



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxxv.

An Act to amend an Act passed in the Ninth Year of the Reign of King *George* the Fourth, for diverting, improving, and maintaining the Roads between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*.

[21st *June* 1836.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act* 9 G. 4. c. 83. *for amending, diverting, and improving the present Roads, and making and maintaining certain new Roads, between the Towns of Birstal and Huddersfield in the West Riding of the County of York*: And whereas by the said Act certain Trustees therein named and appointed and their Successors, being duly qualified as therein mentioned, are empowered (amongst other Things) to make a certain new Piece of Road or Diversion to commence at or near the Place on the said Roads from *Birstal* to *Huddersfield* where the *Yew Tree* Inn now stands, and to extend from thence to or near to the *Star* Inn at *Hartishead Common*, with a Proviso that, in case the said Trustees should not purchase the Buildings, Lands, Tenements, and Hereditaments in the Schedule to the said Act annexed within the Space of Five Years from the passing of the said Act, all the Powers granted by the said Act or the therein recited Acts for purchasing, taking, or using the same, or such of them as should not then have been purchased, should cease and determine, save and except with the

[*Local.*]

38 P

Consent

Consent of the Owners or Proprietors thereof for the Time being: And whereas the Trustees appointed in or by virtue of the said Act have proceeded to put the same in execution, and have made and completed the several Diversions, Alterations, Widenings, and Improvements thereby authorized to be made, save and except the said new Piece of Road from the Place where the said *Yew Tree* Inn now stands to the *Star* Inn at *Hartishead Common* aforesaid, and the Time limited by the said Act for making and completing the same has long since passed; And whereas it would be very beneficial to the Public if Powers were given for making a certain other new Piece of Road or Diversion of the said *Birstal* and *Huddersfield* Turnpike Roads, commencing at the said *Yew Tree* Inn, and extending thence to and to join the said Roads again at or near to the Chain Bar on *Mirfield Moor* on the present Line of the said Roads, and also for widening and improving the present Line of the said Turnpike Roads at or near to a Place called *Millbridge*, on the Line of the said Roads, and also for widening and improving the said Roads at or near a Place called *Lane*, in the Township and Parish of *Huddersfield*: And whereas an Act was passed in the Thirty-second Year of the Reign of King

32 G. 2. c. 54. *George* the Second, intituled *An Act for repairing and widening the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas another Act was passed in the Nineteenth Year of the Reign of

19 G. 3. c. 88. His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Thirty-second Year of His late Majesty, for repairing and widening the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas another Act was passed in the Thirty-eighth Year of the

38 G. 3. c. 39. Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers, of Two Acts made in the Thirty-second Year of the Reign of King George the Second and the Nineteenth Year of His present Majesty, for repairing and widening the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled

59 G. 3. c. 53. *An Act for enlarging the Term and Powers of Three Acts for repairing the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas a Bill is now pending in Parliament for repairing, maintaining, and improving the Road from *Dewsbury* to *Ealand* in the West Riding of the County of *York*, whereby it is intended to repeal the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of King *George* the Third, and to grant other Powers in lieu thereof: And whereas Part of the said *Dewsbury* and *Ealand* Turnpike Road near *Cooper Bridge* intersects the Line of the said *Birstal* and *Huddersfield* Roads, whereby Travellers passing from *Birstal* to *Huddersfield* are obliged to travel about One thousand three hundred Yards on the said *Dewsbury* and *Ealand* Road, and by reason of the high Tolls which the Trustees of the said *Dewsbury* and *Ealand* Road are authorized to take on their said Road such Travellers were, prior to the passing of the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, subjected to excessive Tolls in respect of so short a Distance; and for making Provision for the Relief of the Public from such excessive Tolls it was by the said Act of the Ninth Year of the Reign of His late Majesty

