



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cii.

An Act for repairing and maintaining the Road from *Huddersfield*, in the West Riding of the County of *York*, to *New Hey*, in the Parish of *Rochdale* in the County of *Lancaster*, with a Branch to *Toothill Lane* in the said Riding; and for making a new Road from *Buck Stones* to the Highway leading from *Ripponden* to *Stainland*, at or near to *Barkisland School*. [20th May 1825.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for making and maintaining a Road from the Town of Huddersfield, in the West Riding of the County of York, to a Place called New Hey, in the Parish of Rochdale in the County Palatine of Lancaster, and for making and maintaining certain Branches to communicate therewith*: And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded to put the same in execution, and have borrowed on the Credit of the Tolls thereby granted considerable Sums of Money, which still remain due, and cannot be repaid, nor can the said Road be effectually amended, improved, and kept in repair, unless the Term and Powers of the said Act are enlarged, and the Tolls are increased: And whereas the

46 G. 3. c. 13.

[Local.] 27 U

making

making and maintaining an additional or new Line of Road, commencing at *Buck Stones* in the Township of *Marsden* in the Parish of *Huddersfield*, and extending from thence to the Highway leading from *Ripponden* to *Stainland*, at or near to *Barkisland* School in the Township of *Barkisland* in the said Riding, would be of public Utility: And whereas an Act was passed in the Third Year of the
 3 G. 4. c. 126. Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in
 4 G. 4. c. 95. the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth
 5 G. 4. c. 69. Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas it is expedient that the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty should be repealed, and that other Provisions should be made instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty shall be and the same is hereby declared to be repealed; and this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for amending, widening, and improving and keeping in repair the present Road leading from *Huddersfield*, in the West Riding of the County of *York*, to *New Hey*, near *Rochdale* in the County Palatine of *Lancaster*, and a Branch from and out of the said Road at or near a Hamlet or Place called *Out Lane*, in the Township of *Stainland* aforesaid, and communicating with the *Leeds* and *Elland* Turnpike Road at the Bottom of *Toothill Lane* in *Rastrick* in the said Riding; and also for making, amending, widening, improving, and keeping in repair the said additional or new Line of Road from and out of the said Road from *Huddersfield* to *New Hey*, leading from *Buck Stones* in *Marsden* in *Huddersfield*, to the Highway at or near *Barkisland* School aforesaid.

Recited Act, 46 G. 3. repealed, and this Act to take effect.

This Act liable to Tolls, &c. under former Act.

II. And be it further enacted, That this Act, and the Tolls hereby granted or authorized to be taken on the said *Huddersfield* and *New Hey* Turnpike Road, and Branch from *Out Lane* to the Bottom of *Toothill Lane*, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized by the said Act to be taken on the same Roads, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected on the same Roads; and all and every Persons and Person owing any Sum or Sums of Money on
 account

account of the same Roads to the Trustees for executing the said first-recited Act, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for amending and improving the said *Huddersfield* and *New Hey* Turnpike Road and Branch.

III. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons, to or with the Trustees for executing the said first-recited Act, relative to the said *Huddersfield* and *New Hey* Turnpike Road and Branch, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed, notwithstanding the Repeal of the said first-recited Act; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said first-recited Act, with or to any Person or Persons, for any Purpose relating to the said *Huddersfield* and *New Hey* Turnpike Road and Branch, or to the Execution of the said Act relative to the said Road and Branch, shall remain in full Force and Effect, and be observed and kept by the Trustees herein-after appointed or directed to be appointed for amending and improving the said *Huddersfield* and *New Hey* Turnpike Road and Branch, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first-recited Act.

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

IV. And be it further enacted, That all Books kept according to the Directions or Provisions of the said first-recited Act, or of any Act then in force, for entering Mortgages or Assignments of the Tolls arising on the said *Huddersfield* and *New Hey* Turnpike Road and Branch, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements, made under the said first-recited Act, shall be preserved and kept by the Clerk for the Time being to the Trustees of the said District, and shall at all reasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

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

V. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty; and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied,

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

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

Division of
the Road
into Two
Districts.

VI. And be it further enacted, That the several Roads comprised in this Act shall be divided into Two separate Districts or Trusts; and that the said Road called the *Huddersfield* and *New Hey* Turnpike Road, with the Branch to the Bottom of *Toothill Lane*, shall be one of such Districts or Trusts, and be called or described "The *Huddersfield* and *New Hey* District;" and the said additional or new Line of Road from *Buck Stones* to the said Highway, at or near *Barkisland* School, shall be called "The *Barkisland* and *Saddleworth* District."

