



ANNO QUINTO

GEORGII IV. REGIS.

Cap. cvi.

An Act for making and maintaining a Turnpike Road from *Godley Lane Head* near *Halifax* to *Northowram Green* in the West Riding of the County of *York*. [3d June 1824.]

WHEREAS the Road leading from the *Halifax* and *Wakefield* Turnpike Road at *Godley Lane Head* in the Township of *Southowram* to a Place on *Northowram Green* where a Chapel or Meeting House now stands in the Township of *Northowram*, all in the Parish of *Halifax* in the West Riding of the County of *York*, is in many Parts narrow, steep, and out of repair; and it would be of great Convenience and Advantage to the Proprietors and Occupiers of the adjoining Estates, and to the Merchants, Tradesmen, and other Inhabitants of the manufacturing Towns and Places in the Neighbourhood, and to the Public at large, if the same were widened and improved and made Turnpike, and if Part of the said Road in the Township of *Northowram* aforesaid were diverted or turned, and if the Surface of the Road in *Godley Lane* were lowered Thirty Feet, or thereabouts, on the Top of the Hill, and

[Local.]

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raised.

raised Thirty Feet, or thereabouts, at the Foot of the Hill; 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 another Act was passed in the Fourth Year of the Reign of His said present Majesty, 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*: 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 *George Armytage, Samuel Armytage, John Abbott, Jonathan Akroyd, James Akroyd, John Aked, James Arderton, John Aspinall, Lewis Alexander, Gervas Alexander, Edward Nelson Alexander, Gervase Alexander junior, William Asquith, John Edward Brooke, (Chapel Allerton), Timothy Bentley, George Buxton Brown, Rawdon Briggs, Rawdon Briggs junior, William Briggs, Henry Briggs, William Broadley, Thomas Boothroyd, Thomas Boothroyd junior, John Blezzard, Greenwood Bentley, Samuel Bairstow, James Boyne, John Carr, Thomas Crossley, John Carter, Henry Carter, John Craven, William Craven, Thomas Charnock Clerk, John Cockcroft, Thomas Dyson, Francis Drake, Thomas Furniss Dyson, Scipio Dyson, Thomas Edwards Dyson, Baldwin Dyson, John Dearden, John Dearden junior, Christopher Dawson, William Davy, Francis Duffield, William Dean, (Ovenden), William Dewhirst, James Emmett, William Emmett, William Emmett, Edward Emmett, Thomas Edwards, Henry Lees Edwards, John Edwards Solicitor, George Edwards, Henry Edwards, Robert Emmett, Henry Emmett, John Field, (Low Moor), Richard Fawcett, Samuel Farrar, Joshua Farrar, Samuel Freeman, William Freeman, James Farrar, Thomas Greenwood, James Greenwood, William Garlick, John Garlick, Richard Greenwood, Henry Heap Clerk, Lamplugh Hira Clerk, John Hustler, Charles Harris, Henry Harris, John Haigh, George Haigh, John Haigh junior, (Mount), John Haigh junior, (Halifax), John Haigh, (Causeway), William Haigh, John Haley, John Hodgson, Samuel Hodgson, Joseph Hodgson, Thomas Holmes, Samuel Holdsworth, John Horsfall, Thomas Horsfall, William Huntriss, John Holland, John Holland junior, John Hardy, John Handy junior, Henry Whickham Hird, John Hamerton, Thomas Hirst, William Hoyland, Samuel Hailstone, Joseph Hollings, Thomas Hollings, William Ferguson Holroyd, Abraham Jubb, John Knight, Benjamin Knight, Benjamin Kaye, William Kershaw, George Kershaw, Ellis Cunliffe Lister, Henry Leah, James Lister, Jeremiah Lister, Joseph Lister, William Lister, Richard Moulson, John Milner, George Mossman, William Moore, Charles Mayer, Charles Mayer junior, William James Moore, Joshua Mann, James Marshall, Thomas Mason, Henry Mellin, William John Norris, James Edward Norris, William Priestley, John Priestley, Joseph Priestley, George Pollard, Robert Paley, Christopher Rawson, Jeremiah Rawson, Stansfeld Rawson, S R Rigg, John Rand, Samuel Rand, Michael Stocks, Joseph Stocks, Michael Stocks junior, Francis Simes, Samuel*

Trustees
appointed.

