



ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xciii.

An Act for making and maintaining a Turnpike Road from *Gomersal* to *Dewsbury* in the West Riding of the County of *York*, with Two Branch Roads therefrom. [5th May 1826.]

WHEREAS there is at present no direct or commodious Communication between the Two great trading Towns of *Bradford* and *Dewsbury*, and the intervening populous manufacturing Towns and Villages of *Birstal*, *Carlinghow*, *Batley*, and *Havercroft*, all in the West Riding of the County of *York*: And whereas the opening, making, and maintaining a Turnpike Road from and to communicate with the Turnpike Road leading from *Holme Lane End* to *Heckmondwike*, both in the Parish of *Birstal* in the Riding aforesaid, at the Township of *Gomersal* in the said Parish and Riding, and to extend from thence to the said Market Town of *Dewsbury* in the Parish of *Dewsbury* in the Riding aforesaid; and also the opening, making, and maintaining Two several Branch Roads from and out of the said Main Turnpike Road, One of them to commence at a Point in the said Main Road in *Batley* aforesaid, and to extend to the Village of *Havercroft* in the Parish of *Batley* aforesaid, and the other of them to commence at a Point in the said Main Road near the Village of *Batley Carr* in the Parish of *Dewsbury* aforesaid, and to extend to the said Village, will be a great Benefit, and attended with much Convenience, and afford important Accommodation to the Inhabitants of the several extensive Parishes of *Bradford*,
[Local.] 27 X *Birstal*,

Birstal, Batley, and Dewsbury, in the said Riding, which are extremely populous, and in which many very considerable and extensive Manufactories of Woollen and Worsted Goods are carried on, and such intended Main Road and Branch Roads will open a shorter and much more level and commodious Communication than at present exists between the Market Towns of *Bradford* and *Dewsbury* aforesaid, and divers intervening and adjacent Towns, Villages, and Places, and between various other Parts of the Country, and will 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

3 G. 4. c. 126. 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

4 G. 4. c. 95. 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*: And whereas an Act was passed in the Fifth Year

5 G. 4. c. 69. of the Reign of His said 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 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 Parli-

Trustees.

ment 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 *Nettleton Balme, John Brooke, William Battye, Nicholas Brown, Thomas Cook, Elliott Carrett, Charles Carr, Joseph Davison, Emanuel Emmet, John Emmet, Emanuel Emmet the younger, Benjamin Ellison, Joseph Ellison, Edward Ellison, Thomas Foxley Clerk, William Gomersall, Benjamin Gomersall, John Hague, John Hague the younger, Edward Hague, Joseph Hague, John Hardy, John Halliley, John Halliley the younger, John Halliley the younger, Lionel Knowles the younger, Stephen Hartley Knowles, Francis Maude, Thomas Mitchell, Richard Nussey, John Nussey, Joseph Nussey, Richard Nussey the younger, Thomas Oldroyd, Henry Rhodes, Henry Rhodes the younger, Rowland Ramsden, John Rhodes, Ralph Edward Sykes, John Plumbe Tempest, Thomas Plumbe Tempest, Thomas Todd, Joshua Walker, John Walker, Richard Walker, William Margetson Heald Clerk*, 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 in Execution; and the said Roads shall be called "*The Gomersal and Dewsbury Turnpike Roads*."

Recited Acts
3, 4, & 5 G. 4.
extended to
this Act.

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 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 as are expressly

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, 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.

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 be holden in pursuance of this Act, 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 ad-
ditional
Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall meet together at the House of Mrs. *Scholefield*, the *Black Bull Inn*, situate in *Gomersal* in the Parish of *Birstal* aforesaid, or some other convenient Place within such Parish, near to the said intended Roads, on the Third *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 within any of the Parishes of *Birstal*, *Batley*, and *Dewsbury* aforesaid, near to the said Roads, as they shall think proper.

First Meet-
ing of Trus-
tees.

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, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the 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, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of 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, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act

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

as

as Treasurer, or being the Partner of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of 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 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 Impar lance, shall be allowed.

For erecting
Turnpikes.

VI. 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 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 Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Roads 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.

Toll Gates to
be erected on
each of the
Branches,
and Tolls
taken.

VII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue upon each and every Branch Road comprised in this Act, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted.

Power to
take Tolls.

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, 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),

Tolls.

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

For

For every Horse, Mule, or other Beast, 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 Nine-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 Two-pence :

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

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 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.

IX. 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, 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.

Tolls to be paid but once a Day.

X. 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 and take more than One full Toll for or in respect of the same Horse, Beast, 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.

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

XI. 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, 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 Roads or any of them.

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

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts drawing any Cart, Waggon, or other Carriage laden with Coals, every Time of passing or repassing along the said Roads or any of them.

Carts laden with Coals to pay every Time of passing.

[*Local.*]

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XIII. Pro.

Post Chaises,
&c. to pay
on every
new Hiring.

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

Subscribers
to pay their
Subscrip-
tions.

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

Application
of Tolls and
Money to be
borrowed.

XV. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for the Purposes of making the said Roads, or which 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 erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways for Foot Passengers, 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 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 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.

XVI. Pro-

XVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act and the said recited Acts.