King

King *George* the Fourth enacted, that from and after the passing of that Act, and during the Time that the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, should continue in force, it should not be lawful for the Trustees acting in execution of the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, nor for any of their Lessees, or any Collector or Collectors or other Person or Persons acting under the Authority of the said Trustees or of the said Acts, to demand or take on such Part of the said *Dewsbury* and *Ealand* Turnpike Road as intersects the Line of the said *Birstal* and *Huddersfield* Turnpike Roads, (that is to say,) between the Place of the Junction of the said *Birstal* and *Huddersfield* Roads with the *Dewsbury* and *Ealand* Road near to the *Horse Shoe* Inn and the Junction of the same Roads at *Bradley Lane*, for or in respect of any Horses, Beasts, Cattle, or Carriages which shall have passed in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) along any Part of the said *Birstal* and *Huddersfield* Turnpike Roads, any of the Tolls which should be payable or collected by virtue of the said Acts on the said *Dewsbury* and *Ealand* Turnpike Road, any thing in the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, or in any Law or Statute, contained to the contrary notwithstanding; provided always, that the said Trustees for executing the said first-recited Act, or their Treasurer, should pay and contribute, and they or their Treasurer for the Time being were thereby directed and required, on the Expiration of Twelve Calendar Months from the Day of the passing of the said first-recited Act, or within Thirty Days afterwards, and on the same Day or within Thirty Days afterwards in every succeeding Year during the Time that the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, should continue in force, to pay to the Trustees for executing the same Acts, or to their Treasurer, One Fifth Part of the net annual Proceeds of the Tolls collected on that Part of the said *Birstal* and *Huddersfield* Turnpike Roads which lies between *Cooper Bridge* and *Huddersfield* aforesaid; and the said Trustees of the said *Dewsbury* and *Ealand* Road should and they are thereby required to apply the Monies so to be annually paid to them in the Repair of the said *Dewsbury* and *Ealand* Turnpike Road, and for other the Purposes mentioned in the said recited Acts relating to the said Road: And whereas it would be more beneficial to the Public if the Powers and Provisions of the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, with reference to that Part of the *Dewsbury* and *Ealand* Road which intersects the said *Birstal* and *Huddersfield* Road, were repealed or altered: And whereas it is expedient that the Term granted by the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth should be extended and enlarged; but the several Purposes hereinbefore mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and

Part of
9 G. 4. c. 83.
repealed.

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 immediately after the passing of this Act so much of the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth as relates to and empowers the Trustees therein named and their Successors to make the said new Piece of Road or Diversion, to commence at or near the Place on the said *Birstal* and *Huddersfield* Roads where the *Yew Tree* Inn now stands, and to extend from thence to or near to the *Star* Inn at *Hartishead Common*, and also so much thereof as relates to or affects the Exemption from Toll in respect of Travellers passing on the said *Birstal* and *Huddersfield* Roads using only so much of the said *Dewsbury* and *Ealand* Road as lies between the Place of Junction of the said *Birstal* and *Huddersfield* Roads, at or near the *Horse Shoe* Inn with the said *Dewsbury* and *Ealand* Road and the Junction of the same Roads at *Bradley Lane*, and also so much as relates to the Payment of a Proportion of the Tolls arising on the said *Birstal* and *Huddersfield* Roads to the Trustees of the said *Dewsbury* and *Ealand* Road, shall be and the same is and are hereby repealed.

First-recited
Act and this
Act to be put
into execu-
tion for main-
taining the
Roads and
making the
new Branch.

II. And be it further enacted, That the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth and this Act shall be put in execution, for and during the Term hereinafter mentioned, for the Purpose of amending, improving, diverting, widening, and maintaining the present Lines of the said *Birstal* and *Huddersfield* Roads from *Birstal*, and also the said new Piece of Road or Diversion of the said Roads hereby authorized to be made, commencing at the said *Yew Tree* Inn and extending thence to and to join the said Roads again at or near to the Chain Bar on *Mirfield Moor* on the present Line of the said *Birstal* and *Huddersfield* Roads.

Powers of
9 G. 4. trans-
ferred to this
Act.

III. And be it further enacted, That the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, and all and every the Powers and Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into execution as if the same had been repeated and re-enacted in the Body of this Act.

Appoint-
ment of
Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York*, and the several Trustees named in or appointed in pursuance of the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, together with *William Aldam* the younger, *William Walker Battye* the younger, *Joseph Travis Clay*, *John Clay*, *Frederick Robert Jones*, *Frederick Robert Jones* the younger, *Jonas Hobson Marshall*, *Matthew Sykes*, and their Successors, being duly qualified according to the Directions of the several Acts for maintaining Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, improving, diverting, altering, repairing, and maintaining the said Roads comprised in the said first-recited Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth and in this Act, and for the several Purposes of the said Act passed in the Ninth Year of the
Reign

Reign of His said late Majesty King *George* the Fourth and of this Act, and for otherwise putting the said first-recited Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth and this Act in execution.

V. And be it further enacted, That the said Trustees shall hold their First Meeting for executing this Act and the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth at the *George* Inn in *Huddersfield*, or some other convenient Place within the said Town, upon the Third *Thursday* 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 after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

First Meeting of the Trustees.

