ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cxix.

An Act for the *Rotherham* and *Wortley* Turnpike Road in the West Riding of the County of *York*. [7th *July* 1862.]

WHEREAS an Act was passed in the Eleventh Year of *George* the Fourth, intituled *An Act for altering, improving, diverting, and maintaining the Road from* Rotherham *to the* Four Lane Ends, *near* Wortley, *in the West Riding of the County of* York: And whereas the Term granted by that Act and from Time to Time continued by divers Acts for continuing Turnpike Acts for limited Periods will expire on the First Day of *November* One thousand eight hundred and sixty-two: And whereas the several Sums specified in the Schedule to this Act annexed, amounting together to Two thousand two hundred Pounds, are now secured by Mortgages of the Tolls by the recited Act granted, and the Money so secured cannot be paid, and the Road cannot be maintained, repaired, and improved, unless the Term by the recited Act granted be extended and further Provisions be made: And whereas that Part of the said Road in the Township of *Kimberworth* and Parish of *Rotherham*, in the said West Riding, which lies between the Entrance Gate to the *Midland* Ironworks and the Point where the Occupation Road leading to *Kimberworth Park* Farm and *Barber Balk* Farm diverges from the said Road, is in many Places exceedingly circuitous, hilly, and inconvenient, and a shorter and much more level and safe Road

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is capable of being made by a Diversion of the present Line of Road, commencing at or near the Entrance Gate aforesaid, and terminating at the said Point of Divergence of the said Occupation Road, and wholly situate in the said Township of *Kimberworth* and Parish of *Rotherham*: And whereas it is expedient that so much of the said Road as is rendered unnecessary by reason of the Construction of the new Road should be abandoned as a Turnpike Road and converted into a Highway: And whereas it is expedient that the recited Act be repealed, and that other Provisions be made in lieu thereof: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it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):

Short Title.

1. This Act may be cited for all Purposes as "*Rotherham* and *Wortley* Road Act, 1862."

Interpretation of Terms.

2. In this Act the following Words and Expressions have the following Meanings, unless excluded by the Context or Subject Matter; that is to say,

The Expression "the Road" means the Turnpike Road from *Rotherham* to the *Four Lane Ends*, near *Wortley*, in the West Riding of the County of *York*, to be from Time to Time maintained under this Act, and which shall be called "The *Rotherham* and *Wortley* Turnpike Road:"

The Expression "the Trustees" means the Trustees from Time to Time acting in execution of this Act:

The Word "Toll-gate" means and includes all Toll-gates, Turnpike Bars and Chains from Time to Time set up upon, across, or by the Side of the Road, or across any Highway or other Carriageway or other Bridleway communicating therewith:

The Word "Carriage" means and includes all Carriages, Coaches, Stage Coaches, Omnibuses, Vans, Caravans, Barouches, Chariots, Chaises, Curricles, Phaetons, Cars, Gigs, taxed Carts, and other Vehicles, by whatever Names known, respectively adapted or used for the Conveyance of Persons or light Articles, and also Hearses and Breaks, and all other Vehicles not comprised in the Word "Cart" as employed in this Act:

The Word "Cart" means and includes all Carts, Waggons, Wains, Vans, Caravans, Drays, Timber Carriages, Steam 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 which when rolling on a flat Surface bears equally thereon throughout the whole Breadth of the Tire.

3. This

Commencement and Term of Act.

3. This Act shall commence with the First Day of *November* One thousand eight hundred and sixty-two, and shall continue for the Term of Twenty-one Years from that Day inclusive.

Trustees.

4. All Her Majesty's Justices of the Peace from Time to Time acting for the West Riding of the County of *York*, together with *Thomas Badger*, *Mariano Martin de Bartolome*, *Robert John Bentley*, *Charles William Bingley*, *George Brown*, *James Pashley Burbeary*, *George Wilton Chambers*, *George Chambers*, *Vincent Corbett*, *Charles Leach Coward*, *William Frederick Dixon*, *William Frederick Dixon* junior, *Henry Isaac Dixon*, *George Dickenson*, *Michael Joseph Ellison*, *John Brook Greaves*, *John Haywood*, *George Haywood*, *William Fretwell Hoyle*, *Joseph Haywood*, *John Hodgson*, *George Hawksley*, *John Jeffcock*, *Parkin Jeffcock*, *Henry Jubb* of *Rotherham*, *James Shemeld Jubb*, *Enoch Moore*, *John Machin*, *George Miller*, *John Newton Mappin*, *Robert Marsh* the younger, *William Pashley Milner*, *John Crossley Milner*, the Reverend *Thomas Mountain*, *William Owen*, Captain *Adamson George Parker*, *Thomas James Parker*, *John Pearson*, *John Wright Potter*, *William Smith*, *John Spencer*, *Thomas Smith* junior, *William Thompson*, *John Ward*, *Daniel Charles Wheatley*, *William Whitfield*, *Henry Woodhead*, and their Successors, being respectively duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for executing this Act.

