



ANNO QUINTO

GEORGII IV. REGIS.

Cap. xc.

An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from *Bradford* to *Wakefield* in the West Riding of the County of *York*, near *Holme Lane End* in the Parish of *Birstal* in the said Riding, to the Turnpike Road leading from *Birstal* to *Huddersfield* in the said Riding at the Township of *Heckmondwike* in the Parish of *Birstal* aforesaid, with a Branch Road therefrom.

[28th *May* 1824.]

WHEREAS the making and maintaining a Turnpike Road from and to communicate with the Turnpike Road leading from *Bradford* to *Wakefield* in the West Riding of the County of *York*, near a certain Place called *Holme Lane End* in the Lordship or Liberty of *Tong* in the Parish of *Birstal* in the said Riding, and to lead from thence to and communicate with the Turnpike Road leading from *Birstal* to *Huddersfield* in the said Riding at the Township of *Heckmondwike* in the Parish of *Birstal* aforesaid, near a certain Place called *Little Green*, and to pass over the same Parish; and also the making and maintaining a Branch Road leading towards the Market Town of *Leeds*, to commence at the said intended Road in the Village of *Birkenshaw* in the

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said

said Parish of *Birstal*, and to extend to and open upon the said Turnpike Road leading from *Bradford* to *Wakefield* on the Northwest Side of a Public House called *The Duke William*, situate in the same Parish, will be a great Benefit and Advantage, and afford important Accommodation to the Inhabitants of the several extensive manufacturing Parishes of *Bradford*, *Birstal*, *Batley*, and *Dewsbury*, in the said Riding, and will open a shorter and much better Communication than there is at present between the Market Towns of *Bradford* and *Dewsbury* aforesaid, and divers Townships, Villages, and Places adjacent thereto, and to the said intended Roads, and to various other Parts of the Country, and will also be of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His said Majesty, intituled *An Act to explain and amend an Act made 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*: 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, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with *John Plumbe*, *Thomas Plumbe*, *Francis Maude*, *John Hardy*, *William Margetson Heald* Clerk, Master of Arts, *John Wormald*, *John Wormald* the younger, *Henry Rhodes*, *Emanuel Emmet*, *John Emmet*, *Lionel Knowles*, *Joshua Taylor*, *James Burnley*, *William Hirst*, *William Gomersall*, *Joseph Sigston*, *Thomas Sigston*, *Joseph Swaine*, *Edward Swaine*, *Joshua Walker*, *William Carr*, *Rowland Ramsden*, *John Rhodes Ralph*, *Lionel Knowles* the younger, *Stephen Hartley Knowles*, *William Sigston*, *Joseph Hirst*, *Henry Rhodes* the younger, *William Rhodes*, *Joseph Crowther*, *Thomas Burnley*, *William Burnley*, *Abraham Sharp*, *Joseph Woodhead*, *Edward Ellison*, *Benjamin Ellison*, *Emanuel Emmet* the younger, *George Emmet*, *Joseph Ellison*, *Francis Beaumont*, *Benjamin Gomersall*, *William Toone*, *William Battye*, *John Horsfield Wadsworth*, *Abraham Naylor*, *Henry Oates*, *Thomas Barker*, *Joseph Cockill*, *Joseph Mann*, *Charles Carr*, *Joseph Davison*, *Thomas Davison*, *John Nussey*, *John Smith*, *Samuel Fearnley*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts, shall be and they are hereby appointed Trustees for making, maintaining, and keeping in repair the said Roads, and for otherwise putting this Act and the said recited Acts in Execution.

3 G. 4. c. 126.
4 G. 4. c. 95.
Appointment of Trustees.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed) to be Trustees for the Purposes of this Act and the said recited Acts; and such Persons so elected and appointed, and being duly qualified according to the Provisions or Directions of the said recited Acts, and having taken and subscribed the Oath, or, being a Quaker, having made and

and subscribed the Affirmation in the said first recited Act mentioned, shall be Trustees for the Purposes of this Act and the said recited Acts, and are hereby invested with the same Powers and Authorities for executing this Act and the said recited Acts, as if they had been herein named and appointed.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of
recited Acts
3 & 4 G. 4.
extended to
this Act.

