ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. CXXXV.

An Act to extend the Term and amend the Provisions of the Act relating to the Turnpike Road from *Wakefield* to *Aberford* in the County of *York*. [13th *July* 1863.]

WHEREAS an Act (herein referred to as the recited Act) was passed in the First Year of the Reign of King *William* the Fourth, intituled *An Act for repairing and maintaining the Road from* Wakefield *to* Aberford *in the County of* York: And whereas the Term granted by the recited Act will expire on the First Day of *November* One thousand eight hundred and sixty-three: And whereas the several Debts specified in the Schedule to this Act annexed, and amounting together to Two thousand five hundred and ninety Pounds, are now secured by Mortgage of the Tolls authorized to be taken by the recited Act: And whereas the Monies so borrowed and the Interest thereon cannot be paid off unless the Term of the recited Act be continued and further Powers be granted: And whereas in the Construction of the Turnpike Road One Acre One Rood and Sixteen Perches of Glebe Land belonging to the Rectory of *Swillington* was taken by the Trustees of the Road without paying any Compensation for such Land, but instead thereof the Trustees, at a Meeting held on the

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Twenty-seventh Day of *April* One thousand eight hundred and thirty-six, resolved that the Treasurer do pay to the Rector of *Swillington* for the Time being the Sum of Five Pounds annually, the Reverend *Thomas Woodcock*, the then Rector, having consented to give up all retrospective Claim to Compensation, such annual Payment to commence from the First Day of *March* then last, and such annual Payment has accordingly ever since been made, and it is expedient that the Provision hereinafter contained should be made with reference thereto: And whereas it is expedient that the recited Act be repealed, and that further and more effectual Powers be granted instead thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. Commencement and Term of Act.

1. This Act may for all Purposes be cited as "The *Wakefield and Aberford* Turnpike Road Act, 1863," and it shall commence upon the First Day of *September* next after the passing thereof, and shall continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Interpretation of Terms.

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

The Expression "the Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Road" shall mean the Road to be maintained under this Act:

The Expression "Toll Gate" shall mean and include all Toll Gates, Turnpikes, Bars, and Chains from Time to Time continued or set up upon, across, or by the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating therewith:

The Word "Carriage" shall mean and include all Carriages, Coaches, Stage Coaches, Omnibuses, Cabs, Flys, Vans, Caravans, Chariots, Chaises, Postchaises, Curricles, Phaetons, Cars, Gigs, Dog Carts, Calashes, Taxed Carts, Chairs, and other Vehicles, by whatever Names known, respectively adapted or used for the Conveyance of Persons or light Articles, and also all Hearses and Breaks, and all other Vehicles not comprised by this Act in the Word "Cart" or "Waggon":

The Word "Cart" and the Word "Waggon" shall respectively mean and include all Carts, Waggons, Wains, Vans, Caravans, Drays, Timber Carriages, and other Vehicles, by whatever Names known, which respectively are adapted or used for the Conveyance of heavy Articles.

3. On

Repeal of recited Act.

3. On the Commencement of this Act the recited Act shall be and is hereby repealed.

Monies and Property to vest in the new Trustees.

4. All Monies due to and all Property and Choses in Action vested in the Trustees under the recited Act 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 vested in 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 Time of the Repeal thereof, except such as are reduced by this Act.

Road to which this Act is applicable.

5. This Act shall be put into execution for maintaining, repairing, and improving the present Turnpike Road from *Wakefield* to *Aberford* in the West Riding of the County of *York* (except such Parts of the said Road as are now respectively repaired by the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, the Inhabitants of the said West Riding, and the Trustees of the *Leeds and Selby* Turnpike Road), and for other the Purposes in this Act mentioned, and the said Road shall be called "The *Wakefield and Aberford* Turnpike Road."

Trustees.