Trustees for
the Hudders-
field and New
Hey District.

VII. 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 all His Majesty's Justices of the Peace acting for the County of *Lancaster*, for the Time being, together with *Benjamin Haigh Allen*, *John Armytage*, *Henry Armytage*, *Edward Armytage*, *Joseph Armytage*, *Joseph Green Armitage*, *John Armitage*, *William Armitage*, *George Armitage*, *George Armitage of Bay Hall*, *William Armitage Archbell*, *John Archbell*, *Lewis Alexander*, *Edward Nelson Alexander*, *Alexander Alexander*, *Philip Ashworth*, *Thomas Allen*, *John Allen*, *Jonas Ainley*, *Samuel Haigh Ainley*, *John Allison*, *Law Atkinson*, *Joseph Atkinson*, *Thomas Atkinson*, *Edward Atkinson*, *Joseph Atkinson the younger*, *Jesse Ainsworth*, *Philip Ashworth*, *Benjamin North Rockley Battye*, *John Barber*, *Richard Battye*, *William Walker Battye*, *John Battye*, *Joseph Beaumont*, *John Beaumont*, *Timothy Bentley*, *James Brook of Huddersfield*, *Joseph Brook*, *Thomas Brook*, *Jonas Brook*, *Charles Brook*, *William Brook*, *John Blackburn*, *Thomas Burton Clerk*, *Charles Broadbent*, *James Bradley Doctor of Medicine*, *James Buckley of New Barn*, *James Buckley of Greenfield*, *John Broadbent*, *John Broadbent the younger*, *William Broadbent*, *John Bates*, *James Bates*, *Joseph Batley*, *Benjamin Butterworth*, *John Booth*, *William Cliff*, *John Clay*, *Joseph Travis Clay*, *John Crossley*, *John Carter*, *William Coultas*, *George Crowther*, *George Crowther the younger*, *James Cartledge*, *Charles Cartledge*, *James Crossland*, *Joseph Charlesworth*, *Joshua Cuttell*, *Thomas Dinsley*, *Scipio Dyson*, *Joseph Dowse*, *Robert Dowse*, *John Dyson*, *James Dyson*, *Joshua Dyson*, *William Dyson*, *John Dobson*, *William Beaver Dobson*, *Richard Dickinson*, *William Dickinson*, *John Dyson*, *Joseph Dyson*, *William Earnshaw*, *James Eastwood*, *Thomas England*, *Joseph Fryer the elder*, *Joseph Fryer the younger*, *Simeon Fryer*, *William Fryer*, *Thomas Fryer*, *Robert Fryer*, *Charles Fryer*, *Henry Fryer*, *John Fisher*, *Thomas Falcon Clerk*, *John Falcon*, *Robert Firth*, *Thomas Firth of Firth House*, *Thomas Firth of Huddersfield*, *Joseph Firth*, *James Clarke Franks Clerk*, *John Farrar*, *Joshua Farrar*, *Lewis Fen-*
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ton, James Crossland Fenton, Stephen Fawcett, Richard Fawcett, George Farrar, Thomas Farrar, John Firth the younger, Samuel Goldthorpe, Samuel Goldthorpe the younger, Robert Goldthorpe, Henry Goldthorpe, George Goldthorpe, James Goldthorpe, William Greenwood, Joseph Haigh, John Haigh of Springwood, John Haigh, John Horsfall, Joseph Haigh of Paddock, John Horsfall the younger, John Hamerton, Joseph Harrop of Grass Croft, James Harrop, John Harrop, Edward Hinchliffe, Samuel Houghton, William