VI. And be it further enacted, That from and after the First Day of *August* One thousand eight hundred and thirty-six it shall not be lawful for the Trustees acting in execution of the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, or of any Act passed or to be passed for renewing the Term and Powers of all or any of the said last-mentioned Acts, or for repairing the said *Dewsbury* and *Ealand* Turnpike Road, nor for any of their Lessees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees or of the said Acts, to demand or take on such Part of the said *Dewsbury* and *Ealand* Turnpike Road as intersects the Line of the said *Birstal* and *Huddersfield* Turnpike Roads, (that is to say, between the Place of the Junction of the said *Birstal* and *Huddersfield* Roads with the said *Dewsbury* and *Ealand* Road near to the *Horse Shoe* Inn aforesaid and the Point of Junction of the said Two Roads at *Bradley Lane*,) for or in respect of any Horses, Beasts, Cattle, or Carriages which shall have passed in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) along any Part of the said *Birstal* and *Huddersfield* Turnpike Roads, any of the Tolls which shall be payable or collected by virtue of the said Acts on the said *Dewsbury* and *Ealand* Turnpike Road, any thing in the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of King *George* the Third, and of any Act passed or to be passed as aforesaid, or the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, or in any Law or Statute, contained to the contrary notwithstanding: Provided always, that the said Trustees for executing the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth and this Act, or their Treasurer, shall pay and contribute, and they or their Treasurer for the Time being are and is hereby directed and required, on the Expiration of Twelve Calendar Months from the First Day of *August* One thousand eight hundred and thirty-six, or within Thirty Day safterwards, and on the same Day or within Thirty Days afterwards in every succeeding Year during the Time that the said Acts of the Thirty-second Year of the Reign of King *George* the Second, the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said Majesty King *George* the Third, or of any Act passed or to be passed for

Respecting Tolls on *Dewsbury* and *Ealand* Road.

renewing the Term and Powers of all or any of the said last-mentioned Acts, or for amending, widening, maintaining, and repairing the said *Dewsbury* and *Ealand* Turnpike Road, shall continue in force, to pay to the Trustees for executing the same last-mentioned Acts, or to their Treasurer, out of the Tolls arising on the said *Birstal* and *Huddersfield* Turnpike Roads, the yearly Sum of Two hundred and fifty Pounds; and the said Trustees of the said *Dewsbury* and *Ealand* Road shall and they are hereby required to apply the Monies so to be annually paid to them in the Repairs of the said *Dewsbury* and *Ealand* Turnpike Road, and for other Purposes mentioned or to be mentioned in the said recited Acts, or in any renewed or other Act relating to the said *Dewsbury* and *Ealand* Road.

Application
of Monies.

VII. And be it further enacted, That the Monies already received by virtue of the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth, or now in the Treasurer's Hands, and all Monies which shall arise and be produced and received by and from the Tolls by the said last-mentioned Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof or of this Act, shall be vested in the Trustees for the Time being for the Execution of the said first-recited Act and this Act, and be applied, in the first place, in payment of all the Costs, Charges, and Expences incidental to and attending the applying for and obtaining the passing of this Act, with Interest, and also of applying for and obtaining the passing of the said first-recited Act, with Interest (if any such shall still remain unpaid); and in the next place, in paying the said annual Payment by this Act authorized to be made to the Trustees of the said *Dewsbury* and *Ealand* Turnpike Road, and in defraying the Expences of making and completing the new Piece of Road or Diversion by this Act authorized to be made, and erecting and repairing Toll Gates and Toll Houses, and paying the Interest upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth or the several Acts thereby repealed, and which shall from Time to Time be borrowed or advanced and secured in pursuance of this Act, and in keeping the said Roads in repair; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said Acts in and by the said first-recited Act repealed, and of the said first-recited Act, and which may hereafter be borrowed and secured by virtue of this Act.

Power to
make a new
Piece of
Road.

VIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the said new Piece of Road or Diversion herein-before described upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty-five Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads as they shall think necessary or expedient, and for the several Purposes

of

of this Act and the said first-recited Act to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for the Damage they may sustain thereby; and it shall be lawful for the said Trustees, or 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, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made as aforesaid 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.

IX. And whereas a Map or Plan describing the Line of the said new Piece of Road or Diversion, and the Lands, Hereditaments, and Premises through or over which the same is or are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Trustees in making the said new Piece of Road or Diversion 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, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Land such new Piece of Road or Diversion shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, and the same or any Copy or Copies thereof certified by the Clerk of the Peace to be a true Copy or true Copies thereof, shall be 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.

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

X. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road or Diversion into, through, across, or over, and also, for the several Purposes of the said first-recited Act and of this Act, to take and use the several Lands, Tenements, 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, or in the Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference or in the Schedule to this Act, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

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

XI. Pro-

Trustees restrained from taking down Buildings without Consent.

XI. Provided also, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to 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, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Freehold of Lands purchased by the Trustees to remain in the Owner.

XII. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, then the Estate and Interest, of what Nature or Kind soever therein, shall not by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure, then the Estate and Interest as aforesaid in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, or his or their Assigns, yet so nevertheless that the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to perpetual Right of Way in, over, or upon the Lands so purchased by them.

If such Lands should not be wanted, then to revert to former Owner.

XIII. Provided always, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the said Lands and Hereditaments shall be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates or Interests therein, freed and discharged of and from such Right of Way.

Trustees to have full Power of using the Lands.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act, or of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of or the whole Estate and Interest in the said Lands and Hereditaments.

