



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xxxvii.

An Act for maintaining the Road from *Wakefield* to *Austerlands* in the West Riding of the County of *York*.
[2d August 1831.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for repairing and maintaining the Road from Wakefield to Austerlands in the West Riding of the County of York*: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken on the said Road, and are still due, and cannot be repaid, nor can such Road be properly maintained in repair, unless the Term and Powers of the said Act are enlarged, some additional Powers are granted, and the Tolls are increased: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Act herein-before recited was repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas an Act was passed in the Fifth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the beneficial Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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,
[Local.] 7 B That

1 G. 4. c. 68.

5 G. 4. c. 69.

Recited Act
1 G. 4. c. 68.
repealed.

That from and after the Third *Monday* after the passing of this Act the said recited Act of the First Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed.

Powers of
5 G. 4. c. 69.
extended to
this Act.

II. And be it further enacted, That the said recited Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, and all and every the Powers and Provisions therein contained (except so far as they are repealed or altered by this Act), shall be as valid and effectual for carrying this Act into execution as if they had been repeated and re-enacted in the Body of this Act.

This Act to
be put in
execution for
repairing the
Roads herein
mentioned.

III. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of maintaining in repair the Road leading from the Junction of the *Wakefield* and *Halifax* Turnpike Road, near the Town of *Wakefield*, to *Austerlands* aforesaid, through the several Townships, Districts, or Places of *Wakefield*, *Thornes*, *Snapethorp*, *Horbury*, *Nether Shittlington*, *Middle Shittlington*, *Upper Shittlington*, *Denby*, *Whitley Upper*, *Lepton*, *Dalton*, *Almondbury*, to the Centre of a Bridge over the River *Colne*, called *Huddersfield Long Bridge*, and from *Chapel Hill* in the Township of *Huddersfield*, through the said Township of *Huddersfield*, and the several Townships, Districts, or Places of *Marsh*, *Lockwood*, *Linthwaite*, *Lingards*, *Marsden*, *Lord's Meer*, *Shaw Meer*, and *Quick Meer*, in the several Parishes of *Wakefield*, *Thornhill*, *Kirkheaton*, *Almondbury*, *Huddersfield*, and *Saddleworth*, in the West Riding of the County of *York*.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York*, together with Sir *George Armytage* Baronet, *John Armytage*, *Henry Armytage*, *Edward S Atkinson*, *Joseph Atkinson* the younger, *Henry Atkinson*, *Thomas Atkinson*, *Joseph Armitage* of *Mills Bridge House*, *George Armitage*, *Joseph Taylor Armitage*, *Francis Dukinfield Astley*, *Thomas Atkinson* Clerk, *Joseph Green Armytage*, *Benjamin Green Armytage*, *John Archbell*, *William Armytage Archbell*, *Thomas Anderson*, *John Anderson*, *John Atkinson*, *Richard Atkinson*, *Richard Atkinson* the younger, *R Atkinson*, *Jonas Ainley*, *George Addy*, *Benjamin Haigh Allen*, *John Whitacre Allen*, *Thomas Wentworth Beaumont* and *William Beaumont* of *Bretton Hall*, *Richard Henry Beaumont*, *John Blackburne*, *William Walker Battye*, *Daniel Crosland Battye*, *William Battye*, *John Booth* and *James Booth* of *Huddersfield*, *James Booth*, *Benjamin North Rockley Batty*, *James Bradbury*, *Benjamin Bradshaw*, *John Taylor Bradshaw*, *George Bramall*, *Edward Brown*, *John Beaumont*, *Green Bentley*, *Robert Bentley*, *Henry Bentley*, *Timothy Bentley*, *James Brook*, *William Leigh Brook*, *Thomas Brook junior*, *Charles Brook junior*, *Jonas Brook*, *Wilson Brook*, *Joseph Brook*, *Richard Brook*, *George Henry Brook*, *Joseph Brook junior*, *Charles William Brook*, *William Brook*, *Henry Brook*, *William Brooke* of *Honley*, *John Brooke*, *Thomas Brooke*, *John Brooke* of *Dalton*, *Richard Brooke*, *Charles Horsfall Bill* of *Storthes Hall*, *James Bennett* of *Almondbury*, *John Beaumont*, *Joseph Batley*, *Samuel Brook* of *Mirfield*, *Samuel Brook* the younger,
John