Act to be executed for discharging Debts, making new Road or Diversion, and maintaining Road.

5. This Act shall be put into execution for the Purpose of discharging the several Mortgage Debts specified in the Schedule to this Act and the Interest thereon, and the Mortgage Debts to be created from Time to Time under the Authority of this Act and Interest thereon, and for making the said new Road or Diversion in the said Township of *Kimberworth* and Parish of *Rotherham*, commencing at or near the Entrance Gate to the *Midland* Ironworks, and terminating at the Point where the Occupation Road leading to *Kimberworth Park* Farm and *Barber Balk* Farm diverges from the said Road, and herein-after called the *New Road*, and for maintaining, repairing, and improving the Road which, in accordance with the Provisions of this Act, is from Time to Time "The *Rotherham* and *Wortley* Turnpike Road."

Recited Act repealed.

6. On the Commencement of this Act the recited Act of the Eleventh of *George* the Fourth shall be repealed.

Property held under repealed Act vested in the Trustees.

7. All Lands, Buildings, Toll Gates, Materials, Tools, Apparatus, Books, Accounts, Deeds, Papers, Writings, and other Things, and all Choses in Action, respectively vested in or belonging to the Trustees under the recited Act, and all Monies due and to become due to them, shall immediately on the Commencement of this Act be vested in and belong to the Trustees.

8. Not-

General Saving of Rights under repealed Act.

8. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if this Act were not passed, and the Repeal of the recited Act and this Act shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents represent the Trustees under the recited Act.

Actions not to abate.

9. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the recited Act before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Trustees, in the same Manner to all Intents as if this Act were not passed, save only that the Trustees shall be substituted therein for the Trustees under the recited Act.

Contracts, &c. preserved.

10. Notwithstanding the Repeal of the recited Act, and subject to the Provisions of this Act, all Purchases, Sales, Leases, Securities, and Contracts before the Commencement of this Act made under the recited Act, or with reference to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Trustees as if the same had been made by, to, or with respect to them instead of the Trustees under the recited Act, and may be proceeded on and enforced in the like Manner to all Intents as if the Trustees had been party or privy thereto or referred to therein, instead of the Party actually party or privy thereto or referred to therein.

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

11. All Rents and Tolls, and Arrears of Rents and Tolls, and other Monies due, and all Monies and Property vested in or belonging to the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested 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 due, belonging to, or vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, save and except such Debts and Engagements as are by this Act reduced or extinguished.

12. Not

Books to be Evidence.

12. Notwithstanding the Repeal of the recited Act, all Documents, Books, and Writings by the recited Act directed or authorized to be kept, and which if this Act were not passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers continued.

13. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Trustees, until he be removed from the Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act.

First and other Meetings of Trustees.

14. The Trustees shall hold their First Meeting under this Act at *Rotherham*, or at some other convenient Place in the Neighbourhood of the Road, on the First *Thursday* after the Commencement of this Act, and shall then and there, and from Time to Time thereafter, adjourn to and meet at *Rotherham*, *Wortley*, *Sheffield*, or such other Places in the Neighbourhood of the Road, and at such Times, as they think proper.

Power to make new Road according to deposited Plan.

15. And whereas Plans and Sections showing the Line and Levels of the said new Road, together with a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same is intended to be made, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: Therefore, subject to the Provisions of this Act, it shall be lawful for the Trustees to make and maintain as Turnpike the new Road herein-before described in the Line and upon the Lands shown on the said Plans, and described in the Book of Reference, and to enter upon, take, and use such Parts of the said Lands as shall be necessary for such Purpose, making Satisfaction for such Lands to the Owners, Lessees, and Occupiers thereof for the Damage which they may respectively sustain thereby; and it shall be lawful for the said Trustees and for their Surveyors and Workmen from Time to Time to enter upon the said Lands, and to stake out the same for the Purposes of this Act, at such Time and in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

Trustees empowered to deviate from Plan to an Extent not exceeding the Limits of Deviation.