If Lands not purchased with-

XV. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments

ditaments mentioned in the Schedule to this Act annexed within the Space of Two Years from the passing of this Act, all the Powers granted by this Act or any of the said recited Acts 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 for the Time being.

in Two Years,
Powers to
cease.

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

Burr Walls
to be main-
tained on
the Sides of
Road.

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

Penalty in
case Fence
Walls are out
of Repair.

Public Act.

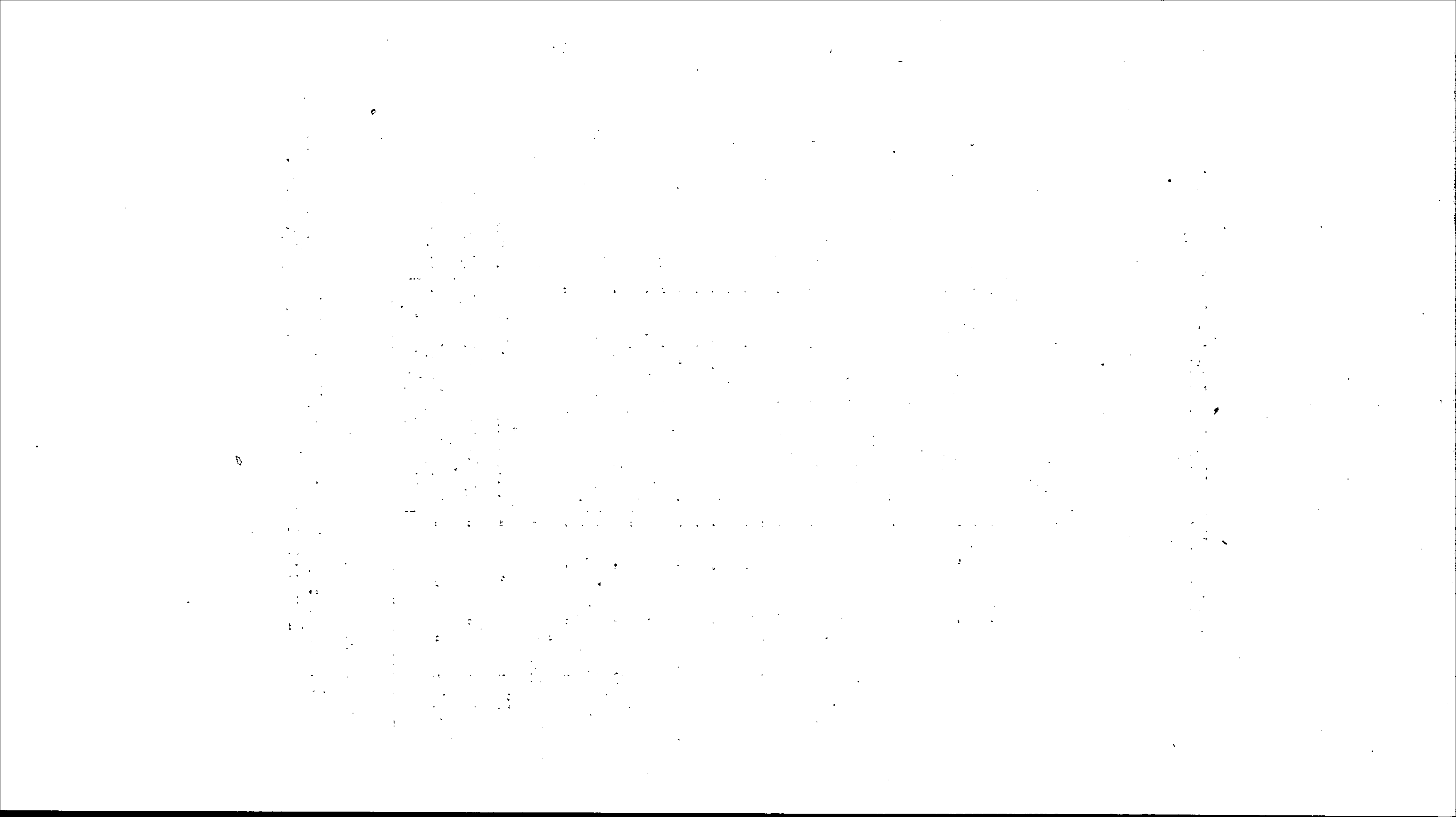
XVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of Act.

XIX. And be it further enacted, That this Act shall commence upon the passing thereof, and the same, together with the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth, (except so far as the last-mentioned Act is repealed, altered, or varied,) shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE referred to by the foregoing Act.

