ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cxvii.

An Act to repeal an Act passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and maintaining the Turnpike Road from and out of the Road leading from* Quebec *in* Leeds *to* Homefield Lane End *in* Wortley, *to communicate with the Road leading from* Huddersfield *to* Birstal, *at the* "Coach and Horses" *Public House in* Birstal *in the West Riding of the County of* York, and granting more effectual Powers in lieu thereof. [7th *July* 1862.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and maintaining the Turnpike Road from and out of the Road leading from* Quebec *in* Leeds *to* Homefield Lane End *in* Wortley, *to communicate with the Road leading from* Huddersfield *to* Birstal *at the* "Coach and Horses" *Public House in* Birstal *in the West* 1 W.4. c. xxix.

Riding of the County of York: And whereas the Trustees acting by virtue of the said recited Act have proceeded to carry the same into execution, and considerable Sums of Money have been borrowed upon the Credit of the Tolls thereby authorized to be taken upon the said Road, which Sums of Money, with an Arrear of Interest from the First Day of *January* One thousand eight hundred and sixty, still remain due and owing, and cannot be paid off, nor can the said Road be effectually repaired, maintained, and improved, unless further Powers are granted, and the Term of the said Act be further continued and extended: And whereas it is expedient that the said recited Act should be repealed, and that other and more effectual Powers and Provisions should be granted in lieu thereof; but the same cannot be effected without the Authority of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,

Recited Act repealed, and this Act to be put in force.

1. That upon the Fourth *Wednesday* next after the passing of this Act the recited Act of the First Year of the Reign of His late Majesty King *William* the Fourth shall be and the same is hereby repealed, and this Act shall thenceforth be put in execution during the Term and for the Purposes herein-after mentioned.

Short Title.

2. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Leeds and Birstal* Road Act, 1862."

Construction of Terms.

3. 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:

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Road" shall mean the Road to which this Act applies:

The Word "Turnpike" shall include Toll Gate, Toll House, Side Bar, Box, and Chain:

The Word "Carriage" shall include all Carriages, Coaches, Omnibuses, Vans, Caravans, Barouches, Chariots, Chaises, Curricles, Phaetons, Cars, Gigs, and other such like Carriages:

The Word "Cart" shall include all Carts, Waggons, Wains, Vans, Drays, Carriages, Engines, and other Vehicles, by whatsoever Names known respectively, or adapted or used for the Conveyance of heavy Articles:

The Expression "flat Wheel" means a Wheel with a perfectly flat or level Surface throughout the whole Breadth of the Tire, and bearing equally on such flat or level Surface, with the Nails entirely countersunk, and not projecting beyond the Surface of the Tire,

Tire, and the exterior Diameter of such Wheel not varying from the interior Diameter more than One Twelfth Part of the Breadth of the Tire, Sole, or Bottom of the Felly thereof.

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

4. Subject to the Provisions of this Act, all Bonds, Mortgages, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the Act hereby repealed, or by any other Act therein mentioned, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same be fully satisfied and perfo rmed on account or for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by or by virtue of the Act hereby repealed, or of any other Act therein mentioned, or by the Trustees for executing the same, with or to any Person, for any Purpose relating to the Road therein respectively comprised, or to the Execution of such Act, and all Assignments and Transfers of such Bonds and Mortgages, shall, except so far as the same 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, subject to the Provisions of this Act, all such Bonds and Mortgages shall be a Charge on the Road and the Tolls thereof, in such and the same Manner as if the same had been given by the Trustees acting under the Act hereby repealed, or of any other Act therein mentioned; and all Powers and Authorities vested in the Trustees acting under the Act hereby repealed shall and may, notwithstanding such Repeal, be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act.

Former Books to be Evidence.

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

Arrears of Toll and Money under recited Act vested in the Trustees under this Act.

6. All Rents and Arrears of Tolls and other Monies due to and all Property and Choses in Action vested in or belonging to the Trustees under the Act hereby repealed shall, on the Commencement of this Act, vest in and belong to 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 vested in and belonged to them under the said recited Act, and they shall be liable to all Debts and Engagements to which the Trustees under the said recited Act were liable

liable at the Repeal thereof, except such as are by this Act extinguished or reduced.

Actions, &c. not to abate.

7. Any Action, Suit, Prosecution, or other Proceeding commenced by or against the Trustees under the said recited Act before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect, both in favour of and against the Trustees, in the same Manner to all Intents as if this Act had not been passed, save only that the Trustees shall be substituted therein for the Trustees under the said recited Act.

Officers continued.