16. It shall be lawful for the Trustees in making the said new Road to deviate from the Lines delineated upon the said Plans, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation shown upon the said Plans, or into the Lands of any Person or Corporation, whether Owner, Lessee, or Occupier, whose House is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person or Corporation in or through whose Lands any such

such Deviation shall be proposed to be made, unless the House of such Person or Corporation shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein provided for in Cases of unintentional Error in the said Book of Reference.

Deviation from Levels.

17. The Trustees may deviate from the Levels of the said new Road as marked on the Section so deposited as aforesaid to any Extent not exceeding Three Feet.

Errors and Omissions in Plans, &c. may be corrected by Justices, who shall certify same.

Certificate to be deposited.

18. It shall be lawful for the Trustees to make the said new Road in the Lines and through the Lands delineated upon the said Plans, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described on the said Plans or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the West Riding of the County of *York* in Petty Sessions assembled, and be certified in Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

8 & 9 Vict. c. 18. not to apply to this Act.

19. The "Lands Clauses Consolidation Act, 1845," shall not apply to the Works by this Act authorized, nor be incorporated with this Act.

As to Construction of certain Provisions of General Turnpike Acts.

20. All the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England* with respect to the taking, Purchase, and Sale of Lands for the Purpose of widening, diverting, altering, or improving any Road, the Conveyances of such Lands, the Compensation to be made for the same, and the making out of Titles thereto, shall (except where those Clauses and Provisions are inconsistent with this Act) extend and apply to the Lands to be purchased for the Purposes of this Act; but nothing in those Acts or any of them contained shall prevent the Trustees (subject to such Compensation being made as aforesaid) from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, or Paddock, Park, planted Walk or Avenue to a House, or any enclosed Ground planted as an Ornament or Shelter to a House, or planted or set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on the Plans and described in the Book of Reference so deposited as aforesaid, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein.

Freehold of Lands to remain in the Owners of

21. The Freehold and Inheritance in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts now in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or

or any Conveyance or Assurance made in pursuance thereof, be vested in the Trustees; but such Freehold and Inheritance shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Owners for the Time being of the adjoining Land from which the same shall have been taken, subject to a perpetual Right of Way in, over, or upon the Lands so purchased. adjoining Lands.

22. The Trustees shall have the same Rights and Powers of cutting, digging, and using the Lands taken by them for the Purposes of this Act, and also erecting any Toll Houses or other Buildings thereon, as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands. Trustees to have Power of digging and using Lands.

23. The Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Works by this Act authorized shall not be exercised after the Expiration of Three Years from the Commencement of this Act. Powers for compulsory Purchases limited.

24. The Works by this Act authorized shall be completed within Five Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised. Period for Completion of Works.

25. The Trustees may accept from any Persons willing to make the same any Contributions of Money or Land for any of the Purposes of this Act. Trustees may accept Contributions.

26. Forthwith after the new Road is completed and opened by the Trustees for the Passage of Carriages, Cattle, and Persons, the Trustees shall abandon and discontinue as a Turnpike Road, and convert into or leave as a Highway, the following Portions of Road; that is to say, Portion of Road to be abandoned by Trustees, and left as a Highway.

That Part of the present Road which lies between the Point of Diversion of the said Occupation Road to *Kimberworth Park* Farm and *Barber's Balk* Farm and the *Masbrough* Toll Bar, and that Part which lies between the *Masbrough* Toll Bar and a Point Fifty Yards or thereabouts West of the Entrance Gate of the *Midland* Ironworks:

And thereupon those Portions of the present Road shall cease to be Part of the *Rotherham* and *Wortley* Turnpike Road, and shall not be improved, repaired, or maintained under this Act, but shall remain a Highway.

27. Subject to the Provisions herein-after contained, the several Toll Gates, Bars, Chains, Toll Houses, and Buildings now standing or being on 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 to order and cause to be set up upon or across the said Road, or on the Sides thereof, any Toll Gate, Toll House, Bar, or Chain, and to remove any present or future Toll Gates, Toll Houses, Bars, or Chains; but Existing Toll Gates.

but no Toll Gate shall be removed, erected, or set up upon or across the said Road, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Act of 9th *George* the 4th, Chapter 77: Provided, that when in accordance with this Act the Trustees abandon any Portion of the present Road, they shall take down and remove all Toll Gates upon, across, or on the Side of the same, or across any Way communicating therewith.

Tolls under recited Act to be taken till the End of 1862.

28. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall be paid at the Toll Gates belonging to the Trustees until the End of the Year One thousand eight hundred and sixty-two.

Tolls.