Owners.	Occupiers.	Description of Property.
Hammond Roberson - - - Richard Lang - - -	Henry Roberson - - - George Beaver, James Firth, James Starkay, and Rachel Hemingway.	Plantation or Pleasure Ground. Ashes Place.
Ditto - - -	George Beaver - - -	Garden.
Ditto - - -	Ditto - - -	Pig-cote and Yard.
Ditto - - -	George Beaver, James Firth, James Starkey, and Rachel Hemingway.	Necessary and Yard.
Ditto - - -	James Firth - - -	Pig-cote or Stable and Yard.
Henry Preston - - -	Messieurs George, Thomas, and James Mitchell.	Garden.
Thomas Brook and Sons, Charles Brook, Samuel Brook, or Mrs. Sarah Brook.	Samuel Brook - - -	Garden.
Ditto - - -	Ditto - - -	Field or Croft.
Ditto - - -	Ditto - - -	Double Fence or Plantation.
Ditto - - -	Ditto - - -	Field or Nursery Garden.
Ditto - - -	Ditto - - -	Double Fence or Plantation.
Ditto - - -	Ditto - - -	Footpath.
Ditto - - -	Ditto - - -	Double Fence or Plantation.
James Lister - - -	Isaac Garfitt - - -	Garden.
Sir George Armytage, Baronet - - -	Thomas Ellis - - -	Garden.
Messieurs Haigh and Allen - - -	John Sharp - - -	Wood Yard.
Ditto - - -	Ditto - - -	House and Frontstead.
Ditto - - -	William Dunkersley - - -	Ditto.
Ditto - - -	Mary Freeman - - -	Ditto.
Ditto - - -	Joseph Jessop - - -	Ditto.
Ditto - - -	Eli Wilson - - -	House and Doorstead.
Sir John Ramsden, Baronet - - -	John Bray - - -	Mistall and Yard.
Ditto - - -	Ditto - - -	Necessary.
Ditto - - -	Ditto - - -	Pig-cote.
Richard Kennett Dawson - - -	William Learoyd and William Spencer.	Pig-cote and Yard.
Ditto - - -	William Learoyd and John Rayner.	House.
Ditto - - -	William Learoyd and Joseph Sharp.	Blacksmith's Shop.
Ditto - - -	William Learoyd and Jonathan Smith and Joshua Pickles.	Carpenter's Shop and Yard.



Consent of the Owners or Proprietors thereof for the Time being: And whereas the Trustees appointed in or by virtue of the said Act have proceeded to put the same in execution, and have made and completed the several Diversions, Alterations, Widenings, and Improvements thereby authorized to be made, save and except the said new Piece of Road from the Place where the said *Yew Tree* Inn now stands to the *Star* Inn at *Hartishead Common* aforesaid, and the Time limited by the said Act for making and completing the same has long since passed; And whereas it would be very beneficial to the Public if Powers were given for making a certain other new Piece of Road or Diversion of the said *Birstal* and *Huddersfield* Turnpike Roads, commencing at the said *Yew Tree* Inn, and extending thence to and to join the said Roads again at or near to the Chain Bar on *Mirfield Moor* on the present Line of the said Roads, and also for widening and improving the present Line of the said Turnpike Roads at or near to a Place called *Millbridge*, on the Line of the said Roads, and also for widening and improving the said Roads at or near a Place called *Lane*, in the Township and Parish of *Huddersfield*: And whereas an Act was passed in the Thirty-second Year of the Reign of King

32 G. 2. c. 54. *George* the Second, intituled *An Act for repairing and widening the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas another Act was passed in the Nineteenth Year of the Reign of

19 G. 3. c. 88. His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Thirty-second Year of His late Majesty, for repairing and widening the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas another Act was passed in the Thirty-eighth Year of the

38 G. 3. c. 39. Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers, of Two Acts made in the Thirty-second Year of the Reign of King George the Second and the Nineteenth Year of His present Majesty, for repairing and widening the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled

59 G. 3. c. 53. *An Act for enlarging the Term and Powers of Three Acts for repairing the Road from Dewsbury to Ealand in the West Riding of the County of York*: And whereas a Bill is now pending in Parliament for repairing, maintaining, and improving the Road from *Dewsbury* to *Ealand* in the West Riding of the County of *York*, whereby it is intended to repeal the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of King *George* the Third, and to grant other Powers in lieu thereof: And whereas Part of the said *Dewsbury* and *Ealand* Turnpike Road near *Cooper Bridge* intersects the Line of the said *Birstal* and *Huddersfield* Roads, whereby Travellers passing from *Birstal* to *Huddersfield* are obliged to travel about One thousand three hundred Yards on the said *Dewsbury* and *Ealand* Road, and by reason of the high Tolls which the Trustees of the said *Dewsbury* and *Ealand* Road are authorized to take on their said Road such Travellers were, prior to the passing of the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, subjected to excessive Tolls in respect of so short a Distance; and for making Provision for the Relief of the Public from such excessive Tolls it was by the said Act of the Ninth Year of the Reign of His late Majesty