6. All Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *John Calverley*, *John Towlerton Leather*, *John Barff*, *Philip Bennett*, *Joseph Bennett*, *John Bell* Clerk, *Adolphus Frederick Alexander Woodford* Clerk, *Thomas Bright Crosse*, *John Charlesworth Dodgson Charlesworth*, *John Francis Carr*, *Benjamin Dixon*, *George Lane Fox*, *Jose Luis Fernandez*, *Thomas Foljambe*, *James Milnes Gaskell*, *Daniel Gaskell*, *Jeremiah Glover*, *Thomas Kilby* Clerk, Sir *John Henry Lowther* Baronet, *Charles Lowther*, *William Henry Leathem*, *Robert John Lumb*, *John* Earl of *Mexborough* in the Kingdom of *Ireland*, *John Scholey*, the Honourable *Philip York Savile* Clerk, *Edward Tew*, *John Whitaker* Clerk, *James Wilson*, *John Walker*, *Edmund Calverley*, *George Henry Whitaker* Clerk, *Hugo Charles Meynell Ingram*, *Hugo Francis Maynell Ingram*, *Charles Page Eden* Clerk, *William Thomas Markham*, *Frederick Charles Trench Gascoigne*, *John Wharton*, the Honourable *Francis Stuart Wortley*, *Richard Burrell* Clerk, *Charles Wheeler Wheeler*, *Edward Davison Bland*, *James Timothy Bainbridge Landon* Clerk, *William Simpson Atkinson*, *Henry Bentley*, *Thomas Johnson Fox*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

7. The

Power to appoint additional Trustees.

7. The Trustees may from Time to Time elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole at any One Time, to be Trustees for executing this Act, in addition to the Trustees by this Act appointed, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First and other Meetings of Trustees.

8. The Trustees shall hold their First Meeting under this Act on the Day of the Commencement of this Act at the House known by the Name or Sign of the *Lowther's Arms* in *Swillington* in the said West Riding, or at some other convenient Place in the Neighbourhood of the Road, 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 Road as they shall think proper.

Power to appoint Committees.

9. The Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls continued for a Term.

10. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Road until Twelve o'Clock at Noon on the Fourth Day of *March* One thousand eight hundred and sixty-five (when the Term of the existing Lease will expire).

Power to take Tolls.

11. On and after Twelve o'Clock at Noon of the said Fourth Day of *March* One thousand eight hundred and sixty-five it shall be lawful for the Trustees to demand and take or cause to be demanded and taken at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the Road such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Carriage, Fourpence Halfpenny:

For every Horse or other Beast drawing any Cart having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, as follows; (that is to say,) if drawn by more than One Horse or other Beast, Sixpence; if drawn by only One Horse or other Beast, Fivepence:

For every Horse or other Beast drawing any Cart having the Fellies of the Wheels of the Breadth of Four and a Half Inches, and less than

than Six Inches at the Bottom or Soles thereof, as follows; (that is to say,) if drawn by more than One Horse or other Beast, Sevenpence Halfpenny; if drawn by only One Horse or other Beast, Sixpence Halfpenny:

For every Horse or other Beast drawing any Cart having the Fellies of the Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, as follows; (that is to say,) if drawn by more than One Horse or other Beast, Ninepence; if drawn by only One Horse or other Beast, Sevenpence Halfpenny:

For every Drove of Cattle Tenpence per Score, and so in proportion for any greater or less Number:

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

For every Horse or other Beast, laden or unladen, and not drawing, Twopence at the First Gate through which the same shall pass; One Penny Halfpenny at the Second Gate through which the same shall pass; and One Penny at the Third Gate through which the same shall pass:

Which said respective Tolls shall be paid before the Horse or other Beast, and before the Carriage, Cart, or Waggon liable to Toll respectively, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the Road or on the Side thereof.

As to the Fraction of a Halfpenny in Tolls.

12. In all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable instead of such fractional Part.

Tolls to be paid but once a Day.