29. On and after the First Day of *January* One thousand eight hundred and sixty-three the Trustees may demand and take at their several Toll Gates, Turnpikes, Bars, and Chains from Time to Time continued or provided under this Act upon, across, or by the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating with the Road, such ordinary Tolls as the Trustees at their Meetings from Time to Time determine, not exceeding the Sums following; to wit,

For every Horse, Mule, or other Beast drawing any Carriage, Sixpence:

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

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

If the Tire of every Wheel is throughout of the Breadth of Four and a Half Inches and less than Six Inches, Fivepence;

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

If the Wheels be of any other Sort than flat Wheels, the Sum of Twopence in addition to the Tolls herein-before made payable:

For every Ass drawing any Carriage or Cart, One Half of the Tolls above mentioned:

For every Beast of Draught or Burden, laden or unladen, but not drawing, Three Halfpence:

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

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

Limitation of Number of ordinary Tolls.

30. Except as is by this Act otherwise expressly provided, not more than Two full ordinary Tolls shall be demanded or taken for the Passage on the same Day of the same Beast, Carriage, or Cart along the whole of the Line of Road.

31. Where

Additional Toll.

31. Where a Carriage or a Cart passes more than once a Day through the same Toll Gate with a fresh Load exceeding Five Hundredweight, the Trustees may demand for every Time of so passing after the first One Half the Amount of the Tolls, but not so as in any One Day to take more than Two full Tolls in respect of such Carriage or Cart.

Regulation as to Tolls.

32. The following Regulation shall apply to the fixing of the Tolls:

Where the Toll is a fractional Part of a Halfpenny, the Sum to be demanded and taken shall be One Halfpenny instead of such fractional Part.

Tolls payable only once a Day.

33. Where any Person pays the Toll for the passing of any Beast, Carriage, or Cart through any Toll Gate, the same Beast drawing the same Carriage or Cart, or as the Case may be, the same Carriage or Cart shall (except as is by this Act otherwise provided), on the Ticket denoting the Payment of such Toll being produced, be permitted at all Times during the same Day to pass Toll-free through the same Toll Gate, and also through every other Toll Gate, if any, which the Ticket frees.

Tolls payable more than once a Day.

34. Provided always, That in the following Cases the Toll shall be payable for every Time of passing during the same Day:

Where the same Beast draws a different laden Carriage or Cart from the Carriage or Cart which it drew when the Toll was paid before on the same Day:

Where the Carriage or Cart is a Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage or Stage Cart carrying Passengers or Articles for Hire or Pay:

And in the following Case the Tolls shall be payable for every Time of passing during the same Day under a new Hiring:

Where the Carriage is a Postchaise, Gig, or other Carriage let out for Hire or Pay.

Single Horse Carts to be weighed.

35. 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 now or which may hereafter 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 Owner or Driver 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 the Load of which 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.

No Toll to be taken between a Point near the Midland Ironworks and Rotherham.

36. No Toll Gate shall be erected or Toll demanded or taken under the Authority of this Act on that Part of the Road which is situate between a Point Ten Yards East of the Junction of the proposed new Road with the present Road, near the *Midland* Ironworks and the Town of *Rotherham*.

Power to borrow on Mortgage.

37. The Trustees may borrow on Mortgage of the Tolls by this Act authorized to be collected such Sums of Money, not exceeding in the whole Two thousand five hundred Pounds, as shall be required for executing the Work hereby authorized, and defraying in part the Costs of obtaining and passing this Act.

Application of Monies to be borrowed.

38. All Monies contributed in aid of the new Road, and which shall be borrowed by the Trustees under the Authority of this Act, shall be applied as follows; that is to say,

Firstly, in paying One hundred Pounds towards the Expenses of obtaining and passing this Act:

And afterwards in making the new Road by this Act authorized, and in erecting Toll Houses and Toll Gates thereon.

Application of Tolls.

