



ANNO SEPTIMO & OCTAVO

GEORGIIV. REGIS.

Cap. vi.

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*. [21st March 1827.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty King *George* the Fourth, intituled *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*: And whereas by the said recited Act it was set forth, that 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 stands, in the Township of *Northowram*, all in the Parish of *Halifax* in the West Riding of the County of *York*, being in many Parts narrow, steep, and out of repair, 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,

[Local.] Q or

5 G. 4. c. 106.

or thereabouts, on the Top of the Hill, and raised Thirty Feet, or thereabouts, at the Foot of the Hill; and Trustees were by the said Act appointed for making and maintaining the said Road, and for otherwise putting the said Act into Execution: And whereas the Trustees have proceeded in the Execution of the said Act, but the Improvement of the said Road cannot be completed, nor can the said Road be maintained in repair, unless some of the Tolls by the said Act granted be increased, and some of the Powers and Provisions thereof be amended; and it is expedient that the same Act should be repealed: And whereas an Act was passed in the Third Year of the

3 G. 4. c. 126. *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

4 G. 4. c. 95. *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:* And whereas another Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* ~~May it therefore please~~

5 G. 4. c. 69. ~~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 from and after the passing of this Act, the said recited Act of the Fifth Year of the Reign of His present Majesty shall be and the same is hereby declared to be repealed; and that instead thereof this Act shall thenceforth commence and take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purpose of widening, diverting, and improving the said Road, and making and completing the Works and Improvements aforesaid, and more effectually maintaining the said Road in repair.

Recited Act
5 G. 4. c. 106.
repealed.

Tolls granted
by this Act
made liable
to the Debts
under former
Act.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been subscribed or advanced for or towards making and maintaining the said Road, and are now due and owing on the Credit of the said first-recited Act, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due and owing on the Credit or Security of this Act, or of the Tolls granted by this Act; and all and every Person and Persons who may owe, or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Act hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Road, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Conveyances,
&c. under
former Act to
continue in
force.

III. And be it further enacted, That all Conveyances, Covenants, Bonds, Agreements, Contracts, and Securities made to or by, or entered

entered into by any Person or Persons to or with the Trustees for executing the said first-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, notwithstanding the Repeal of the said first-recited Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said first-recited Act, with or to any Person or Persons for any Purpose relating to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first-mentioned Act.

IV. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first-recited Act, kept according to the Directions or Provisions thereof, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements made under the said first-recited Act, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Trustees for executing this Act, or as they shall direct, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Subscriber or Subscribers of Money for or towards making or improving the said Road, or any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Subscribers or Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the Clerk to the said Trustees, or other Person having the Care of such Book or Books, shall refuse to permit, or shall not permit the said Trustees, or such Subscribers or Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Books of Proceedings kept under former Act to be Evidence, and shall be open to the Inspection of the Trustees and Creditors.

V. 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, and also save and except such Parts thereof respectively as are expressly 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,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act*

Powers of General Turnpike Acts extended to this Act.

as

as Trustees for repairing and maintaining Turnpike Roads, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees.