King

King *George* the Fourth enacted, that from and after the passing of that Act, and during the Time that the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, should continue in force, it should not be lawful for the Trustees acting in execution of the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, nor for any of their Lessees, or any Collector or Collectors or other Person or Persons acting under the Authority of the said Trustees or of the said Acts, to demand or take on such Part of the said *Dewsbury* and *Ealand* Turnpike Road as intersects the Line of the said *Birstal* and *Huddersfield* Turnpike Roads, (that is to say,) between the Place of the Junction of the said *Birstal* and *Huddersfield* Roads with the *Dewsbury* and *Ealand* Road near to the *Horse Shoe* Inn and the Junction of the same Roads at *Bradley Lane*, for or in respect of any Horses, Beasts, Cattle, or Carriages which shall have passed in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) along any Part of the said *Birstal* and *Huddersfield* Turnpike Roads, any of the Tolls which should be payable or collected by virtue of the said Acts on the said *Dewsbury* and *Ealand* Turnpike Road, any thing in the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, or in any Law or Statute, contained to the contrary notwithstanding; provided always, that the said Trustees for executing the said first-recited Act, or their Treasurer, should pay and contribute, and they or their Treasurer for the Time being were thereby directed and required, on the Expiration of Twelve Calendar Months from the Day of the passing of the said first-recited Act, or within Thirty Days afterwards, and on the same Day or within Thirty Days afterwards in every succeeding Year during the Time that the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, should continue in force, to pay to the Trustees for executing the same Acts, or to their Treasurer, One Fifth Part of the net annual Proceeds of the Tolls collected on that Part of the said *Birstal* and *Huddersfield* Turnpike Roads which lies between *Cooper Bridge* and *Huddersfield* aforesaid; and the said Trustees of the said *Dewsbury* and *Ealand* Road should and they are thereby required to apply the Monies so to be annually paid to them in the Repair of the said *Dewsbury* and *Ealand* Turnpike Road, and for other the Purposes mentioned in the said recited Acts relating to the said Road: And whereas it would be more beneficial to the Public if the Powers and Provisions of the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, with reference to that Part of the *Dewsbury* and *Ealand* Road which intersects the said *Birstal* and *Huddersfield* Road, were repealed or altered: And whereas it is expedient that the Term granted by the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth should be extended and enlarged; but the several Purposes hereinbefore mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and

Part of
9 G. 4. c. 83.
repealed.

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 immediately after the passing of this Act so much of the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth as relates to and empowers the Trustees therein named and their Successors to make the said new Piece of Road or Diversion, to commence at or near the Place on the said *Birstal* and *Huddersfield* Roads where the *Yew Tree* Inn now stands, and to extend from thence to or near to the *Star* Inn at *Hartishead Common*, and also so much thereof as relates to or affects the Exemption from Toll in respect of Travellers passing on the said *Birstal* and *Huddersfield* Roads using only so much of the said *Dewsbury* and *Ealand* Road as lies between the Place of Junction of the said *Birstal* and *Huddersfield* Roads, at or near the *Horse Shoe* Inn with the said *Dewsbury* and *Ealand* Road and the Junction of the same Roads at *Bradley Lane*, and also so much as relates to the Payment of a Proportion of the Tolls arising on the said *Birstal* and *Huddersfield* Roads to the Trustees of the said *Dewsbury* and *Ealand* Road, shall be and the same is and are hereby repealed.

First-recited
Act and this
Act to be put
into execu-
tion for main-
taining the
Roads and
making the
new Branch.

II. And be it further enacted, That the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth and this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of amending, improving, diverting, widening, and maintaining the present Lines of the said *Birstal* and *Huddersfield* Roads from *Birstal*, and also the said new Piece of Road or Diversion of the said Roads hereby authorized to be made, commencing at the said *Yew Tree* Inn and extending thence to and to join the said Roads again at or near to the Chain Bar on *Mirfield Moor* on the present Line of the said *Birstal* and *Huddersfield* Roads.

Powers of
9 G. 4. trans-
ferred to this
Act.

III. And be it further enacted, That the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, and all and every the Powers and Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into execution as if the same had been repeated and re-enacted in the Body of this Act.

Appoint-
ment of
Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York*, and the several Trustees named in or appointed in pursuance of the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, together with *William Aldam* the younger, *William Walker Battye* the younger, *Joseph Travis Clay*, *John Clay*, *Frederick Robert Jones*, *Frederick Robert Jones* the younger, *Jonas Hobson Marshall*, *Matthew Sykes*, and their Successors, being duly qualified according to the Directions of the several Acts for maintaining Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, improving, diverting, altering, repairing, and maintaining the said Roads comprised in the said first-recited Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth and in this Act, and for the several Purposes of the said Act passed in the Ninth Year of the
Reign

Reign of His said late Majesty King *George* the Fourth and of this Act, and for otherwise putting the said first-recited Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth and this Act in execution.

V. And be it further enacted, That the said Trustees shall hold their First Meeting for executing this Act and the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth at the *George* Inn in *Huddersfield*, or some other convenient Place within the said Town, upon the Third *Thursday* 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 after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

First Meeting of the Trustees.