Samuel Stead, Watson Samuel Scatsberd, Joseph Sunderland, Thomas Sunderland junior, John Sunderland, James Sunderland, Thomas Sunderland, George Smith, H G Sutcliffe, William Selby, Matthew Thompson, James Thompson, William Thompson, Clark Turner, Benjamin Thompson, Frederick Thompson, James Thompson junior, John Thompson Solicitor, John Turney, Thomas Turney, Matthew Wilson, (Eshton Hall), John Watson Clerk, Matthew Whitehead, John Walker, (Crow Nest), John Waterhouse, John Waterhouse junior, Samuel Waterhouse, James Wiglesworth, John Whiteley, Joseph Whiteley, George Whiteley, Christopher Ward, James Ward, John Wood, John Ashworth, Robert Abbott, Copley Brown, Jeremy Sharpe Brown, Mark Blackburn, Thomas Wentworth Beaumont, John Barret, William Bates, Peter Bould, Matthew Bairstow, William Brooke, George Binns, Joshua Bentley, George Dixon, Thomas Gledhill, Richard Hudson Clerk, Richard Kershaw, Samuel Knight Clerk, Riley Kitson, Mason Stanhope Kenny Doctor of Medicine, Francis Maude, William Nicholson, Thomas Preston, George Priestley, William Rawson, John Rawson, Francis Rawson, William Henry Rawson, Thomas Samuel Rawson, William Rothwell, Christopher Saltmarshe, George Shaw, Joshua Smithson, John Sutcliffe, Thomas Sutcliffe, James Cartledge, Robert Wainhouse, Edward Wainhouse, William Wainhouse, William Pollard, William Mitchell, Thomas Clark, Joseph Clark, William Wilkinson, Elkanah Hoyle Clerk, Peter Woodhead, William Toone, George Horsington, William Butter, James Briggs, John William Cadney, John Davy, Jonas Driver, John Emmet, James Freeman, James Gregory, John Green, John Holdsworth, John Oates, John Hughlings, Samuel Hall, Charles Norris, Rowland Ramsden, Thomas Ramsden, John Rhodes Ralph, John Richardson, Joseph Sutcliffe, John Staneley, Luke Swallow, John Swallow, Thomas Sladin, John Sutcliffe, Joseph Taylor, Isaac Thwaite, Samuel Thwaite, William Barnes Thompson, Joseph Walker, Joseph Walker the younger, Henry Watkinson, Joshua Waddington, Thomas Perkinson, James Royston, Joseph Armytage, Christopher Holdsworth Dawson, Thomas Rawnsley, Samuel Jagger, Samuel Broadley, William Skelton, John Priestley, Walker Ferrand, Edward Ferrand, Henry William Oates, John Wood the younger, William Wood, John Wilmer Field, George Ridsdale, John Ridsdale, George Addy, Thomas Rishworth, Thomas Rishworth the younger, Thomas Pullan, James Garret, John Tordoff, Joseph Thornton, James Cousin, John Robinson, John Maude, James Stead, Richard Lupton, Michael Ogden, Samuel Margerison, George Thompson Lister, James Duckit, Samuel Broadbent, John Chapman, William Aldam, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making and maintaining the said Road, and for otherwise putting this Act in Execution.

II. 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 repealed, varied, or altered by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered,

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

or

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 the several and respective Purposes of this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Power to
appoint ad-
ditional
Trustees.

III. 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 elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

First Meeting
of Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Union Cross Inn* in the Town of *Halifax*, or some other convenient Place in the Neighbourhood of the said Road, on the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

Treasurer
and Clerk not
to be the same
Person.

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 the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of, or the Clerk or other Person in the Service or Employ of any such Treasurer, 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, or the Clerk or other Person in the Service or Employ of any such Treasurer, 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 the said Trustees, 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, or Information,

formation, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

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. Treasurer to give Security.

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 Road 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 into 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 to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses not exceeding One-eighth 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. Provided also, and be it further enacted, That no Toll Gate or Bar shall be erected, or any Toll taken by virtue of this Act, until the Diversion or new Piece of Road, and the Improvements in this Act mentioned, shall be well and sufficiently made and completed, and the making and completing thereof shall have been certified by Two of His Majesty's Justices of the Peace for the West Riding of the County of *York*, assembled at a Special Sessions to be held for that Purpose. No Toll Gate to be erected until the Improvements are completed.

IX. 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 Road, and 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, drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whisky, Hearse, Litter, Chaise, or other such like Carriage, any Sum not exceeding Sixpence: Tolls.

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom

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or Soles thereof, any Sum not exceeding One Penny Halfpenny, and having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards, and less than Six Inches at the Bottom or Soles thereof, any Sum not exceeding One Penny Three Farthings, and having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, any Sum not exceeding Two-pence :

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

For every Ox or Head of Neat Cattle, the Sum of One Halfpenny ; and For every Calf, Swine, Sheep, or Lamb, the Sum of One Farthing :

Which said Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage 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 Road or any Part thereof, or in, upon, or across any Lane or Way leading into the same ; and which said respective Tolls 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.

Tolls to be paid but Once a Day.

X. 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, Beast, Cattle, 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.

XI. Provided also, and be it 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 for or in respect of the same Horse, Beast, Cattle, or Carriage, 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 Road, more than One full Toll.

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

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

Post Chaises, &c. to be subject to

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing

drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road, whenever any new Hiring thereof shall take place. Toll on every Hiring.

XIV. 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 Road, 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 Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

Subscribers to pay their Subscriptions.

