same shall be ordered to be removed or set up at a Special Meeting of the said Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the Act of Ninth *George* the Fourth, Chapter 77.

Power to take Tolls.

XVI. That upon and after the First Day of *April* One thousand eight hundred and fifty-six, it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates which shall be continued or set up by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; that is to say,

Tolls.

For every Horse, Mule, or other Beast, except an Ass, drawing any Coach, Stage Coach, Diligence, Omnibus, Machine, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, Ox, or other Beast, except an Ass, drawing any Van, Caravan, or other such like Carriage upon Springs, carrying or conveying Goods, Articles, or Things for Pay or Reward, the Sum of Ninepence:

For every Horse, Mule, Ox, or other Beast, except an Ass, drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, if having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence; if having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Eightpence:

For every Ass drawing any Carriage, the Sum of Fourpence:

For every Goat drawing any Wain, Truck, Cart, or other Carriage or Vehicle, the Sum of One Penny:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery, or otherwise than by Animal Power, the Sum of One Shilling for each Wheel:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Twopence:

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sevenpence Halfpenny *per* Score, and so in proportion for any less Number:

Which Tolls (together with such Charge for Overweight as hereinafter mentioned) shall be taken before any Horse, Mule, Ass, Beast, or

or other Cattle or Animal or any Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof, and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner hereinafter directed.

As to the Fraction of a Halfpenny in Tolls.

XVII. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be paid once a Day.

XVIII. That in case the Tolls herein-before authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Beast, Cattle, Animal, or Carriage, through any or either of such Toll Gates, such Horse, Beast, Mule, Ass, Cattle, Animal, or Carriage shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Toll Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night.

Tolls on Horses, &c. drawing different Waggons, &c.

XIX. Provided always, That Tolls shall be paid for every Time during the same Day that any Horse, Mule, Ass, Ox, or other Beast shall pass through any Toll Gate on the said Roads drawing any laden Waggon, Wain, Dray, Cart, Van, Caravan, or such like Carriage other than that which such Horse, Mule, Ass, Ox, or other Beast shall have been employed in drawing at any former Time during the same Day when Toll shall have been paid in respect of such Horse, Mule, Ass, Ox, or other Beast.

Stage Coaches, &c. and Carts laden with Coals to pay every Time of passing.

XX. That the Tolls hereby payable for and in respect of Horses, Animals, or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, or drawing any Waggon, Wain, Dray, Cart, or other Carriage laden with Coals, shall be payable and paid every Time of passing or repassing along the said Roads or any of them.

Horses drawing Post-chaises on every new Hiring.

XXI. That the Tolls hereby made payable for or in respect of Horses, Animals, or Beasts let out to Hire, and drawing any Post-chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads or any of them, whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment

ment of Tolls in respect of such Horses, Animals, or Beasts had been made on the same Day.

No more than One full Toll to be paid on the whole Line of Roads.

XXII. That, except as herein-before expressly provided, no more than One full Toll shall be demanded or taken for or in respect of the same Horses, Beasts, Cattle, Animals or Carriages, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates along the whole Line of the said Roads.

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

XXIII. And whereas the carrying and conveying Stone, Dross, Ashes, and other Materials upon the said Roads, for the making and repairing Turnpike Roads and Highways, and for building, rebuilding, or repairing Bridges, upon or over the same in the Winter Season, which are exempted from Toll, do considerably more Injury to the said Roads 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 at the several and respective Toll Gates to be continued or erected on the said Roads, for every Horse, Animal, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage carrying or laden with Stones, Dross, Ashes, or other Materials, which may be used for making or repairing any Roads or Highways whatsoever, or for building, rebuilding, or repairing any Bridges whatsoever, the same Tolls as are by this Act authorized to be taken in respect of Horses, Animals, Beasts, and Cattle drawing any Waggons, Wains, Drays, Carts, or other Carriages, any Exemptions granted by any Law or Statute to the contrary notwithstanding.

Limiting certain general Exemptions from Tolls.

XXIV. That no Exemption allowed by any Law or Statute in force from Payment of Tolls on any Turnpike Road shall be allowed in respect of the Tolls by this Act granted for or in respect of any Horse, Animal, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Road or Highway, or for building, rebuilding, or repairing any Bridge, save and except such Materials as are to be used for making or repairing a Road, Highway, or building, or rebuilding, or repairing a Bridge within some Township, Hamlet, or Place which is or may be liable to contribute to the Repair of some Part of the Roads comprised in this Act.