John Brook of Dewsbury, Godfrey Berry, Willian Brook, Francis Beaumont, Thomas Barff, Isaac Burkill, James Buckley, James Buckley the younger, James Bottomley, John Bottomley, William Bottomley, Robert Carr, Francis Carr, James Crosland, Richard Clay, Richard Clay the younger, John Clay of Rastrick, Bradley Clay, William Cliffe, William Craven, Caleb Crowther Doctor of Medicine, Jonathan Crawshaw, Thomas Dinsley, Samuel Dawson, William Dawson, John Dyson of Newhouse, John Dyson the younger, William Dyson, Thomas Dyson, James Dyson, George Dyson, John Day, Benjamin Dixon, Sir Edward Dodsworth Baronet, Thomas England, William England, William Earnshaw of Rastrick, Francis Fawkes, Thomas Firth, Thomas Firth of Toothill, Thomas Firth the younger, George Lane Fox, John Fell, James Clarke Franks Clerk, John Fisher, John Fisher the younger, Edward Fisher, Joseph Fisher, Lewis Fenton, Frederick William Foster, John Firth, Joseph Fryer, John Fryer of Rastrick, James Crosland, Fenton, Joshua Foster, Thomas Foster, John Fisher of Marsden, Thomas Foljambe, Richard Gill, Abraham Greenwood, Abraham Greenwood the younger, John Gartside, Benjamin Gaskell, Daniel Gaskell, William H Gilby Doctor of Medicine, John Horsfall, Thomas Holroyd, Henry Hawxby, Joseph Haigh, John Haigh, Thomas Hardy, John Haigh of Edgerton Hill, John Hannah, John Heald, John Halliley, John Halliley the younger, James Halliley, William Heald Clerk, John Hutchinson, Abel Hyde, Thomas Haigh, Haigh, Robert Banks Hudson, John Haigh, Thomas Haigh, John Hardy Barrister at Law, John Harrison, William Hodgson, John Hatfield, Twistleton Haxby, Lawrence Kitchen, Joseph Holdsworth, Peter Heywood Barrister at Law, Edward Hinchliffe, John Sunderland Hirst, William Hirst, Joshua Ingham, James Taylor Ingham of Mirfield, Lewis Jones Clerk, Jackson Clerk, Sir John Lister Lister Kaye Baronet, Arthur Lister Lister Kaye, John Kitson of Mirfield, Jasper M'Kean, George Kelsey, Thomas Kilner, Joseph Kaye, Thomas Kilner the younger, John Lowe Clerk, John Lockwood, Benjamin Lockwood, Thomas Lockwood, Thomas Lockwood the younger, Henry Lees, James Lees and William Lees both of Clarksfield, John Lees of Fairfield, John Lees of Oldham, Joseph Lees, John Lancaster, Joshua Lockwood, Thomas Lockwood the younger, William Livingstone, Lutwidge Clerk, John Lee of Wakefield, Tottenham Lee, Thomas Lee, Thomas Lee the younger, James Campey Laycock, James Lees and Edward Lees of Delph Lodge, William Leatham, Henry Lumb, Thomas Marshall, John Marshall, Jeremiah Marshall, Daniel Maude, John Maude, Francis Maude Barrister at Law, Francis Maude the younger, Ralph Maude, Milner, Richard Rhodes Milnes, John Moore, Wyndham Madden Clerk, Jeremiah Naylor, Henry Nelson, Thomas Nelson, Sydney Norris, Tottenham Naylor, John Nelson, John Newhouse, John Netherwood, William Naylor, Martin Joseph Naylor Doctor in Divinity, John Nowell, James Ogden, Amos Ogden, Richard Oastler, Sir William Pilkington Baronet, Andrew Peterson, Sir John Ramsden Baronet, John Charles Ramsden, Sir Joseph Pickford Radcliffe, Jonathan William Roberts, John Roberts of Linfits, John Roberts the younger, Henry Roberts, John Radcliffe of Stone Breaks, James Rhodes, James Roberts, George Roberts, Hugh Royston Roberts, William Roberts, Edward Roberts, Richard Roberts, Joel Roberts, Joseph Roberts, Richard Earnshaw Roberts, Thomas

