ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cv.

An Act to amend an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Shipley *to* Bramley, *together with certain Branches therefrom, in the West Riding of the County of* York. [4th *August* 1853.]

WHEREAS an Act was passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Shipley *to* Bramley, *together with certain Branches therefrom, in the West Riding of the County of* York: And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-three: And whereas considerable Sums of Money have been advanced or are now due upon the Credit of the Tolls authorized to be taken by the said Act; and such Sums cannot be paid off, or the Interest thereof discharged, unless further Powers are granted, and the Term

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of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the same cannot be done without the Authority of Parliament: May it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:

Recited Act repealed.

I. Upon the Fourth *Monday* next after the passing of this Act, the recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes hereinafter mentioned.

Monies and Property to vest in the new Trustees.

II. All Money due to, and all Property, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action, vested in or belonging to the Trustees under the recited Act, 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 vested in and belonged to them under the recited Act; and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, except such as may be hereby barred or extinguished.

Appointment of Trustees.

III. All Her Majesty's Justices of the Peace for the Time being respectively acting for the West Riding of the County of *York*, together with *Thomas Aked*, *Richard Aked*, *Samuel Atkinson*, the Right Honourable *Matthew Talbot Baines*, *Richard Barwick*, *William Bateson*, *James Bateson* the younger, *George Skirrow Beecroft*, *William Booth*, *Jabez Booth*, *John Botterill*, *Jonas Bradley*, *James Child*, *William Cousen*, *Samuel Mann Cousen*, *Thomas Crabtree*, *Christopher Holdsworth Dawson*, *Joseph Dawson*, *Edwin Eddison*, *William Firth*, *Henry Thomas George Fitzgerald*, *Joseph Glover*, *John Broadley Greenwood*, *Henry Hall*, *Joseph Hargreaves*, *Thomas Hargreaves*, *George Hargreaves*, *William Hargreaves*, *Joseph Harper*, *William Balme Hepworth*, *William Horsfall*, *Samuel Laycock*, *John Lister*, *Walter Milligan*, *John Outhwaite*, *Robert Parkin*, *Daniel Peckover*, *Titus Salt*, *Joseph Smith*, *Matthew William Sowden*, *Joshua Stead*, *John Stead*, *John Sugden*, *Joshua Taylor*, *George Vint*, *Ebenezer Sharp Vint*, *John White*, *William White*, *John Whitley*, *Thomas Wilcock*, *Joseph Wilcock*, *William Butterfield Wilcock*,

Wilcock, *Benjamin Wilson*, *John Wood*, *Robert Wood*, and *William Wright*, 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.

IV. It shall be lawful for the Trustees from Time to Time 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.

V. The Trustees shall hold their First Meeting at the House of Mr. *Joseph Harper*, "the *New Inn*," in *Idle* in the Parish of *Calverley* in the said County of *York*, or at some other convenient Place in the Neighbourhood of the said Road, on the Fourth *Monday* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Places in the Neighbourhood of the said Road, and at such Times, as they shall think proper.

Roads to which this Act is applicable.

VI. Subject to the Provisions herein-after contained, this Act shall be put into execution for the Purpose of discharging the Debts herein-after mentioned incurred in making the Turnpike Roads following; (that is to say,)

First, the Road leading out of the *Bradford and Keighley* Turnpike Road at or near to a Place called *Nabwood* or *Nabgate*, in the Township of *Shipley* in the Parish of *Bradford* in the County of *York*, passing thence through *Shipley* aforesaid to *Windhill* in the Township of *Idle* in the Parish of *Calverley* in the said County, and thence to *Thackley* in the Township of *Idle* aforesaid, and thence to the Mill lately belonging to *Thomas Holdsworth*, in the Township of *Eccleshill* in the Parish of *Bradford* aforesaid, and from such Mill to the Bottom of *Calverley Carr* in *Calverley* aforesaid, and thence over *Calverley Carr* through the Town of *Calverley* and the Hamlet of *Rodley*, in the Township of *Bramley* in the Parish of *Leeds* in the said County, to the Turnpike Road leading from *Bradford* to *Leeds* near the "*Acorn* Inn," in *Bramley* aforesaid;