VI. And be it further enacted, That from and after the First Day of *August* One thousand eight hundred and thirty-six it shall not be lawful for the Trustees acting in execution of the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, or of any Act passed or to be passed for renewing the Term and Powers of all or any of the said last-mentioned Acts, or for repairing the said *Dewsbury* and *Ealand* Turnpike Road, nor for any of their Lessees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees or of the said Acts, to demand or take on such Part of the said *Dewsbury* and *Ealand* Turnpike Road as intersects the Line of the said *Birstal* and *Huddersfield* Turnpike Roads, (that is to say, between the Place of the Junction of the said *Birstal* and *Huddersfield* Roads with the said *Dewsbury* and *Ealand* Road near to the *Horse Shoe* Inn aforesaid and the Point of Junction of the said Two Roads at *Bradley Lane*,) for or in respect of any Horses, Beasts, Cattle, or Carriages which shall have passed in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) along any Part of the said *Birstal* and *Huddersfield* Turnpike Roads, any of the Tolls which shall be payable or collected by virtue of the said Acts on the said *Dewsbury* and *Ealand* Turnpike Road, any thing in the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of King *George* the Third, and of any Act passed or to be passed as aforesaid, or the said first-recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, or in any Law or Statute, contained to the contrary notwithstanding: Provided always, that the said Trustees for executing the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth and this Act, or their Treasurer, shall pay and contribute, and they or their Treasurer for the Time being are and is hereby directed and required, on the Expiration of Twelve Calendar Months from the First Day of *August* One thousand eight hundred and thirty-six, or within Thirty Day safterwards, and on the same Day or within Thirty Days afterwards in every succeeding Year during the Time that the said Acts of the Thirty-second Year of the Reign of King *George* the Second, the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said Majesty King *George* the Third, or of any Act passed or to be passed for

Respecting Tolls on Dewsbury and Ealand Road.

[Local.]

38 Q

renewing

renewing the Term and Powers of all or any of the said last-mentioned Acts, or for amending, widening, maintaining, and repairing the said *Dewsbury* and *Ealand* Turnpike Road, shall continue in force, to pay to the Trustees for executing the same last-mentioned Acts, or to their Treasurer, out of the Tolls arising on the said *Birstal* and *Huddersfield* Turnpike Roads, the yearly Sum of Two hundred and fifty Pounds; and the said Trustees of the said *Dewsbury* and *Ealand* Road shall and they are hereby required to apply the Monies so to be annually paid to them in the Repairs of the said *Dewsbury* and *Ealand* Turnpike Road, and for other Purposes mentioned or to be mentioned in the said recited Acts, or in any renewed or other Act relating to the said *Dewsbury* and *Ealand* Road.

Application
of Monies.

VII. And be it further enacted, That the Monies already received by virtue of the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth, or now in the Treasurer's Hands, and all Monies which shall arise and be produced and received by and from the Tolls by the said last-mentioned Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof or of this Act, shall be vested in the Trustees for the Time being for the Execution of the said first-recited Act and this Act, and be applied, in the first place, in payment of all the Costs, Charges, and Expences incidental to and attending the applying for and obtaining the passing of this Act, with Interest, and also of applying for and obtaining the passing of the said first-recited Act, with Interest (if any such shall still remain unpaid); and in the next place, in paying the said annual Payment by this Act authorized to be made to the Trustees of the said *Dewsbury* and *Ealand* Turnpike Road, and in defraying the Expences of making and completing the new Piece of Road or Diversion by this Act authorized to be made, and erecting and repairing Toll Gates and Toll Houses, and paying the Interest upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the said first-recited Act of the Ninth Year of the Reign of King *George* the Fourth or the several Acts thereby repealed, and which shall from Time to Time be borrowed or advanced and secured in pursuance of this Act, and in keeping the said Roads in repair; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said Acts in and by the said first-recited Act repealed, and of the said first-recited Act, and which may hereafter be borrowed and secured by virtue of this Act.

Power to
make a new
Piece of
Road.

VIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the said new Piece of Road or Diversion herein-before described upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty-five Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads as they shall think necessary or expedient, and for the several Purposes
of

of this Act and the said first-recited Act to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for the Damage they may sustain thereby; and it shall be lawful for the said Trustees, or 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, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made as aforesaid 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.

IX. And whereas a Map or Plan describing the Line of the said new Piece of Road or Diversion, and the Lands, Hereditaments, and Premises through or over which the same is or are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Trustees in making the said new Piece of Road or Diversion 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, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Land such new Piece of Road or Diversion shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, and the same or any Copy or Copies thereof certified by the Clerk of the Peace to be a true Copy or true Copies thereof, shall be 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.

