



ANNO SEXTO

# GEORGII IV. REGIS.

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## Cap. cliv.

An Act for making and maintaining a Turnpike Road from *Shepley Lane Head*, to join the *Barnsley and Grange Moor Turnpike Road*, at or near *Redbrook Plantation*, in the Parish of *Darton*, all in the West Riding of the County of *York*.

[10th June 1825.]

**W**HEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act for making and maintaining a Turnpike Road from Shepley Lane Head in the Township of Shepley, to the Termination of a Branch of the Barnsley Turnpike Road in the Township of Cawthorne, in the West Riding of the County of York*: And whereas the making and extending the Line of the said Road from or from near *Barmby Bason* in the Township of *Cawthorne* to or near to a Place called *Redbrook Plantation*, in the Parish of *Darton*, would, by a Junction with the intended new Road from thence to the Town of *Barnsley*, be of great Advantage and Convenience to the Inhabitants of *Barnsley* and other Places lying near the said Road, and to the Public in general: And whereas it is expedient that the said recited Act should be repealed, and that the said Extension of Road and the Road comprized in the said recited Act should be comprized in One Act: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: 5 G. 4. c. 146.

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And 3 G. 4. c. 126.

4 G. 4. c. 95. And whereas another Act was passed in 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  
 5 G. 4. c. 69. in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes to act as Trustees for repairing and maintaining Turnpike Roads*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said first recited Act of the Fifth Year of the Reign of His present Majesty King *George* the Fourth be and the same is hereby 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 the Purpose of making and maintaining a Turnpike Road from *Shepley Lane Head* in the Township of *Shepley*, to *Barmby Bason* in the Township of *Cawthorne* aforesaid, and from thence to *Redbrook Plantation* in the said Parish of *Darton*, to join the intended Diversion of the *Barnsley* and *Grange Moor* Turnpike Road there.

First recited Act repealed.

This Act to be subject to Debts under former Act.

II. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which have been subscribed or advanced, or which are now due and owing on the Credit of the said first recited Act, and of all Interest due and to grow due thereon; and all and every Person or Persons owing any Sum or Sums of Money 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 executing this Act.

Conveyances, &c. under former Act to be valid.

III. And be it further enacted, That all Conveyances, Mortgages, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into on account of the said Road from *Shepley Lane Head* to the Termination of a Branch of the *Barnsley* Turnpike Road, by any Person or Persons to or with the Trustees for executing the said first recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said first recited Act with or to any Person or Persons for any Purpose relating to the said Road, or to the Execution of the said Act, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first recited Act.

Books kept under former Act to be Evidence,

IV. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first recited Act, kept according to the Directions, or the Provisions thereof, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts and

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, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and shall at all seasonable 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.

and open to  
Inspection.

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, 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, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of  
General  
Turnpike  
Acts ex-  
tended to this  
Act.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of York for the Time being, together with the Right Honourable *Godfrey Bosville* Baron *Macdonald*, the Honourable *Francis Godolphin Darcy Osborne* commonly called the Marquis *Carmarthen*, Sir *George Armitage* Baronet, *John Armitage*, *Robert Affleck* Clerk, *Joseph Beckett*, *John Staniforth Beckett*, *William Bingley*, *Nicholas Brown*, *Thomas Richard Beaumont*, *Thomas Wentworth Beaumont*, *William Bosville Beaumont*, *Edward Beaumont*, *Richard Beaumont*, *Christopher Bird* Clerk, *John Birks*, *Richard Birks*, *Timothy Bentley*, *William Walker Battye*, *John Bates*, *James Bates*, *Richard Boothroyd*, *James Brook* (of *Huddersfield*), *Joseph Brook*, *Joseph Batley*, *Benjamin Butterworth*, *Joseph Charlesworth*, *Edward Collingwood*, *Richard Crookes*, *Joseph Clarke*, *John Clarke*, *John Cordeux*, *Robert Couldwell Clarke*, *William Clarke*, *Charles Theophilus Clarke*, *Henry Clarke*, *George Clarke*, *Luke Thomas Crosley*, *Samuel Cooper*, *Joshua Cuttell*, *Joseph Charlesworth* of *Lothhouse*, *John Dodgson Charlesworth*, *James Dow* Doctor of Medicine, *Elibu Dickenson*, *Richard Dickenson*, *William Dickenson* of *Holmfirth*, *John Dyson*, *Joseph Dyson*, *Thomas Dinsley*, *Richard Day*, *Joseph Drury*, *Francis Offley Edmunds*, *Robert Elmhirst*, *William Elmhirst*,  
Thomas

Trustees ap-  
pointed.