13. Every Horse, Beast, Animal, Carriage, Cart, and Waggon in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate upon or at the Side of the Road shall (except as is by this Act otherwise provided), upon the Production of a Ticket denoting such Payment, be permitted to pass Toll-free for any Number of Times on the same Day through the same Toll Gate, or any other Toll Gate which the Ticket for such Payment shall free.

As to Horses, &c. not drawing.

14. Horses and other Beasts, laden or unladen, and not drawing, and which, as herein-before mentioned, are to be subject to Toll at the First Three Gates through which they pass, shall not in the same Day be liable to Toll at any other Toll Gate.

Tolls payable more than once a Day as herein stated.

15. Provided that in the following Cases the Tolls shall be payable for every Time of passing and repassing during the same Day; (that is to say,)

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

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

Provided nevertheless, that no further or additional Toll shall be payable in respect of Horses or Beasts drawing any such Stage Coach, Omnibus, Van, Caravan, Stage Waggon, or other Stage Carriage or Stage Cart, Carriage, Cart, or Waggon, on account only of the Horses or Beasts drawing the same having been changed; and in the following Case the Tolls shall be payable for every Time of passing and repassing during the same Day under a new Hiring; (that is to say,)

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

Limiting Tolls to be taken.

16. Excepting as is by this Act expressly provided, no more than Two full Tolls shall be taken for the passing and repassing on the same Day of the same Animal, Carriage, Cart, or Waggon along the whole of the Road.

Trustees not to borrow.

17. The Trustees shall not borrow any Money on the Security of the Tolls by this Act granted.

Application of Monies.

18. All Monies which shall be in the Hands of the Trustees at the Time of the passing of this Act, or which shall be received by them 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:

Second, in investing, in manner herein-after mentioned, such a Sum in the Three *per Centum* Consolidated or in the Three *per Centum* Reduced Annuities as will produce Five Pounds *per Annum* to the Rector for the Time being of *Swillington*:

Third, in paying the Expenses of repairing and altering the Toll Gates and Toll Houses, with their Appurtenances, erected upon or upon the Sides of the Road, and in paying the Salaries of Officers and the necessary Expenses of the Management of the Trust; but these Expenses together shall not exceed Seventy-five Pounds *per Annum*, exclusive of the Salaries of Toll-gate Keepers and the Expenses of removing and erecting Toll Gates, and Expenses with respect to Actions at Law and Indictments or Proceedings before Magistrates:

Fourth, in discharging the Interest at the Rate of Three Pounds *per Centum per Annum* upon the several Principal Sums specified in the Schedule to this Act annexed, or upon so much thereof as shall from Time to Time remain unpaid; but no such Interest shall

accrue

accrue until the Costs of applying for, obtaining, and passing this Act are first paid:

Fifth, in paying the Expenses of maintaining and keeping in repair the Road, not exceeding Four hundred Pounds *per Annum*:

Sixth, in paying off and discharging in manner herein-after provided the Principal Sums specified in the Schedule to this Act, or so much thereof as for the Time being shall be due and owing on the Credit of the Tolls:

Seventh, in further maintaining, keeping in repair, and improving the Road.

As to Investment of Stock for Rector of Swillington.

19. The Stock so to be invested as aforesaid shall be so by and at the Expense of the Trustees in the Name or Names of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and until such Annuities shall be sold for the Purpose herein-after mentioned the said Governors shall and they are hereby required from Time to Time to pay the Dividends thereof to the Rector for the Time being of *Swillington*, according to the Rules, Orders, and Regulations of the said Governors in that Behalf with respect to the general Funds at their Disposal; and it shall be lawful for the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and they are hereby authorized and empowered, if the said Governors shall think fit, at the Request in Writing of the Rector for the Time being, to sell the whole or any Portion of the said Bank Annuities, and to apply the Monies arising therefrom in the Purchase of Lands convenient to be held as Part and Parcel of the said Rectory; and the said Governors shall cause such Lands, when so purchased, to be well and effectually conveyed to and vested in the Rector for the Time being of *Swillington* and his Successors, to be held by him and them as Part and Parcel of the said Rectory for ever.