IV. And be it further enacted, That the Trustees for executing this Act shall meet together at the House of *Thomas Thornton*, the *Shoulder of Mutton Inn*, situate in *Gomersal* in the Parish of *Birstal* aforesaid, or some other convenient Place within such Parish, near to the said intended Road, on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time thereafter adjourn to and meet at such Times, and at such Place or Places in the Parish of *Birstal* aforesaid, near to the said Road, as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall and they and he are and is hereby respectively authorized and required to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Thirty Days or sooner than Twenty-one Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Three or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees, by Notice to be inserted in some public Newspaper usually circulated in the Neighbourhood of the said Roads, and affixed on all the Turnpike Gates on the said Roads, appointing the Trustees to meet at such Time and Place in the Parish aforesaid, near to the said Road, as the said Clerk or the said Trustees respectively giving such Notice shall think proper, not exceeding Thirty Days nor sooner than Twenty-one Days from the Date of advertising such Meeting; and all the Powers and Authorities by this Act or the said recited Acts given to the said Trustees, and all the Matters and Things by this Act or the said recited Acts directed or authorized to be done by the said Trustees, shall and may be executed and done by or before the Majority of the Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Five, and the same shall be of as full Force

Meetings of
Trustees:

Adjourn-
ments:

If no Ad-
journment be
made, the
Clerk or
Trustees may
call a Meet-
ing by Notice.

Powers of the
Act may be
executed by
Five or
more Trus-
tees.

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Force and Effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases where any such Power, Authority, Matter, or Thing is by this Act, or the said recited Acts or either of them, particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all Meetings to be held in pursuance of this Act a Chairman shall and may be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act may be revoked or altered if occasion shall require; provided that no such Order shall be revoked or altered except at some Meeting where not less than Five Trustees shall be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Five or more Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk under their Hands, and also cause Notice to be inserted in some public Newspaper usually circulated in the Neighbourhood of the said Roads, and affixed on all the Turnpike Gates on the said Roads, specifying that such Revocation or Alteration is intended to be moved for, Twenty-one Days at least previous to any Meeting to be holden for that Purpose; and the Trustees shall at their several Meetings pay their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they shall meet.

No Order to be revoked unless Five Trustees are present, and the major Part concur.

Clerk not to act as Treasurer, and vice versa.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner of any such Treasurer or Treasurers, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer or Treasurers shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under this Act, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Treasurer, &c. to give Security.

VI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls, or any other Officer acting in Execution of this Act, as they shall think fit.

VII. And

VII. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Roads by this Act directed or authorized to be made and maintained, or any Part thereof, or upon or across any public Road, Lane, or Way leading to the same, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Out-houses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses not exceeding One-fourth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or alter or discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

For erecting Turnpikes.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes, or Toll Houses, or Side Gates or Side Bars, or Chains, which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, Once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Power to take Tolls.

For every Horse, Mule, or other Beast of Draught, drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whisky, Hearse, Litter, and Chaise, or other such like Carriage, the Sum of Sixpence:

Tolls.

For every Horse, Mule, or other Beast of Draught, drawing any Van, Caravan, or other such like Carriage, upon Springs, carrying or conveying Goods, Articles, or Things for Pay or Reward, the Sum of Eight-pence:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence:

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any less Number:

Which said Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be erected or placed by virtue of this Act in, upon, or across the said Roads or any Part thereof, or in, upon, or across any Public Road, Lane, or Way leading into the same; and which said respective Tolls shall be and are hereby vested in the said Trustees, and

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shall

shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but Once a Day.

IX. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of such Toll Gates, Turnpikes, or Side Gates, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

No more than One full Toll to be paid on the whole Line of Road.

X. Provided also, and be further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, to demand or take more than One full Toll for or in respect of the same Horse, Beast, Carriage, or Cattle, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Roads.

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

XI. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of, all Horses or Beasts, of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other such public Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads.

Post Chaises to be subject to Toll on every Hiring.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts, of Draught drawing any Post Chaise, or other such like Carriage let out to Hire, for every Time of passing along the said Roads, whenever any new Hiring thereof shall be made.

Subscribers to pay their Subscriptions.