8. The Clerk, Treasurer, Surveyor, and all other Officers or Servants appointed by virtue of or under the said recited Act shall hold and enjoy their Offices and Employments, with the Salaries thereunto annexed, and be deemed Officers and Servants of the Trustees until they shall respectively be removed by the Trustees, and shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Rules and Regulations, as if they had been appointed under this Act.

Trustees.

9. All Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *John Leathley Armitage*, *James Armitage*, *William Armitage*, *William Beckett*, *Alfred Bilbrough*, *Jonas Brown*, *Charles Chadwick* M.D., *Joseph Cliff*, *William Crowther*, *George Ellis*, *John Gott*, *William Gott*, *Henry Heycock*, *William Wilkes Hill*, *James Hudson*, *Robert Ingham*, *Lionel William Knowles*, *Edward Lee*, *John Morris*, *Samuel Rickards*, *Samuel Scatcherd*, *Thomas Stephenson*, *Matthew Stephenson*, *Anthony Titley*, *Joseph Mason Tennant*, *Thomas Wilson*, *Joseph Walker*, *Joseph Webster*, *Thomas Wordsworth*, and *William Wordsworth*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into Execution.

Power to appoint additional Trustees.

10. It shall be lawful for the said Trustees from Time to Time, at any Meeting to be held in pursuance of this Act, to elect any Number of Persons, being 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 also, when and so often as any Trustees hereby nominated shall die, or refuse to act, to nominate, elect, and appoint one other Person to be a Trustee in the Room or Stead of the Trustee so dying or refusing to act; 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.

11. The said Trustees shall hold their First Meeting in the Town of *Leeds* in the West Riding of the County of *York* at some convenient Place

Place in the said Town on the Fourth *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places near the said Road as they shall think proper.

Existing Road to be repaired and maintained.

12. This Act shall be put into execution for the Purpose of keeping in repair, amending, widening, and improving the Road herein-after described; (that is to say,)

The Road leading from and out of the Road leading from *Quebec* in *Leeds* to *Homefield Lane End* in *Wortley*, to communicate with the Road leading from *Huddersfield* to *Birstal* at the "*Coach and Horses*" Public House in *Birstal* in the West Riding of the County of *York*.

Power to take Tolls.

13. The Tolls now payable at the several Toll Gates, Toll Bars, and Side Gates on the said Road shall continue payable thereat until the Seventh Day of *July* One thousand eight hundred and sixty-two, and that on and after the said last-mentioned Day it shall be lawful for the said Trustees to demand and take, at each and every of the Toll Gates or Toll Bars and Chains which shall by virtue of this Act be in, upon, or across the said Road or on the Sides thereof, the several Tolls or Sums following; (that is to say,)

For every Horse, Mule, or other Beast (excepting an Ass), drawing any Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast (excepting an Ass), drawing any Cart, if all the Wheels are flat Wheels,

If the Tire of every Wheel is throughout of the Breadth of Six Inches or upwards, Fourpence:

If the Tire of any Wheel is throughout of the Breadth of Four Inches and a Half or upwards and less than Six Inches, Fivepence:

If the Tire of any Wheel is in any Part of less Breadth than Four Inches and a Half, Sixpence:

For every Horse, Mule, or other Beast (excepting an Ass), drawing any Cart, the Wheels thereof being of any other Sort than flat Wheels, the Sum of Twopence, in addition to the Tolls herein-before made payable:

For any Ass drawing any Carriage or Cart, One Half the Tolls made payable for a Horse so drawing:

For every Beast of Draught or Burden (except an Ass), laden or unladen, but not drawing, the Sum of Twopence:

For every Ass, laden or unladen, but not drawing, One Penny:

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number:

Tolls to be paid once a Day.

Which said several Tolls herein-before granted shall be paid and payable once only in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night; and upon a Ticket denoting the Payment of such Tolls on that Day being produced every Horse, Beast, or Cattle for which such Tolls shall have been paid shall be permitted to pass Toll-free through the same Turnpike, and also through such other Turnpikes as the Ticket for such Payment shall free, at any Time or Times during the same Day.

Carts laden with Coals to pay on each Time of passing.

14. The Tolls by this Act authorized to be taken in respect of Horses or other Beasts of Draught drawing any Cart, if such Cart be laden with Coals or Cinders, shall be paid and payable for each and every Time of passing so laden through any Turnpike on the said Road.

As to the Fraction of a Half-penny in Tolls.

15. In all Cases in which there shall be a fractional Part of a Half-penny 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.

Horses drawing different Waggons.

16. The Tolls by this Act authorized to be taken shall be paid in respect of Horses or other Beasts of Draught drawing any laden Waggon, Wain, Dray, Cart, or such like Carriage, for every Time during the same Day that such Horse or other Beast of Draught shall pass through any Turnpike upon the said Road, drawing any other Waggon, Wain, Dray, Cart, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which such Tolls shall have been paid.

