ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. civ.

An Act to grant a further Term in the Road from or near *Mytholm Royd Bridge* in the West Riding of the County of *York* communicating with the Road at or near to the Sixth Milestone from *Rochdale* in the County of *Lancaster*, and further Powers for the Management thereof; to alter the Rights of the existing Creditors of the Trust, and to repeal the existing Act; and for other Purposes. [23d *June* 1864.]

WHEREAS an Act was passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for improving and maintaining the Road from or near* Mytholm Royd Bridge *in the West Riding of the County of* York *communicating with the Road at or near to the Sixth Milestone from* Rochdale *in the County of* Lancaster: And whereas the Term granted by the said Act will expire on the First Day of *November* 1864, unless Parliament shall in the meantime continue the same: And whereas the several Sums of Money mentioned in the Schedule to 2 & 3 W. 4. c. xix.

to this Act annexed have been subscribed and advanced or secured on the Credit of the Tolls authorized to be taken upon the said Road, and such Sums are due or reputed to be due to the several Persons named in the said Schedule or their Representatives, together with Arrears of Interest thereon, and such Principal Monies cannot be paid off or otherwise dealt with 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granted and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that the Powers contained in this Act should be granted in lieu thereof, which cannot be accomplished without the Authority of Parliament: May it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 of the 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Recited Act repealed, and this Act to be put in force.

1. From and after the Commencement of this Act the said recited Act of the Second Year of the Reign of His Majesty King *William* the Fourth, Chapter Nineteen, shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

2. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Mytholm Royd Bridge and Blackstone Edge* Turnpike Road Act, 1864."

Interpretation 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; (that is to say,)

The Expression "Toll Gate" includes Turnpike, Side Gate, Side Bar or Chain, either on the said Road or on the Sides thereof:

The Expression "the Trustees" means the Trustees for putting this Act into execution.

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

4. 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 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

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 in so far as such Debts, Liabilities, and Arrears of Interest are by this Act altered, varied, or extinguished.

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

5. 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 the Act therein recited, 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 Trusts 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, or the Act therein recited, with or to any Person or Persons for any Purpose relating to the said Road therein comprised, or to the Execution of either of the said Acts, 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 to 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 Act.

Former Books to be Evidence.

6. 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 of the Act therein recited, 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.

Trustees appointed.

7. All Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York* and for the County of *Lancaster*, together with *William Aked*, *James Appleyard*, *John Appleyard* of *White Lee*, *John Atkinson* the elder, *James Bairstow*, *James Thomas Berry*, *Samuel Briggs*, *Abraham Cockcroft*, *Daniel Jones Crossley*, *James Crossley*, *Henry Thomas Cunliffe*, *Thomas Cunliffe*, *Croslegh Dampier*, *Abraham Greenwood Eastwood*, *William Manley Eastwood*, *William Edleston*, *James Farrar* Clerk, *Joseph Farrar*, *John Crossley Fawcett*, *John Fielden*, *William Foster* junior, *Joseph Gill*, *John Greenwood* of *Castle Hall*, *William Greenwood* of

Paper

The Mytholm Royd Bridge and Blackstone Edge Turnpike Road Act, 1864.

Paper Mill, John Wilson Hadwin, George Hinchliffe, Hinchliffe Hinchliffe, Henry Mitchell, William Henry Pilkington, John Hodgson, John Sunderland Hodgson, Joseph Hodgson, William Horsfall, John Arthur Ingham, Gilbert Lacy, William Morris, Champion Murgatroyd, John Murgatroyd of *Oats Royd, Henry Newall, Frederick Edward Rawson, John Rawson, Charles Crossley Riley, Thomas Riley, Clement Rudman, John Sutcliffe* of *Lee, John Thomas Sutcliffe, Thomas Sutcliffe* Clerk, *William Sutcliffe* of *Sowerby, William Whitworth*, and *William Whitehead*, 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.