Hirst, Thomas Horton, Thomas Holroyd, John Hirst of Bradley Mills, George Hirst, Robert Bankes Hudson, Michael Hoyle, Thomas Haigh, James Hinchliffe, John Harpin, Thomas Hinchliffe, John Haigh, James Haigh, Benjamin Holroyd, John Holroyd, J K Holden, John Harrison, Frederick Jones, Joseph Jackson, John Smith Jackson, George Jessop, Sir John Lister Kaye Baronet, Joseph Kaye, Thomas Kilner, Fenton Lambert, Levi Lumb, Daniel Ledger, John Lancaster of Huddersfield, Samuel Leppington, John Lockwood, Joshua Littlewood, James Milnes of Junction, William Mann, Francis Maude, Henry John Maddocks Clerk, Daniel Micklethwaite, John Micklethwaite, Thomas Marshall, Martin Manley, Matthew Moorhouse, James Moorhouse, William Moorhouse, James Micklethwaite, Benjamin Mellor, Isaac Parker Newton, Miles Netherwood the elder, Miles Netherwood the younger, John Netherwood, Benjamin Outram, Richard Oastler, William Priestley, John Priestley, Walker Priestley, Charles Pitchforth, Abraham Pitchforth, Solomon Pitchforth, John Peace, Thomas Perkinson, Sir John Ramsden Baronet, Sir Joseph Radcliffe Baronet, John Radcliffe, Stansfield Rawson, Francis William Rawson, Charles Stansfield Rawson, John Roberts, William Rhodes of Clough House, Henry Roberts, John Roberts the younger, Thomas Robinson, Joseph Rushforth, Richard Walker Rushforth, Henry Rushforth, James Roberts, Joseph Roberts, William Railton Clerk, Joshua Robinson, William Stocks, William Stocks the younger, Michael Stocks the elder, Michael Stocks the younger, Watson Samuel Scatcherd, William Staniland, Cookson Stephenson, William Stephenson, Joseph Scott, Jonathan Schofield, George Senior, Edmund Shaw, Walter William Stables, Henry Stables, John Sutcliffe, Shakespear Garrick Sikes, James Shaw of Lockwood, George Shaw, Dyson Joseph Shaw, W H Spencer, Thomas Thornton, Thomas Thornhill, Samuel Taylor, John Thwaite, Robert Turner, John Tinker, John Varley, John Walker the elder, John Walker the younger, Benjamin Walker, William Waterhouse the elder, William Waterhouse the younger, Samuel Waterhouse, John Waterhouse, James Waterhouse, John Whiteacre, John Wheelwright, Samuel Wood, John Wood, William Widdop, Samuel Walker of Huddersfield, Samuel Walker the elder of Stainland, Samuel Walker the younger of Stainland, Joseph Walker, Hugo Worthington, William Wigney, Ben Wilson, Ben Wilson the younger, Thomas Wilson, William Wilks, Joseph Walker, John Kenworthy Walker, John Wrigley, Robert Wrigley the elder, Eneas Walker, John Walker of Crownest, Abraham Woodhead, John Woodhead, John Wood of Dalton, John Horsfield Wadsworth, John Wilson, Benjamin Wilson, Joshua Wimpenny, Ely Wimpenny, Benjamin Whiteley, James Walker, Thomas Whiteley, and their Successors, being duly qualified according to the Provisions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His pre-