39. All Monies which shall come to the Hands of the Trustees from the Tolls to be taken under the Authority of this Act shall be applied as follows:

Firstly, in paying and discharging what may be due in respect of the Expenses of obtaining and passing this Act, or in any way incident or preparatory thereto, after giving Credit for the Sums paid in respect of the said One hundred Pounds:

Secondly, in defraying the necessary Expenses of Management, including Salaries of Officers and incidental Expenses (not including the Wages of Toll Collectors, or the Expenses of prosecuting or defending Suits or Actions at Law or Indictments), not exceeding Seventy Pounds *per Annum*:

Thirdly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the several Principal Sums, amounting together to Two thousand two hundred Pounds, respectively specified in the Schedule to this Act annexed, or upon so much thereof as may be upon the Credit of the Tolls for the Time being due and owing:

Fourthly, in paying Interest at the Rate of Four Pounds *per Centum per Annum* on the Principal Sums to be borrowed under the Authority of this Act, or for the Time being due and owing in respect thereof upon the Credit of the Tolls:

Fifthly, in setting apart a Sum of Five Pounds *per Centum per Annum* on the total Amount of Money which shall or may be borrowed under the Authority of this Act, which Sum shall be applied in reducing, paying off, and discharging the Amount so borrowed in manner herein-after mentioned:

Sixthly, in setting apart the Sum of Four Pounds *per Centum per Annum* on the said several Principal Sums specified in the Schedule

to

to this Act, amounting together to Two thousand two hundred Pounds, which shall be applied in paying off, reducing, or discharging the same in manner herein-after provided:

Seventhly, in maintaining, repairing, and improving the Road.

Mortgagees to take possession only on Nonpayment of Interest.

40. Whenever and so long as the Interest at the Rate by this Act authorized on the Mortgage Debts specified in the Schedule to this Act, and on the Mortgage Debts created under the Authority of this Act, is duly paid within Three Calendar Months after it becomes due, no Mortgagee of the Tolls shall enter into possession of the Toll Gates or into the Receipt of the Tolls or of the Rent payable upon any letting of the Tolls, or until Twenty-eight Days after Demand in Writing made by the Mortgagee on the Clerk for Payment of such Interest, and Default made in Payment accordingly; and if any Mortgagee of the Tolls enter into such Possession or Receipt he shall pay the Interest from Time to Time due and payable on all Mortgages of the Tolls without any Preference, and may reimburse himself his lawful Costs; and the Mortgagee so in possession or receipt shall within Twenty-one Days after every Thirty-first Day of *December* render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure while in such Possession or Receipt with proper Vouchers, and if it appear by any such Account that the Interest due on his Mortgage up to the then last Thirty-first Day of *December*, and all such Costs, are fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) in his Hands, and deliver up such Possession and Receipt to the Trustees, or to any Person appointed by them to receive the same.

Duties of Mortgagee in possession.

Delivery up of Possession by Mortgagee.

Mode of discharging Debt.

41. That whenever the Sum applicable towards the Discharge of the Mortgage Debt shall amount to One hundred Pounds, the Trustees shall at any General, Annual, or other Meeting apply such Sum in the Payment of a Part of the Mortgage Debt to some Person entitled thereto, and shall, Twenty-eight Days at least before such Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, by Letter transmitted through the General Post Office to every Creditor, addressed to his usual Place of Residence, and at such Meeting the Trustees shall apply such Sum or (as the Case may require) a Portion thereof in or towards the Discharge of a Part of the Mortgage Debt 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 his Portion of the Mortgage Debt, and after Payment to such Creditor shall apply the Surplus (if any) of such Sums or (as the Case may require) a Portion thereof in or towards the Discharge of a further Part of the Mortgage Debt due to the Creditor who shall by like Proposal have offered to accept the next lowest Composition in respect of his Portion of the Mortgage Debt, and so on until such Sum be exhausted; and whenever

ever Two or more Creditors shall by such Proposals have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between such Creditors, or may pay such Composition rateably between such Creditors, as the Trustees shall think fit; and if there be not any such Proposal, or if there be any Surplus of such Sum after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may, as they shall think fit, apply such Sum or the Surplus thereof (as the Case may be) rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot.

Roads not to be exempt from Provisions of General Acts.

42. Nothing in this Act contained shall exempt the 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, or from the Provisions of any such Act now in force, except so far as any Provisions thereof are expressly varied by this Act or are inconsistent therewith.

The SCHEDULE.

Mortgage Debt on the Tolls.

	£	*s.*	*d.*
Mary Charlotte Hutchinson	100	0	0
The Executors of the Will of the late Thomas Shaw, deceased	362	10	0
William Smith	290	0	0
Thomas Badger	100	0	0
Sir Charles Wood, Baronet	362	10	0
Reverend George Alderson and James Wilson, Executors of the Will of the late Rowland Hodgson, deceased	100	0	0
Earl Fitzwilliam	400	0	0
Reverend Charles Neville	145	0	0
John Staneley Shirt	145	0	0
The Executor of the Will of the late Jonathan Walker	145	0	0
Thomas James Parker	50	0	0
	£2,200	0	0

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.