Postchaises to pay on every new Hiring.

17. The Tolls hereby made payable shall be paid for all Horses or other Beasts drawing any Postchaise or other Carriage travelling for Hire as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or other Beasts had been made on the same Day.

Stage Coaches to pay every Time of passing.

18. For and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other such Carriage, conveying Goods or Passengers for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day conveying Goods or Passengers for Payment, Hire, or Reward through any Turnpike or Toll Gate on the said Road, the Tolls hereby made

made payable shall be again paid for repassing through such Turnpike or Toll Gate, in like Manner as if no Toll had been before paid.

Limiting the Number of Tolls on the whole Line of Road.

19. Nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for or in respect of the Passage of the same Horse, Beast, Cattle, or Carriage, on the same Day, through all the several Turnpikes or Toll Gates now erected or to be erected on the said Road, except as by this Act is otherwise provided with respect to Coals and Cinders.

One-Horse Carts liable to be weighed.

20. Notwithstanding any Law or Statute to the contrary, all Carts and other Carriages drawn by One Horse or other Beast shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Road, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses, are now liable by Law; and every such Cart or other Carriage drawn by One Horse or other Beast which, together with the Loading thereof shall weigh more than Thirty Hundredweight shall pay, and it shall be lawful for the said Trustees, or any Person or Persons by them empowered to receive the Tolls granted by this Act, to receive and take, such and the same additional Tolls for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

Limiting certain general Exemptions from Toll.

21. No Exemption allowed by Law or Statute now in force from Payment of Toll on any Turnpike Road shall be allowed in respect of the Tolls by this Act granted for or in respect of any Horse or other Beast drawing any Agricultural Implement or Machine let to Hire, or travelling for the Purpose of being used by any other Person than the Owner thereof.

Arrears of Interest to be extinguished.

22. And whereas in the Year One thousand eight hundred and thirty-four Arrears of Interest to the Amount of Five thousand four hundred and ninety-two Pounds Ten Shillings were converted into Principal, and upon which Amount Interest has accrued and is now due from the First Day of *January* One thousand eight hundred and sixty: 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, the said Sum of

of Five thousand four hundred and ninety-two Pounds Ten Shillings, and all Interest due thereon from the said First Day of *January* One thousand eight hundred and sixty, shall be and the same are hereby extinguished; and all Liability under the said Agreements, Mortgages, Bonds, and other Securities, in respect of the said Sum of Five thousand four hundred and ninety-two Pounds Ten Shillings so converted into Principal, shall absolutely cease and determine, but such Mortgages and other Securities, so far as the same relate to the several Amounts set opposite to the respective Names of the several Mortgagees set forth in the Schedule to this Act annexed, shall remain in full Force and Effect, and shall be deemed good Security for such respective Sums only.

Application of Monies and Tolls.

23. All Monies which shall be in the Hands of the Trustees or of their Treasurer on the Seventh Day of *July* One thousand eight hundred and sixty-two, or which shall then be owing to them on any Security, shall be applied as follows; (that is to say,)

Firstly, in defraying all the Costs, Charges, and Expenses incidental to and attending the obtaining and passing of this Act:

Secondly, in paying Interest after the Rate of Four Pounds Ten Shillings *per Centum per Annum* from the First Day of *January* One thousand eight hundred and sixty to the Seventh Day of *July* One thousand eight hundred and sixty-two upon the Principal Sum of Four thousand Pounds now owing on the Credit of the Tolls authorized to be taken on the said Road to the Representatives of the late *Benjamin Beverley*:

Thirdly, in paying rateably to the several Creditors whose Names are mentioned in the Schedule to this Act Interest not exceeding the Rate of Four Pounds Ten Shillings *per Centum per Annum* which shall have accrued to them between the First Day of *January* One thousand eight hundred and sixty and the Seventh Day of *July* One thousand eight hundred and sixty-two, on the several Amounts set forth in the said Schedule:

That all Monies which shall remain in the Hands of the Trustees on the Seventh Day of *July* One thousand eight hundred and sixty-two, after making the Payments aforesaid, and all Monies which shall be received by the said Trustees under and by virtue of this Act from and after the Seventh Day of *July* One thousand eight hundred and sixty-two, shall be applied as follows; (that is to say,)

Firstly, in paying the Salaries of Officers and other Persons employed by the Trustees, and the Costs attending the Management of the Road, but the Amount so applied shall not exceed the Sum of Seventy Pounds *per Annum*, exclusive of the Wages of Toll Collectors, and of the Cost of erecting Toll Houses and Toll Gates, when necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending Suits or Actions at Law