sent Majesty, shall be and they are hereby appointed Trustees for amending and improving the *Huddersfield* and *New Hey* District.

Trustees for
the Bark-
island and
Saddleworth
District.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of York for the Time being, together with *Benjamin Haigh Allen, John Armytage, Henry Armytage, Edward Armytage, Joseph Armitage, John Armitage, William Armitage Archbell, John Archbell, Lewis Alexander, Edward Nelson Alexander, Philip Ashworth, Thomas Allen, John Allen, Jonas Ainley, Samuel Haigh Ainley, John Allison, Law Atkinson, Joseph Atkinson, Jesse Ainsworth, Philip Ashworth, Benjamin North Rockley Battye, John Barber, Richard Battye, William Walker Battye, John Battye, Joseph Beaumont, John Beaumont, Timothy Bentley, James Brook of Huddersfield, Joseph Brook, Thomas Brook, Jonas Brook, John Blackburn, Thomas Burton Clerk, Charles Broadbent, James Buckley of New Barn, James Buckley of Greenfield, John Broadbent, John Broadbent the younger, William Broadbent, John Bates, James Bates, Joseph Batley, Benjamin Butterworth, John Clay, Joseph Travis Clay, John Crossley, John Carter, William Coultas, George Crowther, George Crowther the younger, James Cartledge, Charles Cartledge, James Crosland, Joseph Charlesworth, Joshua Cuttell, Thomas Dinsley, Scipio Dyson, Joseph Dowse, Robert Dowse, John Dyson, James Dyson, Joshua Dyson, William Dyson, John Dobson, William Beever Dobson, Richard Dickinson, William Dickinson, John Dyson, Joseph Dyson, William Earnshaw, James Eastwood, Joseph Fryer the elder, Joseph Fryer the younger, Simeon Fryer, William Fryer, Thomas Fryer, Robert Fryer, Charles Fryer, Henry Fryer, John Fisher, Thomas Falcon Clerk, John Falcon, Robert Firth, Thomas Firth of Firth House, Thomas Firth of Huddersfield, Joseph Firth, John Farrar, Joshua Farrar, Lewis Fenton, James Crosland Fenton, Stephen Fawcett, Richard Fawcett, George Farrar, Thomas Farrar, John Firth the younger, Samuel Goldthorpe, Samuel Goldthorpe the younger, Robert Goldthorpe, Henry Goldthorpe, George Goldthorpe, James Goldthorpe, William Greenwood, John Haigh, John Horsfall, John Hammerton, Joseph Harrop of Grass Croft, James Harrop, John Harrop, Edward Hinchliffe, William Hirst, Thomas Horton, Thomas Holroyd, John Hirst, Michael Hoyle, Thomas Haigh, Frederick Jones, James Hinchliff, John Harpin, Thomas Hinchliffe, John Haigh, James Haigh, Benjamin Holroyd, John Holroyd, J K Holden, John Hirst of Bradley Mills, John Harrison, Joseph Jackson, John Smith Jackson, George Jessop, Sir John Lister Kaye Baronet, Joseph Kaye, Thomas Kilner, Fenton Lambert, Levi Lumb, Daniel Ledger, John Lancaster of Huddersfield, Samuel Leppington, John Lockwood, Joshua Littlewood, James Milnes of Junction, William Mann, Francis Maude, Daniel Micklethwaite, John Micklethwaite, Thomas Marshall, Martin Manley, Matthew Moorhouse, James Moorhouse, William Moorhouse, James Micklethwaite, Benjamin Mellor, Miles Netherwood the elder, Miles Netherwood the younger, John Netherwood, Isaac Parker Newton, Benjamin Outram, Richard Oastler, William Priestley, John Priestley, Walker Priestley, Charles Pitchforth, Abraham Pitchforth, Solomon Pitchforth, John Peace, Thomas Perkinson, Sir John Ramsden Baronet, Sir Joseph Radcliffe Baronet, John Radcliffe, John Roberts the elder,*

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*Henry Roberts, John Roberts the younger, Thomas Robinson, Joseph Rushforth, Richard Walker Rushforth, Henry Rushforth, William Railton Clerk, Joshua Robinson, William Stocks, William Stocks the younger, Michael Stocks the elder, Michael Stocks the younger, Watson Samuel Scatcherd, William Staniland, Cookson Stephenson, William Stephenson, Joseph Scott, Jonathan Schofield, George Senior, Edmund Shaw, Walter William Stables, Henry Stables, John Sutcliffe, Shakespear Garrick Sikes, James Shaw of Lockwood, George Shaw, Dyson Joseph Shaw, W. H. Spencer, Thomas Thornton, Thomas Thornhill, Samuel Taylor, John Thwaite, Robert Turner, John Tinker, John Varley, John Walker the elder, John Walker the younger, Benjamin Walker, William Waterhouse the elder, William Waterhouse the younger, Samuel Waterhouse, John Waterhouse, James Waterhouse, John Whitacre, John Wheelright, Samuel Wood, John Wood, William Widdop, Samuel Walker of Huddersfield, Samuel Walker the elder of Stainland, Samuel Walker the younger of Stainland, Hugo Worthington, William Wigney, Ben Wilson, Ben Wilson the younger, Thomas Wilson, and William Wilks, Eneas Walker, John Walker of Crownest, Abraham Woodhead, John Woodhead, John Wood of Dalton, John Horsfield Wadsworth, John Wilson, Benjamin Wilson, Joshua Wimpenny, Ely Wimpenny, Benjamin Whiteley, James Walker, Thomas Walker, Samuel Walker, and their Successors, being duly qualified according to the Provisions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending and improving the said *Barkisland* and *Saddleworth* District.*

IX. And be it further enacted, That it shall and may be lawful for the said Trustees for amending and improving the Roads in the said *Huddersfield* and *New Hey* District, and for the said Trustees for amending and improving the Roads in the said *Barkisland* and *Saddleworth* District respectively, and they respectively are hereby authorized and empowered from Time to Time, at any of their respective Meetings, to elect and appoint any Number of Persons, being duly qualified according to the Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, not exceeding Three in the whole for the said *Huddersfield* and *New Hey* District, and not exceeding Three in the whole for the said *Barkisland* and *Saddleworth* District, in addition to the Number of Trustees herein named and appointed for the said Districts respectively, to be Trustees for the said respective Districts; and such Persons so elected and appointed shall be Trustees, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to
appoint
additional
Trustees.