8. It shall be lawful for the 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.

9. The Trustees shall hold their First Meeting at the House known by the Name or Sign of the *Dusty Miller* at *Mytholm Royd* in the County of *York*, or at some other convenient Place near the said Road, on the Fourth *Friday* after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Four 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 Road as they shall think proper for the Purpose of putting this Act into execution.

Power to appoint Committees.

10. The Trustees may appoint Committees out of their own Number to take the Care and Management of the whole or any particular Part or Parts of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Adjourned 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.

Road to which this Act is applicable.

11. This Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the said Road from or near *Mytholm Royd Bridge* in the West Riding of the County of *York*, communicating with the Road at

or

or near to the Sixth Milestone from *Rochdale* in the County of *Lancaster*.

Style of the Trust.

12. The Road comprised in this Act shall be called "The *Mytholm Royd Bridge and Blackstone Edge* Turnpike Road," and the Trustees for executing this Act shall be styled "The Trustees of the *Mytholm Royd Bridge and Blackstone Edge* Turnpike Road."

For continuing the present Toll Gates and Toll Houses, removing same, and erecting new ones.

13. The several Toll Gates and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by an Order of the Trustees; and it shall be lawful for the Trustees, subject to the Provisions of this Act and of an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven, to order and cause to be erected, built, and set up upon, in, or across the said Road, or in and upon the Sides thereof, or any Part thereof respectively, any Toll Gates and Toll Houses, and Weighing Machines, with Outhouses and Conveniences suitable thereto, at or near each such Toll Gate and Weighing Machine, as the Trustees may think necessary, and from Time to Time to remove, alter, or discontinue the present or any future Toll Gates or Toll Houses or Weighing Machines as they shall think proper.

Present Tolls continued until new Tolls appointed.

14. Notwithstanding the Repeal of the 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 Road until Twelve of the Clock at Night on the Thirty-first Day of *May* One thousand eight hundred and sixty-five.

Power to take Tolls.

15. From and after Twelve of the Clock at Night on the said Thirty-first Day of *May* One thousand eight hundred and sixty-five, it shall be lawful for the Trustees to demand and take on each and every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, at each and every Toll Gate which shall be continued or set up by virtue of this Act in, upon, across, or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Omnibus, Sociable, Berlin, Phaeton, Landau, Chariot, Vis-à-Vis, Barouche, Chaise, Calash, Chaise Marine, Curricle, Chair, Car, Gig, Whiskey, Hearse, Litter, Stage Coach, Diligence, Van, Caravan, Break, or other such Carriage, the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies

of the Wheels thereof Six Inches and upwards in Breadth, the Sum of Threepence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Four Inches and a Half and under Six Inches in Breadth, the Sum of Threepence Halfpenny:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Three Inches and a Half or above, and under Four and a Half Inches in Breadth, the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof under Three Inches and a Half in Breadth, the Sum of Fourpence Halfpenny:

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

For every Score of Oxen, Cows, or Neat Cattle, any Sum not exceeding Tenpence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, any Sum not exceeding Fivepence, and so in proportion for any greater or less Number:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, such Tolls as are authorized to be taken by the First Section of the 24th and 25th *Victoria*, Chapter 70, being the "Locomotive Act, 1861," or any other Tolls which may be authorized to be taken under any General Act hereafter passed in respect to such like Carriage.

Tolls vested in Trustees.

16. The said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle or Carriage whatsoever, drawing or not drawing, 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 Road, or on the Sides thereof, or any Part thereof, and which said respective Tolls or Sums of Money shall be and are hereby vested in the Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to the Fraction of One Halfpenny in Tolls.

17. In all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

18. Provided

No more than Four Tolls at the same Gate, and each of the first Three Payments to clear twice, passing and repassing.