*Thomas Elmhirst, Richard Elmhirst, Lewis Fenton, James Farrar, George Farrar, Joseph Firth of Shepley, Robert Firth, Thomas Firth of Huddersfield, John Firth the younger, John Firth of Newchapel, Andrew Faulds, John Field, John Fletcher Clerk, Walter Fawkes, Francis Hawksworth Fawkes, George Gartside, Joseph Hall, George Horsington, John Hopwood, William Hopwood, Thomas Hardy of Birks Gate, Joshua Hincliffe, James Hincliffe, Joseph Hincliffe, George Hincliffe, James Horncastle, Benjamin Hutchinson Clerk, Thomas Haigh of Tenters, Benjamin Haigh, Joseph Hirst, Francis Hawksworth, Joseph Holdsworth, John Harpin, John Haigh of Shelley Hill Top, John Haigh of Scholes, Thomas Hincliffe, John Haxworth, Samuel Holdsworth, John Johnson, Joseph Johnson, George Jessop, William Jackson, Edward Jackson, Thomas Jackson, Charles Ives, Sir Charles Egleton Kent Baronet, Sir John Lister Kaye Baronet, John Lister Kaye, Francis Kendray, George Keir, John Mallison Keir, John Leadman, Joshua Littlewood, John Lee, Thomas Liddall the younger, John Lindley, Henry Gilby Lonsdale, John Lowe Clerk, Matthew Mark Clerk, Francis Maude Clerk, John Micklethwaite, John Micklethwaite of Horsforth, Benjamin Micklethwaite, Timothy John Manley Doctor of Medicine, John Moore, Richard Greaves Moore, John Moore the younger, Francis Maude, Matthew Moorhouse, James Moorhouse, William Moorhouse of Scholes, Joshua Moorhouse, Thomas Moorhouse of Spring Bottom, Thomas Morehouse of Stoney Bank, George Moorhouse of Moorcroft, William Newman, Edward Newman, William Newton, Isaac Parker Newton, William Naylor, Jeremiah Todd Naylor, James Porter, George Pitt the younger, John Perkins, Robert Pickles, Richard Pickering Doctor of Medicine, William Railton Clerk, William Rodham, Richard Raywood the younger, Robert Richardson, Joshua Robinson, Joseph Roberts of Hey, Thomas Rycroft, Thomas Risbworth, Thomas Risbworth the younger, James Risbworth, John Rowley, Joseph Shaw, John Spencer Stanhope, Charles Spencer Stanhope, Philip Spencer Stanhope, Hugh Spencer Stanhope, George Shaw of Leeds, William Shaw, James Shaw, Joseph Speight, Robert Shaw, Cookson Stephenson, William Stephenson, Samuel Stephenson, William Shepherd, James Stocks, John Sheppard, John Sanderson Clerk, William Spicer, Edward Taylor, Edward Taylor the younger, Thomas Taylor, John Taylor, Richard Taylor, John Thorneley, John Samuel Thorp, Richard Thorp, John Thorneley the younger, Uriah Tinker, John Tinker of Hepworth, John Tinker of Carr, John Tinker of Shelley, Philip Tinker, Hezekiah Tinker, Charles Trotter, Sir Francis Lindley Wood Baronet, Sir George Wombwell Baronet, Sir William Wake Baronet, Charles Wood, William Wake, Eneas Walker, Thomas Walker, Henry Walker, Joshua Walker, Samuel Walker, Jonathan Walker, Frederick Thomas William Vernon Wentworth, James Archibald Stuart Wortley, John Stuart Wortley, James Stuart Wortley, Charles James Stuart Wortley, Godfrey Wentworth Wentworth, Godfrey Wentworth, John Wentworth, John Whitworth, Abraham Woodhead, John Woodhead, John Wood of Denby Dale, John Wood of Dalton, John Wood of Wooldale, John Horsfield Wadsworth, John Wilson, Benjamin Wilson, Ely Wimpenny, Joshua Wimpenny, Thomas West, Thomas White, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making and maintaining the said Road, and for otherwise putting this Act into Execution; and the said Roads shall be called "The Shepley Lane Head and Barnsley Turnpike Road."*

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified according to the Provisions and Directions of the said recited Acts, passed in the Third and Fourth Years of the Reign of His present Majesty (not exceeding Two in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to  
appoint ad-  
ditional  
Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Cross Pipes* Inn in the Township of *Cumberworth*, or at some other convenient Place within the said Township, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be; and the Second Meeting shall be held at the *Spencer's Arms* Inn in the Town of *Cawthorne*, or at some other convenient Place in the said Town; and the said Trustees shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times and at such Place or Places in the said Township and Town respectively as they shall think proper: Provided always, that all such Meetings shall be held alternately at the said Township of *Cumberworth* and Town of *Cawthorne* respectively.