X. And be it further enacted, That the Trustees for the said *Huddersfield* and *New Hey* District shall hold their First Meeting for executing this Act at the *Warren House Inn*, on *Lindley Moor*, or some other convenient Place within the Town of *Huddersfield*, upon the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be; and the Trustees for the said *Barkisland* and *Saddleworth* District shall hold their First Meeting for executing this Act at the *Saville's Arms Inn* in *Elland*, or some other convenient

First Meet-
ing of Trus-
tees.

convenient Place within the Town of *Elland*, upon the Second *Monday* after the passing of this Act, or as soon after as conveniently may be; and shall and may respectively then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood on the said respective Roads, as they respectively shall think proper.

Old Officers
to continue
until new
ones elected.

XI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first-recited Act, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

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

XII. Provided always, and be it further enacted, That it shall not be lawful for the said respective Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance, shall be allowed.

XIII. And

XIII. And be it further enacted, That the said respective Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office. Treasurer to give Security.

XIV. And be it further enacted, That it shall be lawful for the Trustees of the said *Huddersfield* and *New Hey* District, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and any Toll Houses and Weighing Machines now standing and being in, or upon, or across, or on the Sides of the Roads in the said District; and it shall also be lawful for the Trustees of each of the said respective Districts to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across, or on the Sides of the Roads, or any Part thereof, in the said respective Districts, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine; and to take in and inclose on the Sides of the said respective Roads suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they respectively 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 respective Trustees shall think proper, and direct or appoint. Power to erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XV. And whereas the Trustees acting under the said former Act hereby repealed have erected upon the said Road a Toll Gate or Toll Bar called *Marsh-Gate*: And whereas the Town of *Huddersfield* hath of late Years greatly extended, and is daily extending, and a Church for the Use of the Inhabitants of the said Town of *Huddersfield* hath been lately erected upon the Line of the said Road; and it is expedient that the Trustees acting in the Execution of this Act should be restrained from placing any Toll Gate or Toll Bar nearer to the said Town than the West Side of the Gates leading to the said Church; be it therefore enacted, That nothing herein contained shall extend or be construed to extend to enable the said Trustees to move the Turnpike or Toll Gate now standing at a Place called *Marsh*, in the Township of *Huddersfield*, and commonly called *Marsh Bar*, otherwise *Pitts Wood Bar*, nearer to the Town of *Huddersfield* than the West Side of the Gates leading to the said Church, or to enable the said Trustees to set up, erect, or place any Turnpike, Toll Gate, Toll Bar, or Chain upon, across, or on the Sides of any Part of the said Road between the said Church and the Town of *Huddersfield*; any thing herein contained to the contrary thereof in anywise notwithstanding. No Toll Gate to be placed nearer Huddersfield than the West Side of the Gates of the new Church.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, or cause to be erected and set up and continued, upon each of the Branches of Road herein-before particularly described, One or more Toll Gate or Toll Gates, or Turnpike or Turnpikes, and the Tolls Trustees to erect Toll Gates on each of the Branches, and to take Tolls thereat.

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by this Act granted shall be demanded and taken at such Toll Gate or Toll Gates, or Turnpike or Turnpikes, subject to the Provisions in this Act and the said recited Acts contained.

No Money to be expended in repairing the Branches, unless Gates are erected thereon, and Tolls taken thereat.

XVII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or their Surveyor, to direct or order any Repairs to be made by virtue of this Act upon any Branch of the Roads comprised in this Act, unless some Toll Gate or Turnpike shall be erected and continued upon such Branch for taking the Tolls hereby granted; nor shall it be lawful for the said Trustees to lay out or apply any of the Monies to be collected or received by virtue of this Act in or towards such Repairs, or for paying for the same.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the said respective Trustees, or any Person or Persons appointed or continued, or to be by them respectively appointed Collector or Collectors, 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 are or shall be standing and being, or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said respective Districts, or any Part or Parts thereof respectively, 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 or other Beast, drawing any Coach, Chariot, Chaise, Gig, Hearse, Litter, Caravan, Van, or other such Carriage, the Sum of Sixpence :

For every Horse or other Beast, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Four-pence Halfpenny :

For every Horse or other Beast, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and under Six Inches, the Sum of Five-pence :

For every Horse or other Beast, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of Sixpence :

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any less Number.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever, shall be entitled or be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the Trustees of the respective Districts of

of Road upon or from or in respect of which the same shall so arise, and shall be applied for the Purposes of this Act, in manner herein-after directed.