Thomas Roberts, John Mills Ridgway, Tristram Ridgway, Joseph Rushforth of Elland, Henry Rushforth, John Rayner, William Rayner, Robert Rayner, Jeremiah Riley, John Ridsdale, Stansfeld Rawson, Francis Rawson, Rawson, Henry Stables, Walter Williams Stables, W Stables, Joseph Scott of Badsworth, John Sutcliffe, John Sutcliffe the younger, Giles Shaw, Edward Sykes of Thornhill, William Stocks the younger, William Stephenson, Samuel Stephenson, George Senior, Joseph Senior, Richard Stansfeld of Flockton, John Scholefield of Horbury, Matthew Sykes, John Sykes, John Starkey, Thomas Starkey, Joseph Starkey, Abraham Sanderson, Joseph Scott of Wakefield, John Smith, John Smith the younger, Walter Smith, Edmund Smith the younger, David Shaw, Benjamin Shaw, Foster Shaw, John Shaw, George Sargent, Edmund Smith, Samuel Sharp Clerk, Samuel Stocks, George Shaw, William Shaw, William Shaw the younger, Charles Shaw, John Shaw, Thomas Thornhill, James Taylor, John Tinker of Carr, Joseph Taylor, William Taylor, James Taylor of Walkers, William Turnbull Doctor of Medicine, James Teale, John Tootall, Tedbar Tinker, John Whitacre, Henry Whitehead of Dobcross, Joseph Walker, Samuel William Walker, William Buttle Walker, John Kenworthy Walker Doctor of Medicine, Samuel Walker of Mirfield, Benjamin Wilson, Thomas Wilson, John Wilson, William Wilkes, Charles Wheatley, Joseph Wheatley, Hugo Worthington, Samuel Wood of Slaithwaite, Edmund Walker of London, John Wood of Dalton, Richard Walshaw, George Westerman, Thomas Walker of Whitley, William Willans, John Wrigley, Robert Wrigley, Robert Wrigley the younger, Joseph Wrigley the younger, Richard Varley, Joseph Varley, John Vance, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in England, shall be and they are hereby appointed Trustees for carrying into execution this Act.

Power to
appoint ad-
ditional
Trustees.

3 G. 4. c. 126.

V. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any of their Meetings to be held in pursuance of this Act, (of which respective Meetings and of the Objects thereof at least Ten Days previous Notice shall be given in manner by an Act passed in the Third Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purpose of this Act, in addition to the Trustees herein named; and such additional Trustees so elected, and being duly qualified as herein-before mentioned, shall have the like Powers and Authorities for executing this Act as if they had been herein named.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *George Inn in Huddersfield* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the *Thursday* next after the Commencement of this Act, or as soon after as conveniently may be,

be, between the Hours of Eleven and Two, and shall and may then and from Time to Time after adjourn to and meet at such Times and Places within *Huddersfield* aforesaid, or any other Town or Place in the Neighbourhood of the said Road, as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint.

VII. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Toll Gates, Toll Bars, and Toll Houses, and Weighing Machines, now standing and being upon the said Turnpike Road or upon the Sides thereof, and also to erect or build in lieu thereof or in addition thereto, upon the said Road or any Part thereof, or upon the Sides thereof or any Part thereof, when and where and as they shall judge proper, any Toll Gates or Toll Bars, Toll Houses and Weighing Machines, with Out-houses and Conveniences thereto, as they shall judge proper, and from Time to Time to alter, or to take down and rebuild, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Power to
continue and
erect Toll
Gates.