First Meeting  
of Trustees.

IX. 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, so far as the same relates to the said first-mentioned Road, 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.

Old Officers  
to continue,  
until new  
ones elected.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person 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

Clerk not to  
act as Trea-  
surer, and  
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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 Imparance shall be allowed.

Treasurer to  
give Security.

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

For erecting  
Toll Gates,  
Turnpikes,  
&c.

XII. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected and set up or built upon, in, or across the said Roads, or on the Sides thereof, or any Part thereof, 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, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Out-houses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or alter or discontinue the same, or any Part of them, as they the said Trustees shall think proper and direct or appoint.

Power to  
take Tolls.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed, Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates, or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

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

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Cart, or other such like Carriage, where the Fellies of the

Wheels are of a less Breadth than Four and a Half Inches, the Sum of Eight-pence :

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Cart, or other such like Carriage, where the Fellies of the Wheels are of the Breadth of Four and a Half Inches, and of less Breadth than Six Inches, the Sum of Sixpence :

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Cart, or other such like Carriage, where the Fellies of the Wheels are of the Breadth of Six Inches or upwards, the Sum of Five-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence :

For every Ox, Cow, or Neat Cattle, the Sum of One Penny :

For every Calf, Sheep, Lamb, or Swine, the Sum of One Halfpenny :

Which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be erected or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof ; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

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

Tolls to be paid but Once a Day.

XV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, to demand and take for or in respect of the same Horse, Beast, or Cattle for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road, more than Two full Tolls.

No more than Two full Tolls to be paid on the whole Line of Road.

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

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

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every

Horses drawing Post Chaises to be subject again every

to Toll on every new Hiring.

every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Half Toll only to be taken in Cases where full Toll shall have been paid on the Grange Moor Road.

XVIII. And in order that Persons travelling with Horses, Beasts, and Carriages from *Barnsley* unto and upon the Road comprised in this Act, should not be subject to the Payment of double Toll, be it further enacted, That Horses, Beasts, and Carriages in respect whereof the full Toll payable by virtue of an Act of the present Session, intituled *An Act for more effectually improving the Roads from Barnsley Common to Grange Moor and White Cross, and for making a Diversion on the said Roads from or near to Redbrook in the Township of Barugh, to Barnsley, all in the West Riding of the County of York*, shall have been paid at any Gate situate between the Termination (at or near *Redbrook Plantation*) of the Road comprised in this Act and *Barnsley*, shall be allowed to pass through the First Turnpike or Toll Gate on the Road comprised in this Act, on Payment of One-half the Toll hereby granted, and on depositing with the Collector a Note or Ticket denoting the Payment of Toll at the said Gate on the said *Grange Moor* Turnpike Road, and specifying for what Number of Horses such Toll shall have been paid, and whether drawing or not drawing any Coach, Waggon, or other Carriage, as the Case may require.

Subscribers to pay their Subscriptions.

XIX. And be it further enacted, That the several and respective Persons who have subscribed any Agreement or Agreements to pay the Sums respectively set against their Names, for the Purpose of making a new Road from *Shepley Lane Head*, in the Township of *Shepley* in the Parish of *Kirkburton* to *Barnsley* in the Parish of *Silkstone*, shall and they are hereby required to pay to the Trustees for executing this Act, the Sum or Sums of Money so set against their Names, within such Time and Times, and in such Parts and Proportions as the said Trustees shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any One of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

Application of the Tolls and Money to be borrowed.

XX. And be it further enacted, That out of the Monies already subscribed as aforesaid, or to be subscribed or advanced for the Purpose of making the said Road, or which shall be borrowed on the Credit of this Act, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall, in the first Place, pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, and the said first recited Act, with Interest for the same; and the Remainder of all such Monies so subscribed or to be subscribed, advanced or borrowed, shall be applied in defraying the Expences of making the said Road, and in purchasing Lands and Hereditaments, and Materials for the Purpose, and in erecting, making, or providing



providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into Execution; and after Payment of all such Expences, the Remainder (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted, or otherwise, shall from Time to Time be applied in keeping down the Interest of the Monies subscribed or advanced for the Purposes of this Act, and which may be borrowed on the Credit of this Act, and in amending and keeping in Repair the said Road, and the Toll Gates and Toll Houses, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes of this Act, or on the Credit thereof.