VI. And be it further enacted, 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 Anderson, John Aspinall, Lewis Alexander, Gervase Alexander, Edward Nelson Alexander, Gervase Alexander junior, William Asquith, John Ashworth, Joseph Armytage, George Addy, William Aldam, John Edward Brooke (Chapel Allerton), Timothy Bentley, George Buxton Brown, Rawdon Briggs, Rawdon Briggs junior, William Briggs, Henry Briggs, William Broadley, Thomas Boothroyd, John Blezzard, Greenwood Bentley, Samuel Birstow, James Boyne, Copley Brown, Jeremy Sharpe Brown, Mark Blackburn, Thomas Wentworth Beaumont, John Barret, William Bates, Peter Bould, Matthew Birstow, William Brooke, George Binns, Joshua Bentley, William Butter, James Briggs, Samuel Broadley, Samuel Broadbent, George Banks, John Carr, Thomas Crossley, John Carter, Henry Carter, John Craven, William Craven, Thomas Charnock Clerk, John Cockcroft, James Cartledge, Thomas Clark, Joseph Clark, John William Cadney, James Cousin, John Chapman, Thomas Dyson, Francis Drake, Thomas Furniss Dyson, Scipio Dyson, Thomas Edwards Dyson, John Dearden, John Dearden junior, Christopher Dawson, William Davy, Francis Duffield, William Deane junior (Ovenden), William Dewhirst, George Dixon, John Davy, Christopher Holdsworth Dawson, James Duckit, 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 Emmett, John Field (Low Moor), Richard Fawcett, Samuel Farrar, Joshua Farrar, Samuel Freeman, William Freeman, James Farrar, James Freeman, Walker Ferrand, Edward Ferrand, John Wilmer Field, Thomas Greenwood, James Greenwood, John Garlick, Richard Greenwood, Thomas Gledhill, James Gregory, John Green, James Garret, Henry Heap Clerk, Lamplugh Hird Clerk, John Hustler, Charles Harris, Henry Harris, John Haigh, George Haigh, John Haigh junior (Mount), John Haigh junior (Halifax), 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 Hardy junior, Henry Whickham Hird, John Hamerton, Thomas Hirst, William Hoyland, Samuel Hailstone, Joseph Hollings, Thomas Hollings, William Ferguson Holroyd, Richard Hudson Clerk, Elkanah Hoyle Clerk, George Horsington, John Holdsworth, John Hughlings, Samuel Hall, Abraham Jubb, Samuel Jagger, John Knight, Benjamin Knight, Benjamin Kaye, William Kershaw, George Kershaw, Richard Kershaw, Riley Kitson, Mason Stanhope Kenny Doctor of Medicine, Ellis Cunliffe Lister, Henry Leah, James Lister, Jeremiah Lister, Joseph Lister, William Lister, Richard Lupton, George Thompson Lister, Richard Moulson, John Milner,*

Milner, George Mossman, William Moore, William James Moore, Joshua Mann, James Marshall, Thomas Mason, Henry Mellin, Francis Maude, William Mitchell, John Maude, Samuel Margerison, William John Norris, James Edward Norris, William Nicholson, Charles Norris, John Oates, Henry William Oates, Michael Ogden, William Priestley, John Priestley, Joseph Priestley, George Pollard, Robert Paley, Thomas Preston, George Priestley, William Pollard, Thomas Perkington, John Priestley, Thomas Pullen, Christopher Rawson, Jeremiah Rawson, Stansfield Rawson, William Rawson, John Rawson, Francis Rawson, William Henry Rawson, Thomas Samuel Rawson, Samuel Thomas Rigg, John Rand, Samuel Rand, William Rothwell, Rowland Ramsden, Thomas Ramsden, John Rhodes Ralph, John Richardson, Thomas Rawnsley, George Ridsdale, John Ridsdale, Thomas Rishworth, Thomas Rishworth junior, John Robinson, Michael Stocks, Joseph Stocks, Michael Stocks junior, Francis Simes, Samuel Stead, Watson Samuel Scatcherd, Joseph Sunderland, Thomas Sunderland junior, John Sunderland, James Sunderland, Thomas Sunderland, George Smith, H. G. Sutcliffe, William Selby, Christopher Saltmarshe, George Shaw, Joshua Smithson, John Sutcliffe, Thomas Sutcliffe, Joseph Sutcliffe, John Staveley, Luke Swallow, John Swallow, Thomas Sladin, John Sutcliffe, William Skelton, James Stead, Matthew Thompson, James Thompson, William Thompson, Clark Turner, Benjamin Thompson, Frederick Thompson, James Thompson junior, John Thompson Solicitor, John Turney, Thomas Turney, William Toone, Joseph Taylor, Isaac Thwaite, Samuel Thwaite, William Barnes Thompson, John Tordoff, Joseph Thornton, Matthew Wilson, Eshton Hall, John Watson Clerk, Matthias Whitehead, John Walker, Crow Nest, John Waterhouse, John Waterhouse junior, Samuel Waterhouse, John Whiteley, Joseph Whiteley, George Whiteley, Christopher Ward, James Ward, John Wood, Robert Wainhouse, Edward Wainhouse, William Wainhouse, William Wilkinson, Peter Woodhead, Joseph Walker, Joseph Walker junior, Joshua Waddington, John Wood junior, and William Wood, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for widening, diverting, and improving the said Road, and making and completing the Works and Improvements aforesaid, and for otherwise putting this Act in Execution.

VII. 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.

Power to appoint additional Trustees.

[Local.]

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VIII. And

First Meeting
of Trustees.

VIII. 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 Second *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.

Clerk not to
act as Treas-
urer, and
vice versâ.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or 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, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner 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, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

For erecting
Turnpikes,
Weighing
Machines,
&c.