Weights of Single-horse Carts limited.

XXV. And for regulating the Weights to be allowed to Carts or other Carriages which shall be drawn upon the said Roads by One Horse, Beast, or Animal only, be it enacted, That the Weights to be allowed to Carts or other Carriages drawn by One Horse, Beast, or Animal shall never exceed the Weights following; that is to say, as to

to Carts or Carriages, if having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards at the Bottom or Soles thereof, from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive), One Ton and Fifteen Hundredweight 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 Ten Hundredweight for each such Carriage and the Lading thereof; and as to Carts or Carriages, if having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive), One Ton and Six Hundredweight 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 Four Hundredweight for each such Carriage and the Lading thereof.

One-horse Carts to be weighed.

XXVI. That all Carts or other Carriages passing along the said Roads, drawn by only One Horse, Beast, or Animal, shall and may be weighed at any Weighing Machine on the said Roads, 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 Carriages passing on the said Roads drawn by only One Horse, Beast, or Animal, and to the Drivers and Owners thereof.

Part of the Arrears of Interest to be extinguished.

XXVII. And whereas the several Principal Sums charged upon and due and owing under the said repealed Act are particularly mentioned in the Second Column of the Schedule to this Act annexed, and the several Sums of Money due on the Thirty-first Day of *December* One thousand eight hundred and fifty-four, for Interest on the said several Principal Sums, are also stated in the Third Column of the said Schedule: And whereas several Principal Sums of Money owing by the said Trustees on the Credit of the said Trust, amounting together to the Sum of Two thousand two hundred and fifty Pounds, were paid off out of Monies which ought to have been applied in paying the Interest from Time to Time accruing due in respect of the said several Principal Sums particularly mentioned in the Second Column of the said Schedule: And whereas the said Sum of Two thousand two hundred and fifty Pounds being divided amongst the Persons entitled to the said several Principal Sums mentioned in the Second Column of the said Schedule in proportion to the Amount of such Sums gives to each Sum mentioned in the Second Column of the said Schedule the Amount or Sum set opposite thereto in the Fifth Column of the said

said Schedule, and the Remainder of the Sum due in respect of Interest of the said Principal Sums mentioned in the Second Column of the said Schedule is particularly mentioned in the Fourth Column of the said Schedule: Be it enacted, That, notwithstanding anything in the said repealed Act or this Act, or in any Agreement, Mortgage, Bond, or other Security executed by any of the Trustees of the said repealed Act, to the contrary, so much of the Arrears of Interest owing in respect of the said several Principal Sums mentioned in the Second Column of the said Schedule as is mentioned in the Fourth Column of the said Schedule shall be considered as satisfied and discharged, and all Liability under the said Agreements, Mortgages, Bonds, and other Securities in respect of the same Portion of such Interest shall absolutely cease and determine.

Defining the Amount of the Principal Debt.

XXVIII. That after the Commencement of this Act the Principal Monies owing on the Security of the Tolls taken on the said Roads shall consist of the several Sums mentioned in the Second and Fifth Columns of the Schedule to this Act annexed, amounting together to the Sum of Seven thousand six hundred and fifty-nine Pounds Three Shillings and Eightpence, and from and after the Commencement of this Act Interest after the Rate of Three Pounds *per Centum per Annum* shall be paid on the said several Sums mentioned in the Second and Fifth Columns of the said Schedule, or on so much thereof as for the Time being shall be due and owing on the Credit of the said Tolls.

Application of Monies and Tolls.

XXIX. That all Monies and Tolls vested in or which shall be received by the said Trustees under or by virtue of this Act, and which shall be applicable to the Purposes thereof, shall be applied as follows; that is to say,

First, in paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, in defraying the Salaries of the Clerks, Surveyor, and other Officers employed by the said Trustees, and the other Costs attending the Management of the said Roads: Provided that such Expenses shall not exceed in any One Year the Sum of Seventy Pounds, exclusive of any Payment to Toll Collectors for collecting Tolls, if necessary, and of any Expenses to which the said Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace:

Thirdly, in paying Interest from the Commencement of this Act, after the Rate of Three Pounds *per Centum per Annum*, on the several Sums mentioned in the Second and Fifth Columns of the said

said Schedule, or on so much thereof respectively as shall for the Time being be unpaid, such Interest being paid to and amongst the Persons entitled to such Sums, in proportion to the Amount of their respective Claims, and without any Priority or Preference the one over the others or other of them:

Fourthly, in paying from and after the Twenty-fifth Day of *March* One thousand eight hundred and fifty-six, the Expenses of repairing and maintaining the said Turnpike Roads, and the Burr Walls on the said Roads, and the Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, which the said Trustees are by this Act required to repair and maintain, and the Expenses of erecting or providing, altering and repairing, Toll Gates, Toll Boards, Toll Houses, and Weighing Machines: Provided that such Expenses shall not exceed in any One Year the Sum of Three hundred and fifty Pounds:

Fifthly, in reducing, paying off, and discharging in manner hereinafter provided, the several Sums mentioned in the Second and Fifth Columns of the said Schedule, or so much thereof respectively as shall for the Time being be unpaid:

Sixthly, in paying the Expenses of managing, improving, and keeping in repair the said several Roads, and in putting this Act into execution with reference thereto.

No Money to be laid out on the Streets in Dewsbury.

XXX. Provided always, That nothing in this Act contained shall extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls hereby granted in paving or repairing any Highway or Street within the Town of *Dewsbury*.

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

XXXI. 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 enacted, That whenever any Burr Wall supporting the said Roads, or any Part thereof, 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 Road, at the Expense 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 making and executing 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 and keep in repair a good and sufficient Fence Wall upon the said Burr Walls after the same

same shall have been so rebuilt or repaired where necessary by the said Trustees.

In case Fence Walls are out of repair.

XXXII. That if any such Occupier shall neglect to make and keep in 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 aforesaid of such Wall or any other Wall or Fence adjoining the said Road shall from any Neglect be out of repair or 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 Expenses thereof to such Occupier; and if such Occupier shall neglect or refuse to pay the same Costs and Expenses 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 Costs and Expenses, 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 Expenses of any such Repair, and to cause the same to be levied, together with the Cost 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.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXXIII. That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth, for keeping the said Roads dry and conveying the Water from the same, shall be made by the said Trustees or their Surveyor or other Officer on the Sides of the said Roads, and also, where necessary, into or through any Lands or Grounds adjoining to or lying near the said Roads (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), at the Expense of the said Trustees, out of the Monies to be received by virtue of this Act, and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Roads, also at the Expense of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Lands or Grounds; but all

such

such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of the General Acts for the Time being in force relating to Turnpike Roads.

Mortgagees to take Possession for Interest only.

XXXIV. That whenever and so long as the Interest by this Act allowed upon all existing Mortgages, Securities, and Charges upon the Tolls of the said Roads shall be duly paid at the Rate by this Act authorized, within Three Calendar Months next after the same shall become due, no Holder of any Mortgage or Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or the Sides thereof, or into the Receipt of the Tolls arising therefrom, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Sums in reduction of the Arrears of Interest, and the Interest from Time to Time due and becoming due upon all the then existing Mortgages and Securities, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages and Securities shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate by this Act authorized on such Mortgages and Securities up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to Mode of discharging Debt.

XXXV. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due in respect of any of the Debts or Sums mentioned in the Second and Fifth Columns of the Schedule to this Act annexed shall amount to the Sum of Two hundred Pounds, the said Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled

entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *York*, or by Letter sent by Post to each Mortgagee directed to his usual Place of Residence or last known Place of Abode; and at such Meeting the said Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing in respect of the said Debts or Sums to the Creditor who shall, by Proposal in Writing transmitted to the Clerk to the said Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of the other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the said Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors as the said Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the said Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the said Trustees shall think fit.

The Trustees may grant Mortgages for the Sums authorized by this Act.

XXXVI. That the said Trustees may, if they shall think fit so to do, at the Costs and Expenses in every Case of the Person applying for the same, make and deliver to the several Parties now entitled to the said several Sums mentioned in the Second and Fifth Columns of the said Schedule to this Act annexed, or any Part thereof, a Mortgage of the Tolls authorized by this Act, for securing to such Party the Sums set opposite to his Name in the Second and Fifth Columns of the said Schedule, or so much of those Sums as may be due to him, together with Interest thereon, not exceeding the Rate of Three Pounds *per Centum per Annum*; and such Mortgage, or any Assignment or Transfer thereof, may be made in the Form, as far as the same may be applicable, and in such Manner as is directed by any Law or Statute relating to Turnpike Roads in *England*; and such Mortgage, when

when so granted and delivered, shall be deemed and taken to be substituted for the existing Security in the Hands of or for the Sums owing to the Person applying for and obtaining such Mortgage.