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

X. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road or Diversion into, through, across, or over, and also, for the several Purposes of the said first-recited Act and of this Act, to take and use the several Lands, Tenements, 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, or in the Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference or in the Schedule to this Act, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

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

XI. Pro-

Trustees restrained from taking down Buildings without Consent.

XI. Provided also, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to 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, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Freehold of Lands purchased by the Trustees to remain in the Owner.

XII. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, then the Estate and Interest, of what Nature or Kind soever therein, shall not by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure, then the Estate and Interest as aforesaid in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, or his or their Assigns, yet so nevertheless that the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to perpetual Right of Way in, over, or upon the Lands so purchased by them.

If such Lands should not be wanted, then to revert to former Owner.

XIII. Provided always, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the said Lands and Hereditaments shall be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates or Interests therein, freed and discharged of and from such Right of Way.

Trustees to have full Power of using the Lands.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act, or of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of or the whole Estate and Interest in the said Lands and Hereditaments.

If Lands not purchased with

XV. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments

of this Act and the said first-recited Act to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for the Damage they may sustain thereby; and it shall be lawful for the said Trustees, or 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, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made as aforesaid 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.

IX. And whereas a Map or Plan describing the Line of the said new Piece of Road or Diversion, and the Lands, Hereditaments, and Premises through or over which the same is or are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Trustees in making the said new Piece of Road or Diversion 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, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Land such new Piece of Road or Diversion shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, and the same or any Copy or Copies thereof certified by the Clerk of the Peace to be a true Copy or true Copies thereof, shall be 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.

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

X. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road or Diversion into, through, across, or over, and also, for the several Purposes of the said first-recited Act and of this Act, to take and use the several Lands, Tenements, 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, or in the Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference or in the Schedule to this Act, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

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

XI. Pro-

Trustees restrained from taking down Buildings without Consent.

XI. Provided also, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to 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, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Freehold of Lands purchased by the Trustees to remain in the Owner.

XII. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, then the Estate and Interest, of what Nature or Kind soever therein, shall not by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure, then the Estate and Interest as aforesaid in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, or his or their Assigns, yet so nevertheless that the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to perpetual Right of Way in, over, or upon the Lands so purchased by them.

If such Lands should not be wanted, then to revert to former Owner.

XIII. Provided always, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the said Lands and Hereditaments shall be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates or Interests therein, freed and discharged of and from such Right of Way.

Trustees to have full Power of using the Lands.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act, or of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of or the whole Estate and Interest in the said Lands and Hereditaments.

If Lands not purchased with-

XV. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments

The SCHEDULE referred to by the foregoing Act.

Owners.	Occupiers.	Description of Property.
Hammond Roberson - - -	Henry Roberson - - -	Plantation or Pleasure Ground.
Richard Lang - - -	George Beaver, James Firth, James Starkay, and Rachel Hemingway.	Ashes Place.
Ditto - - -	George Beaver - - -	Garden.
Ditto - - -	Ditto - - -	Pig-cote and Yard.
Ditto - - -	George Beaver, James Firth, James Starkey, and Rachel Hemingway.	Necessary and Yard.
Ditto - - -	James Firth - - -	Pig-cote or Stable and Yard.
Henry Preston - - -	Messieurs George, Thomas, and James Mitchell.	Garden.
Thomas Brook and Sons, Charles Brook, Samuel Brook, or Mrs. Sarah Brook.	Samuel Brook - - -	Garden.
Ditto - - -	Ditto - - -	Field or Croft.
Ditto - - -	Ditto - - -	Double Fence or Plantation.
Ditto - - -	Ditto - - -	Field or Nursery Garden.
Ditto - - -	Ditto - - -	Double Fence or Plantation.
Ditto - - -	Ditto - - -	Footpath.
Ditto - - -	Ditto - - -	Double Fence or Plantation.
James Lister - - -	Isaac Garfitt - - -	Garden.
Sir George Armytage, Baronet - - -	Thomas Ellis - - -	Garden.
Messieurs Haigh and Allen - - -	John Sharp - - -	Wood Yard.
Ditto - - -	Ditto - - -	House and Frontstead.
Ditto - - -	William Dunkersley - - -	Ditto.
Ditto - - -	Mary Freeman - - -	Ditto.
Ditto - - -	Joseph Jessop - - -	Ditto.
Ditto - - -	Eli Wilson - - -	House and Doorstead.
Sir John Ramsden, Baronet - - -	John Bray - - -	Mistall and Yard.
Ditto - - -	Ditto - - -	Necessary.
Ditto - - -	Ditto - - -	Pig-cote.
Richard Kennett Dawson - - -	William Learoyd and William Spencer.	Pig-cote and Yard.
Ditto - - -	William Learoyd and John Rayner.	House.
Ditto - - -	William Learoyd and Joseph Sharp.	Blacksmith's Shop.
Ditto - - -	William Learoyd and Jonathan Smith and Joshua Pickles.	Carpenter's Shop and Yard.