XXI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the said Road in, over, or through any private Lands, Grounds, or Hereditaments, first 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-two Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Road, as they shall think necessary or expedient, and for such Purpose or Purposes to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, marked (A.), making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor, and Workmen, from Time to Time to enter upon the Lands and Premises, or Hereditaments through which or whereupon such Road, Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Roads may be made.

XXII. And whereas a Map or Plan, describing the Line of the said Road from *Shepley Lane Head* to *Barnby Basin*, and a Map or Plan describing the Line of an intended new Branch of the *Barnsley and Grange Moor* Turnpike Road (Part of which new Branch, leading from *Barnby Basin* to or near *Redbrook Plantation*, is herein-before directed or authorized to be made by the Trustees for executing this Act), and the Lands, Hereditaments, and Premises through or over which the same are to be made or carried, together with Books of Reference containing Lists of

Road to be made according to the Maps or Plans deposited at the Office of the Clerk of the Peace,

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the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said West Riding; be it therefore enacted, That the said Maps or Plans, and the Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said Riding, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of any such Map or Plan and Book of Reference; and the said Trustees in making the said Road shall not deviate more than One hundred Yards of Three Feet each, from the Line described in such Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate through whose Lands or Premises such Deviation shall be made.

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

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is, or are, or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Maps or Plans as aforesaid, and Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or misstated in the Book or Books of Reference, or in the Schedule to this Act marked (A.), in case it shall appear to any Two or more Justices of the Peace for the said Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

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

XXIV. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, 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 not to enter upon the Lands of Thomas Walker, Esquire.

XXV. Provided always, and be it further enacted, That the said Trustees, or their Successors, in diverting the Branch or Extension of Road hereby authorized to be made, (or any Part thereof), by virtue of the Powers in this Act or the said recited Acts or either of them contained, shall not enter into or upon, or take or make use of any Part of certain Lands now used as Bleaching Grounds, lying on the South-east Side of the before-mentioned Branch of Road in the Township of *Barugh* aforesaid, belonging to *Thomas Walker* Esquire, and in the Occupation of *James Arthington Wilson*, without the Consent of the said *Thomas Walker*, his Heirs, Executors, Administrators, or Assigns, first had and obtained in Writing for that Purpose.

XXVI. 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.

Dwelling Houses, &c. mentioned in the Schedule, to be purchased within Five Years.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises, to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage as aforesaid; and it shall be lawful for all Bodies Politic, Corporate or Collegiate; Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Wards, Infants, or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House, or any other Building, and to treat, contract, and agree with the Trustees for executing this Act for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damage as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators,

Trustees may contract for the Purchase of Land.

Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Premises, shall for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages to be inquired into and ascertained by a Jury, in the Manner prescribed by the said recited Act passed in the Third Year of the Reign of His present Majesty, in Cases where any Damages, Value, or Recompence for Premises thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act relative to the summoning and impannelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

Application  
of Compensa-  
tion Mo-  
ney if  
amounting to  
200*l.*

XXVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, which shall belong to any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such

1 G. 4. c. 35.

Part

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.

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then, and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed ; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties ; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

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

Where under  
20l.

XXX. 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, or if  
Persons can-  
not be found,  
the Purchase  
Money to be  
paid into the  
Bank.

XXXI. 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.

In case of  
disputed  
Titles.

XXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities

to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXXIII. 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 reasonable Expences to be paid by Trustees.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered to make such Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Road dry, and conveying the Water from the same; and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Road (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be necessary, also at the Expence of the said Trustees out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when so made and completed shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Road, shall be maintained and repaired by the said Trustees, subject to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty.

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

XXXV. And

Public Act.

XXXV. 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 this Act.

XXXVI. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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SCHEDULE (A.) to which the Act refers.

Description of Property.	Owners.	Tenants.
Garden - - -	{ George Farrar and James Farrar - }	John Emanuel Nichols.
Orchard - - -	{ The Honourable God- frey Bosville - }	Thomas Wood.
Plantation - - -	- - Ditto - -	Himself.
Garden - - -	{ John Spencer Stanhope Esq. - - - }	John Johnson.
Garden - - -	{ Thomas Richard Beau- mont, Esq. - - - }	Samuel Horn.
Gardens - - -	- - - Ditto - - -	{ Joseph Holden and George Swift.
Three Gardens - - -	- - - Ditto - - -	Elijah Moxon.
Barn - - -	- - - Ditto - - -	- Ditto.
Garden - - -	Thomas West, Esq. - -	George Backhouse.

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