18. Provided always, That no more than Four Tolls in the whole shall be demanded or taken in any One Day, to be computed as aforesaid, at any One Toll Gate on the said Road for or in respect of the same Horse, Beast, Cattle, or Carriage passing through the same: Provided also, that every Horse, Beast, Cattle, or Carriage in respect of which any such Tolls shall be paid shall be allowed to pass and repass twice in respect of each of the first Three of such Payments, on a Ticket being produced denoting such Payments respectively.

Limiting Number of Payments.

19. Provided also, That nothing herein contained shall extend or be construed to extend to empower the Trustees, or any Collector or Collectors, Lessee or Lessees, to demand or take the Tolls aforesaid at any greater Number of Gates than Three, for or in respect of the same Horses, Beasts, or Cattle passing and repassing once through all the Toll Gates on the whole Line of the said Road in any One Day, to be computed as aforesaid, anything contained in this Act or in any Law or Statute relating to Turnpike Roads in *England* to the contrary thereof in anywise notwithstanding.

No more than One Toll to be taken on certain Parts of the Road.

20. And whereas the Line of such Part of the said Road as extends from *Mytholm Royd Bridge* aforesaid to the Distance of Two hundred Yards southwardly of a Bridge called *Dauber Bridge* intersects and runs partly along the Line of a former Road, which before the passing of the said recited Act was repaired at the Expense of *Robert Sutcliffe* Esq., and whereon a private Toll was collected and taken by the said *Robert Sutcliffe*: And whereas by the making of the Road comprised in this Act the said former Road has been rendered useless for the Occupiers of Estates commonly using the same, and no sufficient Compensation has yet been made to the said *Robert Sutcliffe* or his Representatives for such Road, or for the said Toll so formerly taken, and it would be oppressive to the Occupiers aforesaid and others if Tolls were to be demanded at more than One Toll Gate to be erected by virtue of this Act on the said Part of the Road comprised in this Act, (the Length of such Part being about One Mile): Therefore it shall not be lawful for the Trustees to demand or take the Tolls by this Act granted at more than One Gate for the same Horse, Beast, or Cattle on such Part of the said Road as extends from *Mytholm Royd Bridge* aforesaid to the Distance of 200 Yards southwardly of *Dauber Bridge* aforesaid in any One Day to be computed as aforesaid.

Horses, &c. drawing different Carriages to be again subject to Toll.

21. Provided always, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage of any Description for passing through all or any of such Toll Gates on the said Road, and

and any such Horse or other Beast shall be afterwards employed on the said Road during the same Day in drawing a different laden Waggon, Cart, Dray, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different laden Waggon, Cart, Dray, or other such Carriage.

Horses drawing Stage Coaches, &c.

22. Provided also, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon or other Stage Carriage, or Cart, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than by Animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing along the said Road or any Part thereof: Provided also, nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon or other Stage Carriage, or Cart, on account only of the Horses or Beasts drawing the same having been changed.

Horses drawing Post-chaises, &c.

23. Provided also, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire for riding or for drawing any Postchaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

For weighing One-horse Carts, &c.

24. All Carts and other Carriages drawn by One Horse or other Beast, and having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, shall be liable to be weighed at any Weighing Machine which 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 or other Beasts are now liable to 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-two Hundredweight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Thirty in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), shall pay, and it shall be lawful for the said Trustees (or any Person

Person or Persons empowered by them to receive the Tolls granted by this Act) to receive and take such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

Lime for Manure exempted from Toll.

25. Provided always, That no Toll shall be demanded or payable for any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage going empty for or returning laden with Lime or Limestone for the Purpose only of improving or manuring Land, anything in any of the Acts now in force relating to Turnpike Roads to the contrary notwithstanding.

Defining Amount of Mortgage and subscribed Debts.