VIII. And be it further enacted, That the Tolls to be taken by virtue of this Act at each and every Toll Gate or Bar erected or placed or to be erected and placed upon, across, or at the Side of the said Road, shall not exceed the following; (that is to say,)

Power to
take Tolls.

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricule, Gig, or other such like Carriage, the Sum of Sixpence :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Four-pence ; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches and not less than Four Inches and a Half, the Sum of Five-pence ; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Sixpence :

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any less Number :

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any less Number :

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings and Sixpence :

For every Waggon, Wain, Cart, or other such like Carriage, having the Tire or Tires of any Wheel or Wheels thereof of the Breadth of Six Inches or more, so made or constructed as to deviate more than Half an Inch from a level Surface, or where such Tire or Tires shall be of less Breadth than Six Inches, and shall deviate more than One Quarter of an Inch from a flat or level Surface, not exceeding the Sum of Five Shillings ; such last-mentioned Toll

[*Local.*]

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not

not to be taken or levied till after the Expiration of Two Years from the passing of this Act:

And for every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels projecting more than One Quarter of an Inch above such Tire, not exceeding the Sum of Ten Shillings:

4 G. 4. c. 95. Such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable to by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

No Toll for Horses employed in towing Vessels.

IX. And whereas the Horses employed in towing Boats, Barges, and Vessels upon the *Calder* and *Hebble* Navigation, cross the River *Calder* by a Bridge repaired by the said West Riding of the County of *York*, and pass for a short Distance upon the said Road; be it enacted, That no Toll shall be demanded or taken for any Horses employed in towing Vessels upon the said Navigation, or going to or returning therefrom, when crossing from one Side of the said River and Navigation to the other Side thereof, and not passing more than Two hundred Yards upon the said Road.

Fractional Part of a Halfpenny in Tolls.

X. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

No Exemption allowed in respect of Carriages having the Nails of the Tire projecting more than One Quarter of an Inch.

XI. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act granted shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highways, or for building, rebuilding, or repairing any Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes or other agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire.

No Toll to be paid on repassing.

XII. Provided also, and be it further enacted, 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 or Toll Bars, such Horse, Beast, or Cattle at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, shall, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches

Coaches or other such like Carriages, or drawing Post Chaises or other such like Carriages,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free: Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if, in so repassing, such Horse, Beast, or Cattle shall go or travel upon the said Road for the Distance of Two Miles or more.

XIII. Provided always, and be it further enacted, That no more than Four full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horses, Beasts, or Cattle, or Carriages, in any One Day, for passing and repassing once through all the several Toll Gates or Toll Bars upon that Portion of the said Road which lies between its Commencement in the Township of *Wakefield* and the Centre of the said Bridge called *Huddersfield Long Bridge*; nor shall more than Four full Tolls (except as herein provided to the contrary) be taken for or in respect of the same Horses, Beasts, or Cattle, or Carriages, in any One Day, for passing and repassing once through all the several Toll Gates or Toll Bars upon that Portion of the said Road which lies between the said Place in the Township of *Huddersfield* called *Chapel Hill*, and the Termination of the said Road at *Austerlands* aforesaid.

Limiting the Number of Tolls for passing and repassing once through all the Gates on the Road.

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Horses drawing Stage Coaches, &c. to be subject to Toll for every Time of passing;

XV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire for drawing any Post Chaise or other Carriage, for each Time of passing along the said Road, whenever a new Hiring thereof shall take place.

Post Chaises, &c. on every new Hiring.