No Money to be laid out on Roads where there is no Turnpike erected or Tolls taken.

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls hereby granted or borrowed on the Credit thereof in paving or repairing any Highway or Street in the Town of *Dewsbury*.

No Money to be laid out on the Streets of Dewsbury.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make the said new Roads, together with such Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, and for such Purpose or Purposes to pull down or take and use 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; 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 Roads, 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.

Roads may be made.

XIX. 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 are 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 Sixpence for every One hundred Words of such Copies or Extracts

Plan deposited with the Clerk of the Peace to be open for Inspection, and the Roads to be made according to it.

of

of the said Map or Plan and Book of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards of Three Feet each 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: Provided always, that the said Roads shall not exceed Forty-two Feet in Width.

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 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 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 the Consent of the Owners.

XXI. 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 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.)

Premises mentioned in the Schedule to be purchased in Five Years.

XXII. Provided always, and be it further enacted, That in case the said Trustees, shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof respectively for the Time being.

Trustees may contract for the Purchase of Land.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners, of or interested in, any Lands, Buildings, Tenements, Hereditaments, or Premises, to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage as aforesaid; and

it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Wards, Infants, or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House or any other Building, and to treat, contract, and agree with the Trustees for executing this Act, for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Premises, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages, to be inquired into and ascertained by a Jury, in the Manner prescribed by the said recited Act passed in the Third Year of the Reign of His present Majesty, in Cases where any Damages, Value, or Recompence for Premises thereby authorized

to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act relative to the summoning and impannelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

Application
of Compensation Money
when exceeding 200*l.*

1 G. 4. c. 35.

XXIV. 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 Roads, 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 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.

XXV. 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 Roads, 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 less than 200*l.* and amounting to 20*l.*

XXVI. 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

Where less than 20*l.*

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.

In case of not making out Titles, or Persons entitled not being found, the Money to be paid into the Bank.

XXVII. 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 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.

Persons in Possession presumptively entitled.

XXVIII. 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

such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn 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.

XXIX. 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.

The Court may order reasonable Expences to be paid by Trustees.

XXX. 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 cross 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 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.

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

Parts of
Road becom-
ing useless
may be dis-
continued.

XXXI. And whereas by means of the said intended Main Road; Part of a public pack and prine Road, leading from the Village of *Birstal* in the Parish of *Birstal* aforesaid, through the Township of *Batley* in the Parish of *Batley* aforesaid, towards the Village of *Carlinghow* in the last-mentioned Parish; 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 any Order or Orders under their Hands and Seals, and they are hereby authorized and empowered, to stop up and discontinue and to prevent the using for the future of the said Part of the said old Road from the said Village of *Birstal* towards the said Village of *Carlinghow* aforesaid, 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 Road which shall be so stopped up or discontinued, but the same shall thenceforth cease to be used as a Highway or Road to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order or Orders having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the said Part of the said old Road so ordered to be stopped up and discontinued, and also on the Door of the Church of *Batley* aforesaid, immediately before Divine Service, upon Three successive *Sundays* after the making thereof, and also inserted Three Times 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 or Orders to make the Appeal next herein-after provided.

Appeal may
be made
against the
Order of the
Trustees.

XXXII. 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 or Orders hereby authorized for stopping up and discontinuing the said Part of the said old 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 or Orders, 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 of the Peace 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 or Orders, 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 or Orders against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

XXXIII. Pro-

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

If no Appeal,
Order to be
final.

XXXIV. 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.

XXXV. 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 Act.

SCHEDULE (A.) to which this Act refers.

Description of Premises.	Owners or reputed Owners.	Occupiers or reputed Occupiers.
Two Cottages, Shed, and Part Garden }	Messrs. Joseph and Thomas Sigstone }	Sarah Scott and William Moore.
Cottage - - - -	Do. - - - -	Benjamin Longbottom.
Garden - - - -	Messrs. Beaumont, Phillips, & Co. }	Themselves.
Two Cottages and Three Sheds }	Joseph and Thomas Singstone }	James Walker and Joshua Smith.
Two Lodges, Entrance to House - - - }	Joshua Walker - {	John Kershaw and Richard Stead.
Cottage, Coal Shed, and Milk House - - }	John Wormald - -	William Furness.
Cottage and Shed - - -	Hannah Bentley - -	Herself.
Garden - - - -	Messrs. Wormald - -	William Furness.
Gardens - - - -	Trinity College - -	Messrs. Gomersals.
Part Garden - - - -	Rev. Rich ^d Chapman -	Joshua Mann.
Shed - - - -	The Vicar of Batley, Rev. Tho ^s Foxley - - }	Christopher Ward.
Part Garden - - - -	Earl Wilton - - - -	Joseph Farrer.
Do. - - - -	Do. - - - -	Robert Wooler.
Do. - - - -	Do. - - - -	Do.
Do. - - - -	Do. - - - -	Do.
Do. - - - -	Abraham Greenwood, Esq.	John Hepworth.
Do. - - - -	Mrs. Hemingway, Thomas Hemingway, and Luke Marriott }	Themselves.
Part Dryhouse and Pig-cote }	Messrs. Ellis, Smith, & Co.	Themselves.

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