XIII. And be it further enacted, That the several and respective Persons, who have subscribed for or agreed to advance any Money for and towards the making or maintaining the said Roads, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing subscribed by them, or as the said Trustees shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any One of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

XIV. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for the Purpose of making the said Roads, or what shall be borrowed on the Credit of this Act, or out of the first Money which shall arise or be received from the Tolls by this Act granted, the said Trustees shall in the first Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with lawful Interest for the same, and the Remainder of all such Monies so subscribed, or to be subscribed, advanced, or borrowed, shall be applied in defraying the Expences of making the said Roads, and in purchasing Lands and Hereditaments and Materials for that Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act and the said recited Acts into Execution; and after Payment of all such Expences, the Remainder (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted or otherwise, shall from Time to Time be applied in keeping down the Interest of the Monies subscribed or advanced for the Purposes of the said Roads, and which may be borrowed on the Credit of this Act, and in amending and keeping in repair the said Roads, and the Toll Gates and Toll Houses, and in otherwise putting this Act and the said recited Acts into Execution; and lastly, in repaying the Principal Monies subscribed or advanced for the Purposes of the said Roads, or which shall be borrowed by virtue of this Act or the said recited Acts, or either of them.

Application of the Tolls and Money to be borrowed.

XV. And whereas a Map or Plan describing the Line of the said Roads, and the Lands, Hereditaments, and Premises through or over which the same is to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace of the said Riding; be it therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said Riding; to the End that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies of or Extracts therefrom at their Will and Pleasure; paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Roads to be made according to the Plan deposited with the Clerk of the Peace.

XVI. Provided always; and be it further enacted; That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map, or Plan as aforesaid; although such Lands or Premises, or the Name or

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

Names

Names of such Person or Persons, may happen to be omitted or misstated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Power to take down Buildings for making the Roads.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, for the Purpose of making the said Roads, to pull down or take and use and lay into the said Roads any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed marked (A.), making Satisfaction to the Owners thereof and Persons interested therein for the same; or for the Damage they may sustain thereby.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads, or given by the said recited Acts or either of them for amending, altering, turning, widening, and improving the same, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed marked (A.)

For the making and repair of Fences.

XIX. And be it further enacted, That the said Trustees shall and they are hereby required to make, erect, or place sufficient Fences on the Sides of the said Roads, where the same shall pass through or over any private Lands, Fields, or Grounds; and after such Fences shall be made, the same shall be for ever thereafter the Property of the Persons or Parties on whose Lands, Fields, or Grounds the same shall have been made, erected, or placed, and shall be supported and maintained by and at the Expence of the Owners, Proprietors, or Occupiers of the Lands, Fields, or Grounds wherein such Fences shall have been so made, erected, or placed.

For the making and repair of Ditches, Bridges, &c.

XX. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Lands or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any thing in the said recited Acts or either of them contained to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards

afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired and maintained by the said Trustees, subject to the Provisions of the said recited Acts.

XXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life or in Fee Tail General or Special, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been

Application
of Compensation
exceeding
200*l.*

1*G.* 4. c. 35.

entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Compensation when less than 200*l.* and not less than 20*l.*

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application where the Money is less than 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles Money to be paid into the Bank.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them),

them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any Sum or Sums of Money into the Bank as aforesaid.

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act; or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly; unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to the Money.

XXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer; and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by the Trustees.

XXVII. And

Trustees may contract for making or repairing the Roads, &c.

XXVII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making or amending, repairing and maintaining the said Roads, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Posts, Bridges, Culverts, or Arches thereon or therein, or for doing any other Works to be performed in the Execution of this Act or the said recited Acts, or either of them, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts or Agreements in Writing entered into, pursuant to an Order of the said Trustees by their Clerk, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act or the said recited Acts, or either of them, shall be binding on the said Trustees and their Successors, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and all Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Treasurer for the Time being, and Damages and Costs recovered against the Party or Parties or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for making, amending, repairing, or maintaining the said Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act or the said recited Acts, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees not personally liable for Mortgages.

XXVIII. Provided always, and be it further enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security, to be made to any Person or Persons lending or advancing any Sum or Sums of Money to the said Trustees upon the Credit of the Tolls and Revenues of the said Roads; but all such Sum or Sums of Money shall be repaid out of the Tolls by this Act granted.

Part of a Road becoming useless to be discontinued.