XIX. Provided also, and be it further enacted, That no more than the Tolls following shall be demanded or taken, for or in respect of the same Horses, Beasts, 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, Side Gates or Chains, along the whole Line of the said Roads; (that is to say), no more than Four Tolls between *Huddersfield* and *New Hey*, nor more than One Toll between *Out Lane* and *Toothill Lane*, nor more than Two Tolls between *Buck Stones* and *Barkisland*.

Limiting the Numbers of Tolls on the whole Line of Roads.

XX. Provided also, and be it further enacted, That all Horses, Beasts, Cattle, and Carriages, in respect whereof the Tolls hereby granted shall have been paid at any Gate or Turnpike on the said Roads, shall be allowed to repass once for each such Payment through the same Gate Toll-free, in the same Day, to be computed as aforesaid.

No Toll to be paid for repassing.

XXI. Provided also, and be it further enacted, That in case the Toll herein-before authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any one of such Toll Gates or Turnpikes or Side Gates on the Roads in either of the said respective Districts, Four Times in any one Day, to be computed as aforesaid, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate and Gates (if any), upon, across, or on the Sides of the Roads in the same District, as the Ticket for such Payment shall free, at any Time and Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but Four Times in a Day.

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

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

XXIII. Provided also, and be it further enacted, That the several Tolls hereby made payable on the aforesaid Roads respectively, for or in respect of all 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 respective Roads, or any of them, whenever any new Hiring thereof shall take place.

Post Chaises, &c. to be subject again to Toll on every new Hiring.

XXIV. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money

Subscribers to pay their Subscriptions.

for and towards the making and maintaining the Roads in the said *Barkisland* and *Saddleworth* District, 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 Trustees for the said *Barkisland* and *Saddleworth* District shall order and direct, and the same shall be 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.

Expences of Act.

XXV. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, shall be borne and defrayed by the said respective Trustees out of any Monies received or to be received on account of the said respective Districts of Road, in the Proportions following; that is to say, Two-third Parts thereof by the Trustees of the *Huddersfield* and *New Hey* District, and One-third Part thereof by the Trustees of the *Barkisland* and *Saddleworth* District.

Application of the Tolls and Money on the *Huddersfield* and *New Hey* District.

XXIV. And be it further enacted, That the Monies already received by virtue of the said first-recited Act, and now in the Treasurer's Hands, and which shall arise or be received from the Tolls by this Act granted, or otherwise, on the said *Huddersfield* and *New Hey* District, shall be applied by the said Trustees of the said *Huddersfield* and *New Hey* District, in the first Place, in Payment and Discharge of the aforesaid Proportion of all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones or Posts and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act on the same District) be applied in the first Place in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said first-recited Act, in preference to the Interest of any Monies to be borrowed on the Credit of this Act; and in the next Place in keeping down the Interest of the Principal Monies which by virtue of and under the Powers of the said recited Act of the Third Year of the Reign of His present Majesty may be borrowed by the Trustees of the said District on the Credit of this Act, and afterwards in amending, altering, turning, widening, improving, and keeping in repair the Roads in the said District, and in otherwise putting this Act into Execution relative thereto, and then in repaying the Principal Monies already borrowed by virtue of the said first-recited Act, and lastly in repaying the Principal Monies to be

be borrowed by the Trustees of the said District by virtue of this Act or the said recited Act of the Third Year of the Reign of His present Majesty.