26. And whereas the several Principal Sums now owing on Mortgage under the repealed Act, and set forth in the First Part of the Schedule to this Act annexed, amount together to the Sum of Three thousand six hundred and fifty Pounds, and the several Sums subscribed for and now owing on the Tolls of the said Road, and set forth in the Second Part of the said Schedule, amount to the Sum of Two thousand eight hundred and thirty Pounds: Therefore, from and after the Commencement of this Act, the said Principal Sum of Three thousand six hundred and fifty Pounds shall be deemed to be the Principal Sum due and owing on Mortgage of the said Tolls, and the said Sum of Two thousand eight hundred and thirty Pounds shall be deemed to be the Amount due on the said Tolls in respect of Subscriptions to the said Road.

Arrears of Interest extinguished.

27. Notwithstanding anything in the repealed Act or in this Act, or in any Agreement, Mortgage, Bond, or other Security executed by any of the Trustees of the repealed Act, or of the Act therein recited to the contrary, all Arrears of Interest on the said Principal Sum of Three thousand six hundred and fifty Pounds, and also all Arrears of Interest on the said Principal Sum of Two thousand eight hundred and thirty Pounds, mentioned in the said Schedule, shall be and the same respectively are hereby extinguished, and all Liability under the said Agreements, Mortgages, Bonds, and other Securities in respect thereof shall absolutely cease and determine.

Application of Monies and Tolls.

28. All Monies and Tolls vested in or which shall be received by the Trustees under 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, and incidental thereto:

Secondly, in defraying the necessary Expenses of maintaining, altering, and repairing the Toll Gates, Toll Houses, Weighing Machines, and Fences, the Salaries and Wages of the Clerk, Surveyor,

Surveyor, and other Officers and Persons employed by the Trustees, and the other Costs and incidental Expenses attending the Management of the said Road: Provided that until the said Principal Sum of Three thousand six hundred and fifty Pounds, mentioned in the First Part of the Schedule hereto, shall have been paid off and discharged in the Manner herein-after provided, such Expenses shall not exceed in any One Year the Sum of Thirty Pounds, and after such Principal Sum shall have been paid off and discharged such Expenses shall not exceed the Sum of Thirty-five Pounds; such Sum of Thirty Pounds or Thirty-five Pounds, as the Case may be, to be exclusive of any Payment to Toll Collectors for collecting Toll, if necessary, and of any Expenses to which the 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 Proceedings before Justices of the Peace, or any other Proceedings for protecting and maintaining their Trust:

Thirdly, in paying Interest after the Rate of One Pound Ten Shillings *per Centum per Annum* on the said Principal Sum of Three thousand six hundred and fifty Pounds, or on so much thereof as shall for the Time being be due and unpaid, such Interest to be paid to and amongst the Persons entitled thereto 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 to the Surveyors of the Townships of *Erringden*, *Sowerby*, *Soyland*, and *Blatchinworth*, and *Calderbrook*, or to such of them as shall repair any Part of the said Road, an annual Sum towards the Expenses actually incurred by such Townships in maintaining and keeping in repair the said Road, subject to the Provisions of this Act, the Amount of such annual Sum, until the Payment off and Discharge of the said Principal Sum of Three thousand six hundred and fifty Pounds, as herein-after mentioned, to be Sixty Pounds, and after such Payment off and Discharge of the said Sum of Three thousand six hundred and fifty Pounds to be One hundred Pounds, such Sum of Sixty Pounds or One hundred Pounds, as the Case may be, to be paid to and apportioned amongst the said Townships in such Proportions and Manner as the Trustees shall order and direct:

Fifthly, in reducing, paying off, and discharging, in the Manner herein-after provided, the said Sum of Three thousand six hundred and fifty Pounds, or so much thereof as shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road:

Sixthly,

Sixthly, in reducing, paying off, and discharging without Interest, in the Manner herein-after provided, the Sum of Two thousand eight hundred and thirty Pounds, mentioned in the Second Part of the said Schedule as now due and owing in respect of the original Subscription to the said Road, or so much thereof as shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road:

Lastly, in further maintaining, repairing, and improving the said Road, and putting this Act into execution in reference thereto.

