

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lxxii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act relating to the Road from *Barnsdale* through *Pontefract*, to *Thwaite Gate*, near *Leeds*, and also of an Act relating to the Road from *Leeds* to *Wakefield*, in the West Riding of the County of *York*.

[28th *May* 1827.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road to branch off from the* Great North Road *at the South End of* Barnsdale *through* Pontefract, *and from thence to a certain Place called* Thwaite Gate, *all in the West Riding of the County of* York: 59 G. 3. c. 81.
And whereas such Road cannot be effectually improved and maintained in repair, unless the Term and Powers of the said Act are enlarged, and some additional Powers granted: And whereas it would tend to the Accommodation of the Public, and of the Persons residing in the Neighbourhood of the said Road, and such Road might be materially improved, if Power were granted to make and maintain a certain Branch or Diversion from and out of such Road, in manner herein-after mentioned: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said Act relating to

the said *Barnsdale* and *Leeds* Turnpike Road were repealed, and such of the Powers and Provisions thereof as it may be expedient to continue or amend, and the necessary additional Powers and Provisions, were embodied and incorporated in One Act: And whereas an Act was passed in the Third Year of the Reign of His present Majesty
3 G. 4. c. 126. King *George* the Fourth, 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 the
4 G. 4. c. 95. Fourth Year of the Reign of His said 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 Year of the
5 G. 4. c. 69. Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and 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 Third *Monday* next after the passing of this Act the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty, (relating to the said Road from *Barnsdale* through *Pontefract*, to *Thwaite Gate*, near *Leeds*,) shall be and the same is hereby declared to be repealed.

Recited Act 59 G. 3. repealed.

Act to be put in force for maintaining, &c. the Roads herein described.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, improving, and keeping in repair the said Road from *Barnsdale* through *Pontefract*, to a certain Place called *Thwaite Gate*, near the Town of *Leeds*, in the West Riding of the County of *York*; and of making and maintaining a Branch or Diversion from and out of such Road, to commence at the North End of the Village or Hamlet of *Glass Houghton*, within the Parish of *Castelford*, and passing thence (along the present Common Highway leading to *Aberford*) through the several Parishes, Townships, Hamlets, or Places of *Castelford*, *Allerton Bywater*, *Kippax*, *Ledstone*, *Ledsham*, *Garforth*, *Sherburn*, *Peckfield*, *Micklefield*, *Stourton Grange*, *Parlington*, and *Aberford*, and to communicate with the Great North Road from *Ferrybridge* to *Wetherby* at or near to *Hook Moor*, in the Townships and Parishes of *Aberford* and *Sherburn*, or one of them, all within the said West Riding of the County of *York*.

Extending Powers of the General Turnpike Acts to this Act.

III. 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

His present Majesty; or as are varied, altered, or otherwise provided for,) and also the said recited Act passed in the Fourth Year of the Reign of His said 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,) and also the said recited Act passed in the Fifth Year of the Reign of His said present Majesty, and all and every the Powers and Provisions therein contained, shall respectively (so far as the same are not varied, altered, or repealed, or otherwise provided for,) be as good, valid, and effectual for carrying this Act into Execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

Act made liable to Payment of all Monies due under former Act.

IV. And be it further enacted, That this Act, and the Term, Tolls, and other Funds hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Sums which have been borrowed, or which are now due and owing on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, and to the Payment of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Money had been borrowed or had become due and owing on the Credit or on account of this Act; and all and every Person and Persons owing any Money to the Trustees for executing the said former Act hereby repealed, on account of the said Road, shall be liable for the Payment thereof to the Trustees for executing this Act; and such Money shall be applied by the Trustees for executing this Act to the Credit and on account of the said Road, and of the Branch by this Act authorized to be made and maintained.

Contracts, &c. to remain in force.

V. 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, by any Person or Persons, to or with the Trustees for executing the said first-recited Act, or to or with any Person on their Behalf, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, or before all or any of His Majesty's Justices of the Peace having Jurisdiction, (as the Case may require,) until the same be fully satisfied and performed on account of the Trustees acting under this Act; and all Lettings of Tolls, Bargains, Contracts, Agreements, Orders, or Notices made, entered into, or given by the Trustees for executing the said first-recited Act, or by any Person on their Behalf, in pursuance of the Provisions and Directions thereof, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Act, so far as the same relate to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof respectively, notwithstanding the Repeal of the said first-recited Act.

VI. And

Books relative to former Acts to be given in Evidence.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees acting in the Execution of the former Act hereby repealed, and provided and kept by them, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act, and made Evidence thereby, and also all Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, by all Judges, Justices, and others.

Old Officers to continue.