Mortgagees not to enter into possession of Toll Houses, &c. while Interest paid.

20. Whenever and so long as the Interest at the Rate by this Act authorized on the Mortgate Debts specified in the Schedule to this Act annexed is duly paid within Six Months after the same 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 to the Trustees for the Payment of the Interest, and Default made in Payment accordingly; and if any Mortgagee of the Tolls enter into possession or receipt he shall pay the Interest from Time to Time due and payable upon all the Mortgages, without any Preference, and may also reimburse himself his lawful Costs; and the Mortgagee so in possession or receipt shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on the

the Mortgages is payable, render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure while in possession or receipt as aforesaid, with proper Vouchers; and if it shall appear by any such Account that the Interest due on his Mortgage up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up the Possession and Receipt to the Trustees, or to any Person appointed by them to receive the same.

Also Mode of discharging Debt.

21. Whenever the Money applicable to the Discharge of the Principal Sums owing on the Mortgage Debts amounts to One hundred Pounds the Trustees shall at any Meeting apply the Money in Payment, as by this Act provided, of a proportionate Part of the Mortgage Debts to the Persons entitled thereto, and shall, Twenty-eight Days at least before the Meeting, give Notice of the Meeting and of the Purposes thereof, so far as the same shall relate to the Application of the Money, by Letter sent by Post to every Mortgagee, directed to his usual or last known Place of Abode, and at the Meeting the Trustees shall apply the Money or a Portion thereof (as the Case may require) in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who, by Writing transmitted to the Clerk of the Trustees before the Meeting, shall have offered to accept the lowest Composition in respect of his Debt, and after Payment to him shall apply the Surplus (if any) of the Money or a Portion thereof (as the Case may require) in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who in like Manner shall have offered to accept the next lowest Composition in respect of his Debt, and so in like Manner until the Money so applicable is exhausted; and whenever Two or more Mortgagees offer to accept an equal Rate of Composition the Trustees may determine by Lot the Preference between them, or may pay the Composition equally between them; and if there be no such Offer, or if there be any Surplus of the Money so applicable, after applying the same so far as may be necessary in or towards the Discharge of the Mortgage Debts to which the Offers relate, the Trustees shall either apply the Money applicable, or, as the Case may be, the Surplus thereof, rateably amongst the Mortgagees, or to such of the Mortgagees as may be determined by Lot, as the Trustees shall think fit, and the Mortgagees respectively shall receive the same accordingly.

Monies not to be laid out in repairing Streets, &c. in Wakefield.

22. Nothing in this Act contained shall extend or be construed to extend to empower the Trustees to lay out or apply any Money in paving or repairing any Highway or Street within the Borough of *Wakefield*, or to collect any Tolls within the Town of *Wakefield*, or after the Fourth Day of *March* One thousand eight hundred and sixty-five within the said Borough,

Borough, and from and after such Date the Portion of the Road which is within the said Borough shall cease to form Part of the Trust.

Road not exempt from Provisions of General Acts.

23. Nothing herein contained shall be deemed to exempt the Road from the Provisions of any General Act now in force concerning Turnpike Roads in *England*, so far as the same are not inconsistent with and are not repugnant to this Act, or 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.

SCHEDULE referred to in the foregoing Act.

Name.	Amount.
	£
Sir John Henry Lowther, Bart. - - - -	1,070
The Right Hon. The Earl of Mexborough - - -	500
Mr. George Sutcliffe - - - -	245
Representatives of the late I. L. Raper, Esq. - -	100
Charles Henry Turner, Esq. - - - -	225
Trustees of Sir Edward Dodsworth, Bart. - - -	100
Executors of the late Edward Hemingway, Esq. - -	100
Representatives of the late Robert Parker, Esq. - -	100
John De Heley Chadwick, Esq. - - - -	150
Total - -	£2,590

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