X. And be it further enacted, That on the passing of this Act 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, or on the Sides thereof, 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 Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and enclose 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 to continue the Toll Gates erected thereon, with

the Appurtenances; and from Time to Time to take down and remove, or alter or discontinue any Turnpike or Turnpikes to be erected or continued by virtue of this Act, as they the said Trustees shall think proper, and direct or appoint.

XI. And be it further enacted, That on the passing of this Act 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 Toll Gate, Turnpikes or Turnpike, or Toll Houses, or Side Gates or Side Bars or Chains, which shall be erected or continued by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof, 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,

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, Whiskey, 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 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 Two-pence Farthing; 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 Three-pence Halfpenny:

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, or other Beast or Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be erected or continued by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof; 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.

XII. Provided always, 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, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, Tolls to be paid but once a Day.

shall, upon a Ticket denoting the Payment thereof 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 daily on the whole Line of Road.

XIII. 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, or Cattle, for passing or re-passing 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:

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, 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 re-passing along the said Road.

Horses drawing Post Chaises, &c. on every new Hiring.

XV. 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 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.

Subscribers to pay their Subscriptions.

XVI. 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 a Turnpike Road from *Godley Lane Head to Wibsey Bank Foot* (in lieu whereof the Road comprised in this Act is authorized to be made,) 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 Impar lance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

XVII. And

XVII. And be it further enacted, That out of the Monies subscribed or advanced, or agreed to be subscribed or advanced as aforesaid, the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of the said recited Act and this Act; and the Remainder 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 widening, diverting, and improving the said Road, and in making and completing the Works and Improvements aforesaid, and in purchasing Lands and Hereditaments for the 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 into Execution, and afterwards in keeping down the Interest of the Monies subscribed or advanced for the Purposes of the said Road, 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 the said Road, or which shall be borrowed for the Purposes of this Act.

Application
of the Tolls
and Money
to be bor-
rowed.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to widen and divert or alter the said Road, and to make the Works and Improvements aforesaid, upon, in, over, or through any Lands, Grounds, or Hereditaments, 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; provided that the said Road shall not be made more than Forty Feet in Width, except where it shall be necessary to extend the Base of any Embankments for raising the Surface of the Road as herein-before mentioned, and except Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences.

Road may be
made or
altered.

[*Local.*]

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XIX. And

Road to be made according to Plan deposited with the Clerk of the Parliaments.

XIX. And whereas a Map or Plan, describing the Line of the said Road and Improvements, and the Lands, Hereditaments, and Premises through or over which the same is or are to be carried or made, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited in the Office of the Clerk of the Parliaments; be it therefore enacted, That the said Trustees in making the said Road or Improvements shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Land such Road shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Parliaments, and the same, or any Copy or Copies thereof, certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others, in all Courts of Law and elsewhere.

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

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to divert and make the said Road and Improvements 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.

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

XXI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road and Improvements 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 a Cottage occupied by *Henry Pearson* as a Public House, with Outbuildings and a small Garden attached, at or near *Godley Bridge* in the Township of *Northowram*, belonging to *John Hamerton*, the Reverend *Elkanah Hoyle*, and *Phœbe Greenwood*, and a Cottage in the Occupation of *John Settle*, in the same Township, belonging to *Michael Stoels Esquire*.

Power of Trustees to purchase limited to Five Years.

XXII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the said Cottages, Outbuildings, and Garden, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act or the said recited Acts

for purchasing, taking, or using the same, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

XXIII. 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 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

Application
of Compen-
sation Money
if amounting
to 200*l*.

1 G. 4. c. 35.

or

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.

Where less than 200*l.* and amounting to 20*l.*

XXIV. 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.

Where under 20*l.*

XXV. 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 the said Road, 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 so entitled respectively.

XXVI. And

XXVI. 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 for the Purposes 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 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 not making out a good Title, &c. the Purchase Money to be paid into the Bank.

XXVII. 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 for the Purposes of this Act as 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

In case of disputed Titles.

[*Local.*]

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Capital

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 reasonable Expences of Purchases to be paid by Trustees.

XXVIII. 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 for the Purposes 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. by whom to be made and cleansed.

XXIX. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Road 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 Road, and also, where necessary, into or through any Fields, Lands, 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 Fields, Lands, 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.

Public Act.

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.

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.

Commence-
ment and
Continuance
of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
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