Secondly, the Road or Branch extending from a Cottage in the Township of *Idle* aforesaid, belonging to and occupied by one *Robert Parkinson*, to the aforesaid Turnpike Road leading from *Shipley* to *Bramley*, at or near an Inn or Public House known as "The *George* Inn," in the Township of *Idle* aforesaid, belonging to and occupied by one *John Glover*; and

Thirdly,

Thirdly, the Road or Branch extending from such last-mentioned Branch to the *Dudley Hill and Killinghall* Turnpike Road, at or near "The *George and Dragon* Inn" at *Apperley Bridge* in the Township of *Idle* aforesaid.

Power to take Tolls.

VII. Upon and after the First Day of *November* One thousand eight hundred and fifty-three it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Roads, 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 Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Sociable, Chaise, Curricle, Whiskey, Car, Calash, Chair, Caravan, Hearse, or Litter, or other such Carriage, any Sum not exceeding Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, the Fellies of the Wheels whereof shall be of a less Breadth than Four and a Half Inches at the Bottom or Sole thereof, any Sum not exceeding Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, any Sum not exceeding Fourpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches on the Bottom or Sole thereof, and not less than Four and a Half Inches, any Sum not exceeding Fivepence:

For every Dog or Goat drawing any Vehicle whatever, any Sum not exceeding One Penny:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Twopence:

For every Score of Oxen 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 Power other than Human or Animal Power, One Shilling *per* Wheel.

VIII. Provided

Tolls to be paid but once a Day.

VIII. Provided always, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass and repass once Toll-free (except as herein-after particularly mentioned) through the same Toll Gate, and also through such other Toll Gate or Toll Gates (if any) as the Ticket for such Payment shall free, at any Time during the same Day, anything in this Act contained to the contrary notwithstanding.

Two full Tolls for passing through all the Toll Gates.

IX. Provided also, That no more than Two full Tolls shall be demanded or taken of or from any Person for or in respect of the same Horse, Beast, Cattle, or Carriage in any One Day for passing and repassing once through all or any of the Toll Gates belonging to the Trustees.

Horse, &c. drawing different Waggons, &c.

X. Provided also, That the said Tolls shall be payable at each and every Toll Gate belonging to the Trustees, in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any of the Toll Gates of the Trustees, drawing any other laden Waggon, Wain, Cart, Van, Caravan, 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 Tolls shall have been paid.

Stage Coaches, &c. to pay every Time of passing;

XI. Provided also, That the Tolls by this Act made payable for or in respect of Horses or Beasts drawing any Stage Coach, Omnibus, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads or any of them.

Postchaises on every new Hiring.

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

One-horse Carts may be weighed.

XIII. Provided also, That all Carts passing along the said Roads or any of them, drawn by One Horse only, shall and may be weighed at any Weighing Machine erected or to be erected on the said Roads

or any of them, and the like additional Toll demanded, received, and recovered for the Overweight thereof, as is by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties for the Time being in force, relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads or any of them drawn by One Horse only, and to Drivers, Masters, and Owners thereof.

Present Tolls may be continued for a Term.

XIV. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates belonging to the Trustees until and inclusive of the Thirty-first Day of *October* One thousand eight hundred and fifty-three.

Trustees not to collect Tolls within Township of Shipley.

XV. Provided always, That it shall not be lawful for the Trustees to collect any Toll within the Township of *Shipley*.

Respecting Toll Gates.

XVI. The several Toll Gates and Toll Houses now standing or being upon the said Roads, or on the Sides thereof, shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Roads, or on the Sides thereof, any Toll Gates or Toll Houses, and to remove the present or any future Toll Gates or Toll Houses: Provided always, that no such Toll Gate or Toll House shall be so removed or set up except the same shall be ordered to be removed 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 Public General Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

Certain Debts of the Trustees extinguished.