XVI. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be 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 such Carriages drawn by One Horse, Beast, or Cattle, and having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, 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), Two Tons for each such Carriage and the Lading thereof, and from the

Weights of Single-horse Carts limited.

the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive), One Ton and Fifteen Hundred Weight for each such Carriage and the Lading thereof; and that the Weights to be allowed to Carts or other such like Carriages drawn by One Horse, Beast, or Cattle, and having the Fellies of the Wheels thereof of less Breadth than Six Inches at the Bottom or Sole thereof, 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 and Five Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive), One Ton for each such Carriage and the Lading thereof.

One-horse
Carts to be
weighed.

XVII. And be it further enacted, 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 or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses, shall be applicable to Carts or other such Carriages passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Money raised
on Mortgage
may be paid
off.

XVIII. And be it further enacted, That from and after the passing of this Act any Person or Persons who now is or are or at any Time thereafter may be a Mortgagee or Mortgagees of the Tolls of the said Road, or entitled to any Sum or Sums of Money lent or advanced upon the Credit of the said Tolls, shall and may have such Mortgage or Sum or Sums of Money repaid to him, her, or them, (and the Treasurer of the said Road for the Time being is hereby required and authorized to pay the same out of the Money which may be in or shall come to his Hands,) upon giving Twelve Calendar Months Notice in Writing to the Clerk and Treasurer of the said Road for the Time being (which Notices they are hereby required to register in the Books of the said Road in the Order in which they are received) of his, her, or their wishing any such Sum or Sums of Money to be paid to him, her, or them by the Treasurer of the said Road; and in order to provide for making such Payments, it shall be lawful for the Treasurer of the said Road for the Time being to make such Payments out of the Tolls of the said Road, or (with the Consent of the said Trustees at any Meeting) to borrow and take up the Money required for making the same, at Interest, upon Mortgage of the said Tolls or a proportionate Part thereof, as to the said Trustees in their Discretion shall from Time to Time seem most expedient: Provided always, that the said Treasurer shall not be required in any One Year to pay more out of the Funds of the said Road than the Sum of One thousand Pounds; and that in all Cases of Application for Payment as aforesaid from any of the present or future Mortgagees of the Tolls of the said Road, the Notices for Payment given in One Year shall only operate in that Year, and not be considered as giving Preference in any succeeding Year; and that the Year for the Purposes of such

Notices

Notices shall be reckoned to commence from the Time of the passing of this Act : Provided further, that the Treasurer of the said Road for the Time being shall not in any Case be compelled or compellable to pay any such Mortgagee or Mortgagees until after all the Interest then due or becoming due before the Period of Twelve Calendar Months from the giving of such Notice as aforesaid shall be paid, provided for, or set apart out of the Tolls of the said Road.

XIX. And whereas many Parts of the said Road are made on the Sides of steep Declivities, where it has been necessary to support the Road by Burr Walls, which occasionally fall down or require to be repaired : And whereas no Compensation was made to the Owners of the Land in which such Burr Walls have been made for the Injury they might sustain from their Liability to repair such Burr Walls ; for Remedy thereof, be it therefore enacted, That whenever any such Burr Walls shall fall down or require to be repaired, the same shall be rebuilt or repaired up to the Level of the Road by the Surveyor of the said Road, at the Expence of the Trustees thereof, whose Surveyor and Workmen in making such Repairs shall have Power to enter upon the Grounds or Places where such Repairs are necessary for the Purpose of making and doing the same, without being considered as Trespassers, and without being required to make any Compensation for Damages reasonably arising or caused thereby ; and that the Occupier of the Land for the Time being to which such Wall belongs or adjoins shall raise and keep the same, after the same shall have been so rebuilt or repaired where necessary by the said Trustees up to the Level of the said Road, to the Height of Five Feet above the Road.

In what manner Repair of Burr Walls shall be effected.