XV. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for the Purposes of this Act, the said Trustees shall in the first Place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, and in the next Place in defraying the Expences of making the said new Road and Improvements, and in purchasing Lands and Hereditaments and Materials for the Purpose, and the Remainder (if any) of such Monies, and all Monies which shall be borrowed on the Credit of this Act, or which shall arise or be received from the Tolls by this Act granted or otherwise, shall be applied from Time to Time 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 into Execution, and in keeping down the Interest of the Monies subscribed or advanced for the Purposes of this Act, and which may be borrowed on the Credit of this Act, and in amending and keeping in repair the said Road, and the Toll Gates and Toll Houses, and in otherwise putting this Act into Execution, and lastly, in repaying the Principal Monies subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes of this Act.

Application of the Tolls and Money to be borrowed.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make and divert or alter the said Road upon, in, over, or through any Lands, Grounds, or Hereditaments, of such Width as they shall think proper, not

Road may be made.

not exceeding Forty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Road, Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences are or is intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Road to be made according to the Map or Plan deposited with the Clerk of the Peace.

XVII. And whereas a Map or Plan describing the Line of the said Road, 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 of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for 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 seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof 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 Fourpence 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 Road shall not deviate (except as herein-after specified) more than One hundred Yards of Three Feet each from the Line 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.

For varying the Line of the Diversion.

XVIII. And whereas the Line of the said new Road might be made more conveniently and on a better Level, if a Diversion were made from a Place called *Stump Cross* in *Northowram* aforesaid, through Lands belonging to *Edward Emmett* and *Michael Stocks*, and to *William Wilkinson*, *Joseph Wilkinson*, and *Edward Brooke*, to or near a Place on *Northowram Green* where a Chapel or Meeting House now stands, and also from Part of the said Diversion at a Field belonging to the said *Edward Emmett* along the South Side of a Field called *Annis Croft*, into the present Road, all in the Township of *Northowram* aforesaid: And whereas the said *Edward Emmett* and *Michael Stocks* have consented to such Deviation; be it therefore enacted, That the said Trustees shall and they are hereby empowered

empowèred to make the said Diversion from *Stump Cross* to the Meeting House aforesaid, over the Lands of the said *Edward Emmett* and *Michael Stocks*, and also over the Lands of the said *William Wilkinson*, *Joseph Wilkinson*, and *Edward Brooke*, with the Consents of the said *William Wilkinson*, *Joseph Wilkinson*, and *Edward Brooke*.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, or 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 the Name or Names of such Person or Persons may happen to be omitted or mis-stated 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.

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

XX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road, 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.

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

XXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there *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 His present Majesty King George the Fourth, intituled *An Act for the better securing 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

Application of Compensation Money if amounting to 200l.

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without Fee or Reward, and shall when so paid in there remain until the same shall by Order of the said Court, made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary, or until the same shall upon the like Application be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed, limited, 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 and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application
of Compensation Money
where less
than 200*l.*
and more
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 to be purchased, taken, or used for the Purposes of the said Road, and 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 exceed or amount to 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, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, 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-before directed,

or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Where under
20l.

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, taken, or used under or by virtue of the Powers 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 be lawful 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 Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court; 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

In case of not
making out a
good Title,
or if Persons
cannot be
found, the
Purchase
Money to be
paid into the
Bank.

Premises

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 of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of
disputed
Titles.

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 Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in 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; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities shall be paid, applied, and disposed of accordingly, unless it shall be made 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.

Court may
order reason-
able Ex-
pences to
be paid by
Trustees.

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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or 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 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Ditches,
Drains,
Bridges, &c.

XXVII. And be it further enacted, That Ditches, Drains, or Water-courses, of a sufficient Depth and Breadth for keeping the said Road dry, and

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 Road, and also, where necessary, into or through any Lands, Fields, or Grounds adjoining to or lying near the said Road, (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 cross the said Road, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute 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 be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Lands, Fields, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Road, shall be scoured, cleansed, and kept open, repaired and maintained by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

by whom to be made and cleansed.

XXVIII. And be it further enacted, That all Persons, Inhabitants of any Parish, Township, Hamlet, or Place in which any Part of the Turnpike Road by this Act directed or authorized to be made shall lie or be situate, who by Law are or shall be liable to do Statute Work on any Highway or Road in any such Parish, Township, Hamlet, or Place, or who are or shall be chargeable towards repairing or amending the same, or who are or shall be liable to the Payment of any Composition Money in lieu of such Statute Work, shall be and they are hereby declared to be subject and liable in like Manner to do Statute Work on the Diversion or new Piece of Road by this Act directed or authorized to be made, or on such Part and Parts thereof as shall lie and be situate in such Parishes, Townships, Hamlets, or Places respectively, or to the Payment of Composition Money in lieu thereof.

Respecting Statute Work.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall be taken or construed to limit, restrain, or prejudice the Powers and Authorities now vested in the Trustees for carrying into Execution a certain Act of Parliament, made and passed in the Fortyninth Year of the Reign of His late Majesty, intituled *An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Road from Wakefield to Halifax in the West Riding of the County of York.*

Act not to affect the Powers of Trustees under 49 G. 3. c. 19.

XXX. 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.

2470

5^o GEORGII IV. *Cap. cvi.*

Commence-
ment and
Continuance
of Act.

XXXI. 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.

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Printers to the King's most Excellent Majesty. 1824.