Law or in Equity, or in Proceedings before Magistrates, or in preferring or defending any Indictment or Suits or Proceedings before Parliament in relation to the Road:

Secondly, in paying Interest from the Seventh Day of *July* One thousand eight hundred and sixty-two after the Rate of Three Pounds *per Centum per Annum* upon the Principal Sum of Four thousand Pounds now owing to the Representatives of the late *Benjamin Beverley* on the Credit of the Tolls authorized to be taken on the same Road, or so much thereof as shall for the Time being be due or owing:

Thirdly, in setting apart yearly (subject to the Provisions of this Act) One Third of the gross Income arising from Tolls upon the said Road for or towards the Repair of the said Road, such Sum to be calculated upon the gross Amount of Tolls received by the Trustees during each preceding Year:

Fourthly, in paying off and discharging the said Principal Sum of Four thousand Pounds due and owing to the said Representatives of the late *Benjamin Beverley*:

Fifthly, in paying Interest after the Rate of Three Pounds *per Centum per Annum* upon the Principal Sum of Eleven thousand and eighty-five Pounds named in the Schedule to this Act annexed, now also owing on the Credit of the Tolls authorized to be taken on the same Road, or so much thereof as shall for the Time being be due or owing:

Sixthly, in paying off and discharging, in manner herein-after provided by this Act, the said Principal Sum of Eleven thousand and eighty-five Pounds:

And lastly, in paying the Expenses of keeping in repair, maintaining, and improving the same Road.

Sum for Repair of Roads to be paid to Surveyor of Township through which Road passes.

24. The Sum herein-before directed to be annually set apart for or towards the Repair of the said Road shall be paid to the Surveyors of the Townships or Places through which the said Road runs, in such Proportions as the said Trustees shall from Time to Time think just and proper, due Regard being had to the Sums which the Surveyors of such Townships or Places have expended on the Repairs of the Road during the Year or Period in respect of which such Payment to them is to be made.

Trustees may repair Roads, instead of making Allowance to Townships.

25. Provided always, That if at any Time the annual Sum by this Act directed to be paid by the Trustees to the Surveyors of the Townships, for or towards the Repair and Maintenance of the said Road, shall, in the Opinion of the said Trustees, be more than sufficient to repair and maintain the said Road, it shall be lawful for the Trustees at any Time and from Time to Time to take into their own Hands the whole of the Repair and Maintenance of such Road, and to expend thereon such Sum as

as they shall think necessary, not in any Case exceeding the annual Sum by this Act authorized to be paid to the Surveyors of the Townships for or towards the Repair and Maintenance of such Road: Provided also, that it shall be lawful for the Trustees at any Time, in lieu of repairing and maintaining the said Road, to agree with such Surveyors to pay to them a smaller Sum than by this Act directed to be paid to such Surveyors for or towards such Repair and Maintenance: Provided also, that when the whole of the Principal Sums by this Act directed to be paid shall have been fully paid, the annual Sum authorized to be paid to the Surveyors of the said Townships for and towards the Repair and Maintenance of the said Road through the same shall absolutely cease and determine.

When certain Debts paid, the Allowance to Townships to cease.

As to Mode of discharging Debt.

26. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on Security of the Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum so applicable in the Payment of a proportionate Part of the said Principal Monies to the Persons 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 Objects and Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the West Riding of the County of *York*, or by Letter sent by Post to each Creditor directed to his usual Place of Residence or last known Place of Abode; and at such Meetings the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies due on Security of the Tolls to the Creditor who shall by Proposal in Writing transmitted to the Clerk to the Trustees before such Meeting have offered to accept the lowest Composition in respect of the Money due to him, and after Payment of 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 other Monies due on Security of the 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 whensoever 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 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 Trustees shall think fit; and if there be no 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 Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the

the Creditors on the said Tolls, or may pay the same to such One or more of them as may be determined by Lot, as the Trustees shall think fit. It shall be lawful for the Trustees, where it appears to them convenient so to do, to apply any Money arising from Sums set apart as required by this Act in or towards the Discharge of Debts, according to the Directions of the Act, although such Monies may not amount to Two hundred Pounds.

Sinking Fund may be applied in Payment of Debts.

27. Whenever and so long as the Interest upon the Debt for the Time being due, according to the Provisions of this Act, shall be duly paid, within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising therefrom, or of the Rent payable on 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 Interest from Time to Time due and becoming due upon the said existing Mortgages in order by this Act directed, and without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every 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 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 on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, shall have been fully paid and satisfied or provided for, then such Mortgagee, shall, when thereunto required by the said Trustees, pay over to the 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.