XXVII. And be it further enacted, That the Monies already subscribed and advanced; or which shall hereafter be subscribed or advanced for the Purposes of making the said additional or new Piece of Road and Branch called The *Barkisland* and *Saddleworth* District, or which shall be borrowed on the Credit of this Act by the Trustees of the said *Barkisland* and *Saddleworth* District, shall be by them laid out and applied in the Payment and Discharge of the aforesaid Proportion of all the Costs, Charges, and Expences incidental or in anywise relating to the soliciting, obtaining, and passing of this Act, and in making the Surveys and Plans preparatory thereto, together with Interest for all Monies advanced and out of Pocket, and afterwards in defraying the Expences of making the said Roads by this Act authorized to be made, and in purchasing Lands, Hereditaments, and Materials for these Purposes, and also in erecting, building, making, and providing Toll Gates, Turnpikes, Side Gates, Side Bars, Chains, Weighing Machines, Toll Houses, with Out-houses, Offices, Gardens, and Conveniences suitable thereto, and also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into execution; and after Payment of all such Expences; the Remainder (if any) of such Monies, and all Monies whatsoever which shall arise or be produced from or by the Tolls by this Act granted, or otherwise howsoever, on the said *Barkisland* and *Saddleworth* District, shall from Time to Time be applied in discharging the Interest of the Monies so subscribed, advanced, or borrowed, or which shall or may hereafter be subscribed, advanced, or borrowed on account of the Roads in the said District, and afterwards in amending, sustaining, and keeping in Repair the said Roads, Toll Houses, Toll Gates, and other Matters and Things herein-before particularly specified, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies subscribed, advanced, or borrowed, or to be subscribed, advanced, or borrowed, on account of the said District.

Application of the Tolls and Money on the *Barkisland* and *Saddleworth* District.

XXVIII. And be it further enacted, That it shall be lawful for the Trustees of the said *Barkisland* and *Saddleworth* District of Roads, and they are hereby authorized and empowered to make the said Road and Branch in the Manner by this Act directed, of such Width as they shall think proper, not exceeding Forty-two Feet, together with such Footpaths, Causeways, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient, in, upon, over, or through any of the private Lands or Grounds described in a Map or Plan and Book of Reference herein-after mentioned, and for that Purpose to pull down and take and use the Houses, Yards, Gardens, and Premises mentioned in the Schedule to this Act annexed, marked (A.), making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage they may respectively sustain thereby.

New Road may be made.

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

XXIX. And whereas a Map or Plan, describing the Line of the said new Road and Branch, and the Lands through or over which the same are to be made or carried, together with a Book of Reference, containing the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Map or Plan and Book of Reference; and that the said Trustees in making the said Roads shall not deviate more than One hundred Yards 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 such Deviation shall be made.

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

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said additional or extended Line of Road and Branch into, through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County or Riding in which the Lands shall be situate, 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.

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

Trustees restrained from using Premises mentioned in Schedule, unless purchased within Five Years.

XXXII. Provided also, 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 or 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.

XXXIII. And be it further enacted, That the said Trustees for the said *Barkisland* and *Saddlerworth* District shall build proper Walls, or plant Quickset Fences along the Sides of the Roads in such Districts respectively, of the Height of Four Feet and Six Inches at the least, as and for Fences to and for the Lands adjoining, except only where the same Roads or any Part thereof respectively shall or may pass over or through any Commons or waste Grounds.

Fences to be made by Trustees of new Lines of Road.

XXXIV. 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 Court 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, and 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,

Trustees may contract for the Purchase of Land.

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 impanelling 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 Compen-
sation Money
if amounting
to 200*l*.

XXXV. 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 for the Time being 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,

1 G. 4. c. 35.

Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith; or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested, by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XXXVI. 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

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

[*Local.*]

28 A

nominating

nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under
20l.

XXXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of
not making
out a good
Title, &c. the
Purchase
Money to be
paid into the
Bank.

XXXVIII. 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.

XXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be 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.

In case of
disputed
Titles.

XL. 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.

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

XLI. And be it further enacted, That Ditches, Drains, or Water-courses, 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 Fields, 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

Ditches,
Drains,
Bridges, &c.
by whom to
be made and
cleansed.

Expence

Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds, but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired and maintained by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

Minerals
under Road
to belong to
original Pro-
prietors of
Land.

XLII. Provided always, and be it further enacted, That all Mines of Lead Ore, and all Mines, Veins, Beds or Seams of Coal, Ironstone, and other Minerals whatsoever, which shall be discovered or found in or under any Land to be appropriated to the said Roads by this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made, with Liberty for him, her, or them, or his, her, or their respective Agents or Servants, to dig for, mine, and work the same in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Mines, Coals, or other Minerals shall be found, in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working thereof no Damage shall be done to the said Roads, or any Part thereof.

Public Act.

XLIII. 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.

Commence-
ment and
Continuance
of Act.

XLIV. 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.

SCHEDULE (A.) to which the Act refers.

Description of Premises.	Owners.	Occupiers.
Blacksmith's Shop - -	Thomas Day - - -	Freeman Gledhill.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1825.