XX. And be it further enacted, That if any such Occupier shall neglect to build or repair such Wall from the Level of the said Road in such Case as before mentioned, or if such Part as last aforesaid of such Wall, or of any Wall or Fence adjoining the said Road, shall from any Neglect of Repair or otherwise, be suffered to be of less Height than Five Feet above the Road, and shall not be repaired within Ten Days after any Notice in Writing to be given to or left at the Dwelling House of such Occupier, by or under the Hand of the Surveyor or Clerk of the said Trustees, it shall be lawful for the said Surveyor to rebuild or repair the same, and to charge the Costs and Expences thereof to such Occupier ; and if such Occupier shall neglect or refuse to pay the same Costs and Expences to the said Surveyor within Ten Days after Demand thereof, it shall be lawful for the said Surveyor to make Complaint before One of His Majesty's Justices of the Peace for the West Riding of the County of *York*, who shall thereupon proceed to summon such Defaulter ; and if he fail to appear to such Summons, or to show sufficient Cause for the Nonpayment of such Charges, it shall be lawful for such Justice, upon the Evidence of One or more Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), to determine the Amount of the Costs and Expences of any such Repair, and to cause the same to be levied, together with the Costs of such Complaint, Information, and Conviction, upon the Goods and Chattels of such Defaulter, by Warrant under his Hand and Seal.

Penalty on Occupiers neglecting to repair Walls or Fences.

[*Local*]

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XXI. And

Power to
remove Gra-
vel, &c. for
Repair of
Road.

XXI. And whereas by an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preservation of the public Highways within that Part of Great Britain called England, and for other Purposes*, it was enacted, that no Stone, Gravel, or Materials to be dug for the Use of any other Parish, Township, or Place than that wherein the same are found, shall be removed or carried from the Place where they shall be so dug at any other Time than between the First Day of *April* and the First Day of *November*, or in the Time of hard Frost in the Winter Season: And whereas great Inconvenience has occasionally been found to arise upon this Turnpike Road, after heavy Rains, sudden Thaws, and Floods, and on other Occasions, from the Impossibility of obtaining Materials for repairing the Injuries caused thereby to the Road, without leading the same over or out of other Townships or Places than those in which such Injury may arise; be it therefore enacted, That it shall be lawful for the Surveyor of the said Turnpike Road, at all Times when any such Occasion or Emergency as aforesaid shall occur, to apply to any Two of His Majesty's Justices of the Peace for the West Riding of the County of *York*; and on such Emergency being proved to their Satisfaction on the Oath of such Surveyor or other Person, the said Justices are hereby empowered to grant unto such Surveyor, by Writing under their Hands, Licence to remove and take away such Materials into any Township or Place through which this Turnpike Road passes, without being subject or liable to any Penalty for or on account of such Removal, any thing in the said last-recited Act to the contrary thereof in anywise notwithstanding.

Application
of the Tolls
and Money
borrowed.

XXII. And be it further enacted, That the Monies already received or to be received by virtue of the said former Act hereby repealed, and also all Monies which shall be received under this Act, shall be applied by the said Trustees in manner following; (that is to say,) in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been advanced by any Person for the Payment thereof, or of any Part thereof, from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid by the said Trustees; and in the next place, in paying and discharging any Interest which may from Time to Time become due on the Credit of this Act; and afterwards in defraying the Expence of repairing and maintaining the said Road, and of otherwise executing the several Powers, Directions, and Purposes of this Act; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may be borrowed and secured under or upon the Credit of this Act.

Money
not to be
laid out in
repairing
Streets &c.

XXIII. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said former Act hereby repealed, or of this Act, shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within any City or Town through which the said Road may pass, and which Streets, Roads,
and

and Highways now have or hereafter shall have Houses or other Buildings abutting upon or ranging along the whole of both Sides thereof, nor shall it be lawful for the said Trustees to collect any Toll or Tolls therein, any thing herein contained to the contrary notwithstanding.

XXIV. And be it further enacted, That this Act shall commence Term of Act. on the Third *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

XXV. And be it further enacted, That this Act shall be deemed Public Act. a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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Printers to the King's most Excellent Majesty. 1831.

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