Interest not to be paid until Expenses of Act paid.

29. Provided always, That no Interest shall accrue or be payable upon the said Principal Sum of Three thousand six hundred and fifty Pounds until the Expenses of obtaining and passing this Act, and incidental thereto, shall be fully discharged.

No more Money to be borrowed on Tolls.

30. It shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Mortgagees to take Possession for Arrears of Interest only.

31. Whenever and so long as the Interest upon the existing Mortgages for the said Sum of Three thousand six hundred and fifty Pounds, charged upon the Tolls of the said Road or on the Part thereof for the Time being due and owing, 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 for any Part of such Sum shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings, upon the said Road or the Sides thereof, or into the Receipt of the Tolls arising thereon, 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 Interest from Time to Time becoming due, at the Rate by this Act authorized, upon all the then existing Mortgages and Securities, 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 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 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 Trustees, pay over to their Treasurer the Balance (if any)

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 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.

32. When and so often as the Sum applicable to the Discharge of the said Principal Sum of Three thousand six hundred and fifty Pounds, or of the said Principal Sum of Two thousand eight hundred and thirty Pounds, or of any Part thereof respectively for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the 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 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 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 if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, and also by Letter sent by Post to each Mortgagee, or, as the Case may be, Subscription Creditor, directed to his usual Place of Residence or last known Place of Abode; and at such Meeting the 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 of the 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 Sums 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 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 such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payment 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

Sum applicable to such Payments or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls according to the Priorities established by this Act, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

Compelling Owners and Occupiers of Lands to repair Fences.

33. And whereas some Parts of the said Road pass along the Sides of steep Declivities, and many serious Accidents to Passengers are frequently happening by reason of the Neglect of the Occupiers of the adjoining Lands to repair the Walls and Fences on the Sides of the Road, and the Lives of Passengers will be subject to imminent Danger during the tardy Progress of Process by Indictment: Therefore, in all Places where Fences at any Time before the passing of this Act have existed for the Term of Five Years, the Owners and Occupiers of Lands and Grounds next adjoining the said Road shall repair and maintain and keep in sufficient Repair proper, sufficient, and substantial Fences or Hedges of the Height of Four Feet and Six Inches at the least on the Sides of the said Road, so as to prevent Passengers and Cattle from straying into such adjoining Lands and Grounds, and for the better Protection and Safety of Persons, Cattle, and Carriages travelling along the said Road; and if any such Owners or Occupiers shall not, within Fourteen Days after Notice given to him or them by the Surveyor of the said Road for that Purpose, sufficiently maintain and repair such Fences or Hedges in manner aforesaid, it shall be lawful for the said Surveyor and he is hereby required to make Complaint thereof to some Justice of the Peace within the Limit in which such Hedges or Fences whereof Notice shall be so given as aforesaid shall be, which said Justice shall summon the Occupier of any such Lands or Grounds before him, and if it shall appear to such Justice that any such Occupier has not repaired such Fence or Fences pursuant to the Provisions of this Act in that Behalf, it shall be lawful for such Justice, upon hearing such Surveyor and such Occupier of such Lands or Grounds, or, upon default of the Appearance of such Occupier, then upon having due Proof of the Service of such Summons, and after inquiring into and considering the Circumstances of the Case, to order and direct such Fences or Hedges to be duly repaired and maintained by such Occupier as aforesaid; and if any such Occupier of any such Lands or Grounds shall not obey such Order of such Justice within Fourteen Days after Service of a Copy thereof on such Occupier, such Occupier shall forfeit and pay any Sum not exceeding the Sum of Five Pounds for any such Fence or Hedge so neglected to be repaired and maintained as aforesaid, and the Surveyor of the said Road shall and he is hereby authorized and required to repair and maintain such Fence or Hedge in the Manner directed by such Order of such Justice; and such

Penalty for not repairing, &c.

