ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clvi.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Road from the Bottom of *Kirkgate* to the Bottom of *Westgate*, both in the Parish of *Wakefield* in the West Riding of the County of *York*, and to make other Provisions in lieu thereof. [13th *July* 1863.]

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of King *William* the Fourth, intituled *An Act for making and maintaining a Road from the Bottom of* Kirkgate *to the Bottom of* Westgate *both in the Parish of* Wakefield *in the West Riding of the County of* York: (1 & 2 W. 4. c. xxvii.) And whereas the Term granted by the said Act will shortly expire unless the same be in the meantime further continued: And whereas the several Sums of Money mentioned and specified in the Schedule to this Act annexed are now due and owing upon the Credits of the Tolls authorized to be taken by the said Act, whereof the Sums mentioned in the First Part of such Schedule were advanced for the Purpose of paying off a Sum of Money advanced by and due to the

Exchequer Loan Commissioners on the Security of such Tolls: And whereas it is expedient that the said recited Act should be repealed, and that further Powers should be granted in lieu thereof; but the same cannot be done without the Authority of Parliament: May it therefore please Your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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

1. 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 the Execution of this Act:

The Word "Toll Gate" shall mean any Toll Gate, Turnpike, Bar, or Chain set up and erected or to be set up or erected upon or across or by the Side of the Road, or across any Highway, Street, or Lane communicating therewith:

The Expression "the Road" shall mean the Roads by this Act authorized to be maintained:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments of any Tenure.

Short Title.

2. This Act may be cited for any Purpose as "The *Wakefield Ings* Turnpike Trust Act, 1863."

Recited Act repealed, and this Act to be put in force.

3. Upon the Fourth *Monday* next after the passing of this Act the recited Act of the First and Second Years of the Reign of His Majesty King *William* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies and Property to vest in new Trustees.

4. All Money due to, and all Lands, 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 extinguished, and in as far as the same are reduced.

5. Any

Actions, &c. not to abate.

5. Any Action, Suit, Prosecution, or other Proceeding commenced by or against the Trustees under the recited Act before the Commencement of this Act shall not abate or be discontinued or prejudiced by reason of the passing of this Act or the Repeal of that Act, but shall continue and take effect in favour of and against the Trustees in the same Manner to all Intents as if this Act had not passed and such Repeal had not happened, save only that the Trustees shall be substituted therein for the Trustees under the recited Act.

Appointment of Trustees.

6. All Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York* and the Borough of *Wakefield*, together with *John Barff*, *Thomas Bolton*, *John Francis Carr*, *Henry Clarkson*, *Joseph Clarkson*, *Benjamin Dixon*, *Richard Dacre Dunn*, *John Earnshaw*, *Joze Luis Fernandes*, *Thomas Foljambe*, *Daniel Gaskell*, *James Milnes Gaskell*, *Edward Green*, *Joseph Hulme Holdsworth*, *Thomas Holy Holdsworth*, *Tottenham Lee*, *Thomas Lee*, *Alfred Marriott*, *William Thomas Marriott*, *John Scholey*, *David Smirthwaite*, *Joshua Smithson*, *William Statter*, *William Teall*, *Thomas Taylor*, 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.

7. 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.

8. The Trustees shall hold their First Meeting at the Sessions House in the Township of *Wakefield* in the West Riding of the County of *York*, or at some other convenient Place in the said Township, at Noon 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 Times and Places as they shall think proper.

Roads to which this Act is applicable.

9. This Act shall be put into execution for the Purpose of managing, maintaining, and keeping in repair the present Turnpike Road commencing at the Bottom of *Kirkgate* at its Junction with *Thornes Lane* in the Township of *Wakefield*, and from thence extending in a Westwardly Direction to the South End of a certain Street called *Quebec Street* in the said Township, and from thence in the same Direction and terminating at the Bottom of *Westgate* in the said Township, all in the Parish of *Wakefield* in the West Riding of the County of *York*.

10. Upon

Power to take Tolls.