XVII. Whereas there is due on a Mortgage of the Tolls authorized to be levied under the recited Act, the Principal Sum of Six thousand six hundred and forty-three Pounds Six Shillings and Elevenpence, to which several Persons are entitled in different Proportions: And whereas the Trustees under the recited Act purchased certain Lands and raised various Sums of Money by Subscription for the Purposes of the said Act, but the Purchase Money for such Lands and the Amount of such Subscriptions have never been paid to the Vendors or Subscribers: And whereas the said Trustees are also indebted to various Tradesmen in different Sums of Money amounting in the whole to Fifty-

Fifty-seven Pounds Three Shillings and Sixpence: Be it enacted, That the said Purchase Money and Subscriptions, and all Interest due thereon, and all Interest which shall be due on the said Mortgage and on the said Sum of Fifty-seven Pounds Three Shillings and Sixpence when this Act shall come into operation, shall be and they are hereby barred and extinguished.

Mortgagees not to take Possession of Toll Gates, &c., but for Payment of Interest.

XVIII. Whenever and so long as the Interest upon the Mortgage made under the Powers of the recited Act shall be duly paid within Three Calendar Months next after the same shall become due, the Holder of such Mortgage of the Tolls collected upon the said Roads shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and if such Mortgagee shall enter into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, he may reimburse himself any Costs to which he may be entitled; and such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Mortgage shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expénditure 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 Mortgage, up to the last of such 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) 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.

Application of Monies.

XIX. All Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of Management of the said Roads, not exceeding Thirty Pounds *per Annum*, including Salaries of Officers, repairing Toll Houses and Toll Gates,

Gates, and incidental Expenses, but exclusive of Salaries of Toll Collectors, and prosecuting and defending Actions at Law:

Thirdly, in Payment of the herein-before mentioned Sum of Fifty-seven Pounds Three Shillings and Sixpence:

Fourthly, in paying Interest after the Rate of Two Pounds and Ten Shillings *per Centum per Annum* on the said Principal Sum of Six thousand six hundred and forty-three Pounds Six Shillings and Elevenpence, or so much thereof as shall for the Time being remain due from the Period at which this Act shall come into operation:

Fifthly, in reducing, paying off, and discharging, in manner hereinafter mentioned, the said Principal Sum of Six thousand six hundred and forty-three Pounds Six Shillings and Elevenpence.

No Money to be raised by Mortgage.

XX. It shall not be lawful for the Trustees at any Time after the passing of this Act to borrow Money on Mortgage of the Tolls by this Act authorized to be levied or taken, any Law or Statute to the contrary notwithstanding.

As to Mode of discharging Debt.

XXI. Each of the Persons entitled to a proportionate Part of the said Principal Sum of Six thousand six hundred and forty-three Pounds Six Shillings and Elevenpence shall for the Purposes hereinafter mentioned be considered as a distinct Mortgagee; and when and so often as the Sum applicable to the Discharge of the Principal Sum for the Time being owing on Mortgage of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in Payment of a proportionate Part of the said Principal Sum 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 Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the West Riding of the County of *York*, 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 such Part of the said Principal Sum to the Mortgagee 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 Proportion thereof; and after Payment to such Mortgagee as aforesaid, shall apply the Surplus (if any) of such Sum, or a Portion thereof, as the Case may require, in or towards the Discharge of another Part of the said Principal Sum to the Mortgagee who, by Proposal as aforesaid, shall have

have offered to accept the next lowest Composition in respect of the Proportion due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Mortgagees, by such Proposal 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, 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 Payments 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 apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

Roads not exempted from Provisions of future General Acts.

XXII. Nothing in this Act contained shall be deemed to exempt the said Roads 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 such last-mentioned Provisions may be expressly varied by this Act.

Term of Act.

XXIII. This Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue in force until the Monies and Expenses herein-before directed to be paid and discharged shall have been paid and discharged accordingly, and no longer.

Interpretation of Terms.

XXIV. 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 "the Trustees" shall mean the Trustees for the Time being acting in execution of this Act; and

The Word "Toll-gate" shall mean any Toll-gate, Turnpike, Bar, or Chain set up and erected or to be set up and erected upon or across or by the Side of the Roads, or across any Highway or Lane communicating therewith.

The Shipley and Bramley Turnpike Road Act, 1853.

Short Title.

XXV. This Act shall for all Purposes be sufficiently described or referred to as "The *Shipley and Bramley* Turnpike Road Act, 1853."

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