XXIX. And whereas by means of the said intended Road and Branch Road, Part of a public Highway or Road leading from the said Village of *Birkenshaw* through the said Lordship or Liberty of *Tong* towards the said Town of *Bradford* will become useless and unnecessary; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, at any Meeting or Meetings to be held in exercise of the Powers of this Act by Order under their Hands and Seals, and they are hereby authorized and required, to stop up and discontinue, and to prevent the using for the future of the said Part of the said old Highway or Road from the said Village of *Birkenshaw* through the said Lordship or Liberty of *Tong* towards the said Town of *Bradford*, which shall become useless and unnecessary as aforesaid; and it shall not be lawful for any Person or Persons whomsoever to use the said Part of the said old Highway or Road which shall be so stopped up or discontinued, but the

same

same shall thenceforth cease to be used as such Way or Road to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the said Part of the said Highway or Road so ordered to be stopped up and discontinued, and also on the Door of the Parish Church of *Birstal* aforesaid, immediately before Divine Service, upon Three successive *Sundays* next after the making thereof, and also inserted in some public Newspaper usually circulated in the said West Riding, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make the Appeal next hereinafter provided.

XXX. And be it further enacted, That it shall and may be lawful to and for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing the said Part of the said old Highway or Road, to appeal against the same at any General or Quarter Sessions of the Peace for the said Riding which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal, duly signed by him, her, or them, to, or leaving the same at the usual Place of Residence of, the Clerk to the said Trustees for the Time being, at least Fourteen clear Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions are hereby authorized and required, upon due Proof before them upon Oath by the Appellant or Appellants of such Notice having been regularly given by him, her, or them as aforesaid, to hear and determine the said Appeal; and upon the quashing or Confirmation of the said Order, to award and adjudge the Party against whom the said Appeal shall be determined to pay such Costs as the said Justices shall appoint; and the said Appeal, being so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order, against which any such Appeal shall be made as aforesaid, shall be quashed for want of Form only.

Appeal may be made against the Order of the Trustees:

XXXI. Provided also, and be it further enacted, That in case no such Appeal shall be made as aforesaid, the said Order shall be final and conclusive upon all Persons whomsoever.

If no Appeal, Order to be final.

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

Public Act.

XXXIII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

SCHEDULE (A.) referred to by this Act.

DESCRIPTION OF PROPERTY.	OWNERS.	OCCUPIERS.
A Comb Shop - - -	Benjamin Ellison -	Robert Tetley.
A Brick Coal Shed - -	Joseph Dean -	Joseph Dean.
An Outbuilding and Garden -	John Ellison -	Benjamin Porritt.
Part of a Garden - - -	Peter Firth -	Jonas Battye.
Part of a Garden - - -	William Sigston -	{ Joseph Sigston and Thomas Sigston.
Two Parts of a Plantation -	Ditto -	Ann Sigston.
Part of an Outbuilding and } Garden - - - }	William Walker, } Esquire }	Thomas Crowther.
Part of a Cottage - - -	Joseph Sigston -	James Heaton.
Part of a Garden - - -	John Blayds, Esquire {	Joseph Sigston and Thomas Sigston.
Part of a Cottage - - -	William Scott -	William Scott the younger.
Part of an old Building, and } Part of an Outkitchen - }	Sir Henry Carr Ib- } betson, Baronet - }	Joseph Lang and Thomas Ross.
Part of a Cottage - - -	Sarah Burnley -	{ Elizabeth Woodhead and others.
Parts of Two Cottages - }	Sir Henry Carr Ib- } betson, Baronet - }	Matthew Blakebro and another.
Part of a Cottage - - -	Ditto -	{ Charles Mellor, or his Undertenant.
Pump House - - - -	Benjamin Ellison -	Benjamin Ellison and others.
Coal Sheds and Ashes Place -	Ditto -	{ Robert Tetley, Abraham Scott, and Thomas Whitley.
Part of a Plantation, an En- } croachment on Waste - }	John Ellison -	John Ellison.
Ditto Ditto - - -	Ditto -	Ditto.
Part of a Garden, an Encroach- } ment on Waste - }	Ditto -	Ditto.
Mistall and Part of a Garden	Ditto -	Isaac Whitley.
Part of a Mistall - - -	Matthew Morton -	Matthew Morton.