10. Upon and after the Thirty-first Day of *December* One thousand eight hundred and sixty-three it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road or any Part thereof 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, Landau, Barouche, Berlin, Phaeton, Chaise, Chaise Marine, Calash, Curricle, Car, Cabriolet, Chair, Dog Cart, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding the Sum of Threepence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, any Sum not exceeding the Sum of Twopence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half or more, but of less Breadth than Six Inches, any Sum not exceeding the Sum of Threepence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, any Sum not exceeding the Sum of Fourpence:

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

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

And for every Score of Calves, Swine, Sheep, or Lambs, and so in proportion for any greater or less Number, any Sum not exceeding the Sum of Twopence Halfpenny:

Which said respective Sums of Money or Tolls shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which now is or hereafter shall be erected or placed by virtue of this Act in, upon, or across the said Road or any Part thereof, or on the Sides thereof; and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

24 & 25 Vict. c. 70. to apply.

11. The Provisions of "The Locomotive Act, 1861," shall apply to this Act.

12. In

As to the Fraction of a Halfpenny in Tolls.

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

Payment at any One Gate to clear all Times of again passing and repassing on the same Day through all the Gates.

13. All and every Person and Persons paying such respective Tolls for or in respect of any Horses, Beasts, Cattle, or Carriages at any such Turnpike or Toll Gate, shall on producing a Note or Ticket denoting such Payment, be entitled to pass and repass any Number of Times on the same Day with the same Horses, Beasts, Cattle, and Carriages Toll-free through all the Turnpikes or Toll Gates continued or erected by virtue of this Act (except in the Cases herein-after mentioned).

Tolls on Horses drawing Waggons, &c.

14. The Tolls by this Act made payable in respect of all Horses or other Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, shall be paid for every Time during the same Day that any such Horse or other Beast shall pass through any Toll Gate on the said Road drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage other than that which such Horse or other Beast shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or other Beast.

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

15. The Tolls by this Act made payable for or in respect of Horses or Beasts drawing any Stage Coach, Omnibus, Van, Caravan, or Waggon, Cart, or other Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Postchaises on every new Hiring.

16. 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 Road whenever any new Hiring thereof shall take place.

One Horse Carts, &c. may be weighed.

17. That all Carts or other such Carriages passing along the said Road drawn by only One Horse, Beast, or Cattle shall and may be weighed at any Weighing Machine on the said Road, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, or other Carriages drawn by Two or more Horses shall be applicable to Carts passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Weight of single Horse Carts limited.

18. And for regulating the Weights to be allowed to Carts or other Carriages drawn upon the said Road by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other Carriages drawn by One Horse, Beast, or Cattle shall never exceed the Weights following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton Ten Hundredweight for each such Carriage and the Lading thereof, and from and after the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton for each such Carriage and the Lading thereof.

Present Tolls may be continued for a Term.

19. 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 *December* One thousand eight hundred and sixty-three.

Respecting Toll Gates.

20. 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 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 9 G. 4. c. 77. *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Road, 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.

Application of Monies.

21. All Monies which shall come to the Hands of the Trustees by virtue of this Act shall from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-three be applied as follows:

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

Secondly, in defraying the necessary Expenses of Management, including the Salaries of Officers, provided that such Expenses shall not exceed in any One Year the Sum of Ten Pounds, exclusive of the Expense of erecting, providing, maintaining, altering, and repairing Toll Gates and Toll Houses, and of the Salaries of Toll Collectors, and of any Proceedings at Law or in Equity or before Justices of the Peace:

Thirdly, in maintaining and repairing the said Road:

Fourthly, in paying off and discharging without Interest in manner herein-after provided the Principal Sum of One thousand two hundred and one Pounds Seven Shillings and Tenpence, being the Amount advanced by certain Parties mentioned in the First Part of the Schedule hereunto annexed.

Extinguishment of all Arrears of Interest and of certain Debts.

22. From and after the passing of this Act all Arrears of Interest on the Principal Sums due and owing by the Trustees, and also the Principal Sums of Six hundred and forty-five Pounds and Three hundred and sixty Pounds respectively mentioned in the Second and Third Parts of the Schedule to this Act annexed, shall be and the same are hereby extinguished.

As to mode of discharging Debt.