such Occupier so making such Default as aforesaid shall be charged with and pay, over and above the said Penalties, all the Costs, Charges, and Expenses of repairing and maintaining such Fence or Hedge, and in default of Payment thereof such Costs, Charges, and Expenses, together with such Penalties or Forfeitures, shall and may be levied and recovered in like Manner and by the like Ways and Means as any Penalty, Forfeiture, Fine, Damages, or Costs may be recovered or levied by the Acts for regulating Turnpike Roads in *England*; and the Monies so levied shall from Time to Time be paid to the Treasurer to the said Trustees, and be applied and disposed of by them for the Purposes of this Act, or as such Justice shall order or direct.

Application of Penalty.

Road not exempt from General Acts.

34. Nothing herein contained shall be deemed to exempt the said Road 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.

35. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-four, and shall continue and be 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.

SCHE-

The Mytholm Royd Bridge and Blackstone Edge Turnpike Road Act, 1864.

SCHEDULE.

The Schedule referred to by the foregoing Act, containing the Names of the several Creditors of the Trust, with the Amounts of the several Principal Sums due to them.

FIRST PART.—Mortgagees.

Names of Creditors.	Principal now owing.		
	£	s.	d.
Briggs, Samuel - - - - - -	300	0	0
Craven, William - - - - - -	200	0	0
Foulds, Thomas, deceased, Executors of - - -	100	0	0
Greenwood, John - - - - - -	300	0	0
Greenwood, William - - - - -	100	0	0
Hinchliffe, Joseph, deceased, Executors of - - -	100	0	0
Lacy, Henry, deceased, Executors of - - -	100	0	0
Riley, Thomas - - - - - -	1,550	0	0
Robertson, Elizabeth - - - - -	300	0	0
Robertson, Sophia - - - - - -	300	0	0
Sutcliffe, J. P. & W. - - - - -	200	0	0
Sutcliffe, Joseph, deceased, Executors of - - -	100	0	0
	£3,650	0	0

SECOND PART.—Subscribers.

Names of Creditors.	Principal now owing.		
	£	s.	d.
Barker, William, deceased, Representatives of - -	30	0	0
Bracken, Jonathan, deceased, Executors of - - -	20	0	0
Briggs, Samuel - - - - - -	100	0	0
Briggs, Rawdon, deceased, Executors of - - -	300	0	0
Broadbent, James, deceased, Representatives of - -	50	0	0
Fawcett, John, deceased, Executors of - - -	100	0	0
Foster, Henry, deceased, Executors of - - -	30	0	0
Greenwood, John, deceased, Executors of - - -	100	0	0
Hinchcliffe, Richard, deceased, Executors of - -	160	0	0
Holland, William, deceased, Executors of - - -	120	0	0
Ingham, William, deceased, Executors of - - -	100	0	0
Moore, James, a Bankrupt, Assignees of - - -	100	0	0
Murgatroyd, William, a Bankrupt, Assignees of - -	150	0	0
Normanton, William, deceased, Executors of - -	20	0	0

The Mytholm Royd Bridge and Blackstone Edge Turnpike Road Act, 1864.

SECOND PART.—SUBSCRIBERS—*continued.*

Names of Creditors.	Principal now owing.		
	£	s.	d.
Rawson, William, deceased, Executors of - - -	50	0	0
Riley, James, deceased, Executors of - - -	20	0	0
Riley, Thomas - - - - - -	150	0	0
Stansfield, Robert, deceased, Executors of - - -	100	0	0
Sutcliffe, J. P. & W. - - - - -	280	0	0
Sutcliffe, Joseph, deceased, Executors of - - -	100	0	0
Sutcliffe, Robert, deceased, Executors of - - -	600	0	0
Thomas, Henry, deceased, Executors of - - -	50	0	0
Turner, James, deceased, Executors of - - -	100	0	0
	£2,830	0	0

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.