Mortgagees to take Possession for Payment of Arrears of Interest only.

28. If any Occupier of Land on each Side of the said Road shall neglect to keep in repair a good and sufficient Fence against the same, after having been served with Ten Days 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

In case Fence Walls are out of Repair.

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 having Jurisdiction in the Matter, 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 Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), to determine the Amount of the Costs and Expenses of any such Repairs, 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.

Entrances to Fields to be made with hard Materials.

29. In all Places throughout the said Road hereby directed to be repaired, where any Entrance shall be from the said Road to any Field, Garden, Yard, or other Land or Ground, or to any Building, from the said Road or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expense of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of Ten Days after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual Place of Residence, by the Surveyor of the said Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, and other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expenses thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expenses, within Ten Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expenses shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction in the Matter; and such Warrant of Distress any such Justice is hereby authorized and empowered to grant, on Proof made before him, on Oath, of such Expense having been incurred, and of such Notice having been given as aforesaid.

30. Nothing

Road not to be exempt from Provisions of General Acts.

30. Nothing in this Act contained shall exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

31. This Act shall commence on the Fourth *Wednesday* next after the passing thereof, and shall continue in force for the Term of Twenty-five Years, and from thence to the End of the Session of Parliament which shall then next follow.

The SCHEDULE herein-before referred to.

No.	Names of Creditors.	Amount of Principal.		
		£	s.	d.
1	Armitage, Messieurs - - - -	300	0	0
2	Aldam, William, Executors of - - -	360	0	0
3	Banks, George, Executors of - - -	300	0	0
4	Beckett, Sir John, Executors of - - -	300	0	0
5	Beckett, Sir Thomas, Baronet - - - -	150	0	0
6	Beckett, William - - - - -	750	0	0
7	Bilbrough, Ellen Donbavant - - - -	150	0	0
8	Berwick, Grace, Executors of - - - -	100	0	0
9	Bilbrough, Ellen - - - - -	100	0	0
10	Birstal National School, Trustees of - -	100	0	0
11	Bramley, Henry Alcock, Executors of - -	300	0	0
12	Brown, William Williams, Executors of - -	300	0	0
13	Brown, the Reverend Edward - - -	100	0	0
14	Brown, James, Executors of - - -	300	0	0
15	Chadwick, Charles - - - -	225	0	0
16	Chorley, Francis, Executors of - - -	100	0	0
17	Firth, Thomas - - - - -	150	0	0
18	Forster, Henry Hird - - - -	100	0	0
19	Gaunt, Arabella - - - - -	100	0	0
20	Gelderd, Hannah - - - - -	150	0	0
21	Gelderd, Sarah Routh - - - - -	150	0	0
22	Gaskell, James Milnes - - - - -	500	0	0
23	Gott, John - - - - - -	100	0	0
24	Gott, William - - - - -	100	0	0
25	Holdsworth, Sarah - - - -	100	0	0
26	Hudson, William, Executors of - - -	200	0	0
27	Knowles, Milcah, Executors of - - -	100	0	0
28	Longley, John - - - - -	100	0	0
29	Lupton, William, Executrix of - - -	200	0	0
30	Marshall, John, Executors of - - -	200	0	0
31	Montagu, Andrew - - - - -	750	0	0
32	Nicholson, Henry William - - - -	100	0	0
33	Rhodes, John William - - - - -	100	0	0
34	Rhodes, Reverend James Armitage - - -	750	0	0
35	Robinson, Peter Horner, and another - -	150	0	0
36	Sadler, the Reverend Michael Ferrebee - - -	150	0	0
37	Scatcherd, Mary - - - - -	100	0	0
38	Sheepshanks, William - - - -	200	0	0
39	Tennant, the Reverend William - - -	150	0	0
40	Titley, Anthony, Executors of - - -	200	0	0
41	Westerman, Mary, Executors of - - -	50	0	0
	Carried forward - -	8885	0	0

The Leeds and Birstal Road Act, 1862.

No.	Names of Creditors.	Amount of Principal.
		£ s. d.
	Brought forward -	8885 0 0
42	White, John, Executors of - - - - -	300 0 0
43	Wilkinson, the Reverend Christopher William -	150 0 0
44	Wilson, John, Executors of (Seacroft) - -	300 0 0
45	Wilson, John, Executors of (Armley) - -	900 0 0
46	Wordsworth, William - - - -	150 0 0
47	Wormald, Henry, and another - - -	300 0 0
48	Walker, Leasowe - - - - -	100 0 0
	Total -	11,085 0 0

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