23. When and so often as the Sum applicable to the Discharge of the said Principal Sum of One thousand two hundred and one Pounds Seven Shillings and Tenpence, or so much thereof as shall for the Time being be owing as herein-before mentioned, shall amount to the Sum of Fifty 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 according to the Provisions of the Act, 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, by Letter sent by Post to each Creditor directed to his usual or last known Place of Abode, or by Notice 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 Principal Monies owing to the Creditor entitled 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 the Principal Monies due to him, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, as the Case may require, in or towards the Discharge of other Principal Monies owing 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 Payments shall be exhausted; and if and whenever Two or more Creditors, 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 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 Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies

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 Creditors, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

Trustees not to borrow further Money.

24. The Trustees shall not borrow or take up at Interest any further Sum of Money on the Security of the Tolls.

Trustees may enter into Agreements with Local Board for the discharge of Portion of Debt.

25. It shall be lawful for the Trustees, with the Consent of Two Thirds in Value of the Creditors under this Act and the *Wakefield* Local Board of Health, at any Time during the Continuance of this Act to enter into any Agreement which they may think fit for the Discharge of such Portion of the Debt as may for the Time being remain due and owing upon the Security of the Tolls of the said Road, and when and so soon as such Agreement shall be entered into the same Road shall cease to be a Turnpike Road, and shall be and become and be deemed to become for all Purposes whatsoever a public Highway within the Meaning of the Public Health Act, 1848.

Indemnities of Executors, &c.

26. All Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to the said Principal Sum or any Part thereof, may consent to any such Arrangements as aforesaid as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Roads not exempted from Provisions of General Acts.

27. Nothing in this Act 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, or from the Provisions of any such Act now in force.

Term of Act.

28. This Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue in force for the Term of Ten Years, and from thence to the End of the Session of Parliament which shall then next follow.

The SCHEDULE referred to by the foregoing Act.

First Part.

Sums advanced to pay off Debts to Exchequer Loan Commissioners.

Names of Parties.	Proportion of Exchequer Loan due.		
	£	s.	d.
Harriet Marriott, as Administratrix - - -	121	11	3
Harriett Marriott, as Executrix - - - -	121	11	3
George Craven's Assignees - - - -	21	11	5
George Haigh's Executors - - - - -	64	3	5
Benjamin Blackburn's Executors - - -	40	12	10
Joseph Holdsworth's Executors - - - -	128	7	10
Thomas Foljambe's Executors - - - -	62	13	2
Thomas Taylor's Executors - - - - -	113	7	4
Richard John Sutcliffe Mellin, now Joseph Holdworth's Executors - - - - - -	204	7	3
Richard John Sutcliffe Mellin, now Thomas Taylor's Executors - - - - - -	219	7	9
Richard John Sutcliffe Mellin, now Thomas Foljambe's Executors - - - - - -	103	14	4
£	1,201	7	10

SECOND PART.

Sums originally subscribed for the Construction of the Road.

Names of Parties.	Original Subscription.
	£ s. d.
Edward Hemingway's Trustees - - - -	50 0 0
Harriet Marriott, as Administratrix - - -	50 0 0
Harriet Marriott, as Executrix - - - -	50 0 0
Henry Halliley's Assignees - - - -	50 0 0
Harrison, Jackson, & Co. - - - -	20 0 0
George Craven's Assignees - - - -	25 0 0
John Lee's Executors - - - - -	50 0 0
Tottenham Lee - - - - -	25 0 0
John Walker - - - - -	25 0 0
George Haigh's Executors - - - -	25 0 0
Benjamin Blackburn's Executors - - - -	25 0 0
William Kelshaw's Executors - - - -	25 0 0
Joseph Holdsworth's Executors - - - -	50 0 0
Thomas Foljambe's Executor - - - -	25 0 0
Thomas Taylor's Executors - - - -	50 0 0
Richard John Sutcliffe Mellin, now Joseph Holdsworth's Executors - - - - - -	40 0 0
Richard John Sutcliffe Mellin, now Thomas Taylor's Executors - - - - - -	40 0 0
Richard John Sutcliffe Mellin, now Thomas Foljambe's Executors - - - - - -	20 0 0
£	645 0 0

THIRD

The Wakefield Ings Turnpike Trust Act, 1863.

THIRD PART.

Mortgages.

Names of Mortgagees.	Amount of Debt.
	£ s. d.
Maria Hargrave - - - - -	200 0 0
Richard Burrell's Executors - - - -	160 0 0
£	360 0 0

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