Roads not exempt from Provisions of General Acts.

XXXVII. That nothing herein contained shall be deemed to exempt the Roads 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.

Term of Act.

XXXVIII. That this Act shall commence and take effect on the First Day of *November* 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 Session of Parliament which shall then next follow.

The

The SCHEDULE referred to by the foregoing Act,

CONTAINING

THE NAMES OF THE CREDITORS OF THE TRUST WHOSE CLAIMS ARE TO BE CHARGES THEREON.

First Column.		Second Column.	Third Column.	Fourth Column.	Fifth Column.
No.	Name of Creditor.	Amount of Principal Sum now owing.	Amount of Arrears of Interest owing on 31st December 1854.	Amount of Arrears of Interest to be extinguished.	Amount of Arrears of Interest to be paid.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	The Earl of Wilton - - -	2,805 8 2	2,384 10 8	1,217 12 7	1,166 18 1
2	Mr. Richard Walker - -	429 4 7	364 18 8	186 7 6	178 11 2
3	Mr. Richard Walker and others	300 0 0	255 0 0	130 4 2	124 15 10
4	Mr. John Walker - - -	100 0 0	85 0 0	43 8 1	41 11 11
5	Messrs. Hagues and Cook -	100 0 0	85 0 0	43 8 1	41 11 11
6	Mr. John Nussey - - -	100 0 0	85 0 0	43 8 1	41 11 11
7	C. Carr's Executors - -	100 0 0	85 0 0	43 8 1	41 11 11
8	Mr. George Brearey's Executors	227 5 11	193 3 3	98 12 8	94 10 7
9	Mr. Richard Ward's Executors -	150 0 0	127 10 0	65 2 1	62 7 11
10	Mr. John Willans Nowell's Executors - - - - -	120 0 0	84 0 0	34 1 8	49 18 4
11	Mr. Jeremiah Marriott - -	120 0 0	84 0 0	34 1 8	49 18 4
12	Mr. James Hall - - -	150 0 0	127 10 0	65 2 1	62 7 11
13	Mr. Benjamin North Rockley Battye - - - - -	30 0 0	25 10 0	13 0 5	12 9 7
14	Mr. Thomas Oldroyd's Executors	30 0 0	25 10 0	13 0 5	12 9 7
15	Mr. Carret's Executors - -	85 0 0	72 5 0	36 17 10	35 7 2
16	Mr. C. Hindle's Executors -	20 0 0	17 0 0	8 13 7	8 6 5
17	Mr. John Steel's Executors -	40 0 0	34 0 0	17 7 2	16 12 10
18	Mr. T. S. Brooke - - -	20 0 0	17 0 0	8 13 7	8 6 5
19	Mrs. Hannah Siddall - -	20 0 0	17 0 0	8 13 7	8 6 5
20	Mr. Thomas Fawcett - -	20 0 0	17 0 0	8 13 7	8 6 5
21	Mr. George Catlow - - -	35 0 0	29 15 0	15 3 10	14 11 2
22	Mr. Joshua Wainwright's Executrix - - - - -	10 0 0	8 10 0	4 6 10	4 3 2
23	Mr. Robert Machéll's Assignees	30 0 0	25 10 0	13 0 5	12 9 7
24	Mr. John Smith's Executors -	30 0 0	25 10 0	13 0 5	12 9 7
25	Mr. Thomas Mellor's Executors	25 0 0	21 5 0	10 17 0	10 8 0
26	Mr. James Wilman's Executors	20 0 0	17 0 0	8 13 7	8 6 5
27	Mrs. Ann Savill - - -	30 0 0	25 10 0	13 0 5	12 9 7
28	Mr. Jonathan Brearey's Executors	50 0 0	42 10 0	21 14 0	20 16 0
29	Mr. Joshua Greaves - -	20 0 0	17 0 0	8 13 7	8 6 5
30	Mr. Thomas Walker - -	20 0 0	17 0 0	8 13 7	8 6 5
31	Mr. George Brearey's Executors	20 0 0	17 0 0	8 13 7	8 6 5
32	Mr. Joshua Ellis - - -	27 5 0	23 3 3	11 16 7	11 6 8
33	Master, Fellows, and Scholars of Trinity College, Cambridge -	125 0 0	106 5 0	54 5 1	51 19 11
		5,409 3 8	4,561 15 10	2,311 15 10	2,250 0 0

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.