VII. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed according to the Directions of the said recited Acts of the said Third and Fourth Years of the Reign of His present Majesty, and each and every Clerk, Collector, Surveyor, and other Officer appointed under and by virtue of the said former Act hereby repealed, 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 Treasurer, Clerk, 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 and liable 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.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *William Aldam*, *John Atkinson* Clerk, *William Bellhouse*, *Thomas Davison Bland*, *John Blayds*, *Thomas Blayds*, *Theophilus Barnes* Clerk, *George Banks*, *Christopher Beckett*, *Thomas Beckett*, *William Beckett*, *John Brooke*, *James Brook*, *Charles Brown*, *Edward Baines*, *Francis Chorley*, *J Clayton*, the Honourable and Reverend *Archibald Hamilton Cathcart*, *Benjamin Dealtry*, *Lepton Dobson*, *Thomas Dunhill*, *John Dibb*, *John William Elam*, *Richard Fawcett*, *John Allenby Forrest*, *Thomas Firth*, *Nathaniel Fowler*, *Benjamin Gott*, *John Gott*, *William Gott*, *William Gatliff*, *Richard Oliver Gascoigne*, *John Goldsworthy*, *Godfrey Higgins*, *Thomas Houldsworth*, *William Robert Hay* Clerk, *Henry Hall*, *Charles Harris*, *Henry Harris*, *Joshua Hepworth*, *Edward Hemingway*, *James Holdforth*, *Christopher Hardcastle*, *John Heaton*, *John Hill*, *Robert Harrison*, *Thomas Hall*, *Thomas Hall* the younger, *Luke Howard*, *Bernard Hartley*, *Samuel Hartley*, *William Hey*, *John Hardy*, *William Hepworth*, *Samuel Hirst* of *Pontefract*, *Thomas Ikin*, *Benjamin Jowett* the younger, Sir *John Lowther* Baronet, *William Lee*, *William Leatham*, *Flintoff Leatham*, *Darcy Lever*, *Robert Pemberton Milnes*, *Richard Rodes Milnes*, *Michael Mitton*, *James Muscroft*, *Joseph Mellin*, *George Maddison* Clerk, *William Marshall*, *Stephen Nicholson*, *Pim Nevins*, *Robert Oliver*, *Thomas Oxley*, Lord Viscount *Pollington*, the Honourable *Edward Robert Petre*, *John Perfect*, *William Perfect*, *Thomas Pease*, *William Purslove*, *George Pyemont*, *William Prest*, Sir *John Ramsden* Baronet, *Peter Rhodes*, *Abram Rhodes*, *John Robinson*, *Benjamin Sadler*, *Frank Sotheron*, *Charles Smith* Clerk, *Josiah Smithson*, *Robert Smith*, *Henry Teal*, *Edward Trueman*, *Joshua Trueman*,

Trueman, *Henry Taylor*, *William Tomlinson*, *George Thackrey*, *Thomas Tennant*, *Thomas Everard Upton*, Sir *Edmund Mark Winn* Baronet, Sir *Francis Lindley Wood* Baronet, *Charles Winn*, *George Wailes*, *John Whitaker* Clerk, *Richard Wilson*, *Thomas Wilson*, *John Wilson*, *Thomas Walton*, *Shepley Watson*, *William Watson*, *Christopher Wilson*, *Richard Fountayne Wilson*, *Charles Wood*, and their Successors, being duly qualified according to the Provisions and Directions contained in 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 the Trustees for carrying this Act, and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting from Time to Time to be held for that Purpose (of which Meeting, and of the Purpose thereof, at least Three Days previous Notice shall be given in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed with respect to Meetings for the Appointment of Trustees on Vacancies), to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, in addition to the Trustees herein named; and such additional Trustees so elected and appointed, as well as all Trustees to be from Time to Time elected and appointed in pursuance of and according to the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, in the Place or Stead of any Trustee or Trustees dying, resigning, or otherwise become incompetent or disqualified to act, (being duly qualified according to the Provisions of the said Acts of the Third and Fourth Years of the Reign of His present Majesty,) shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named herein.

First Meeting of Trustees.

X. And be it further enacted, That the Trustees acting in the Execution of this Act, or any Three or more of them, shall meet together at the Rotation Office in *Pontefract* aforesaid, or at some other convenient Place upon or near to the said Road, on the Third *Wednesday* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and from Time to Time adjourn to and meet at such Times, and at such Places upon or near to the said Road, and upon such Notice, as they shall from Time to Time think proper.

Clerk and Treasurer not to be the same Person.

XI. And be it further enacted, That it shall not be lawful for the Trustees for executing this Act to continue or appoint the Person who has been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, nor to continue or appoint the Person who has been or who may be

appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk for the Purposes of this Act; 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 such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place or Office of Profit or Trust under this Act (other than that of Treasurer), every Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Limiting Deviation from Plan deposited with Clerk of the Peace.

XII. And whereas a Map or Plan, describing the Line of the said intended Branch of Road, and the Lands and Premises through which such Branch is intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands and Premises, has been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Trustees, in making the said Branch, shall not deviate more than One hundred Yards from the Line of such Branch, as described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Land or Premises such Branch shall pass; and the said Map or Plan and 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 thereof, or Extracts therefrom, at all reasonable Times, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection and Perusal, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts, and so in proportion for any greater or less Number of Words.

Branch may be made.

XIII. And be it further enacted, That it shall be lawful for the Trustees for executing this Act, and they are hereby authorized and empowered to make the Branch herein-before mentioned, in, upon, over, or through any private Lands or Grounds of any Person, and of such Width as they the said Trustees shall think proper, not exceeding Fifty Feet, together with and exclusive of such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient, and for such Purpose to pull down, take, and make use of all or any of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule

to this Act annexed, and to lay the same, and the Site and Sites thereof, or of any Part thereof, into the said Road: Provided always, that the said Trustees shall make Satisfaction to the Owners of and Persons interested in such Lands or Premises so to be taken for making such Branch as aforesaid, for the same, or for the Damage they may sustain by any such Act of the said Trustees, unless the same shall go or pass in, upon, over, or through any Commons or Waste Grounds; and it shall also be lawful for the said Trustees, and for their Surveyors and Surveyor, Agents, and Workmen, by their Order, from Time to Time and at all Times to enter upon the Lands and Hereditaments through which or whereupon such Branch Road, Footpaths, Causeways, Fences, Ditches, and Drains 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 Trespassers or a Trespasser, 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, such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered, paid, and applied in manner directed by the said recited Act of the Third Year of His present Majesty's Reign, with respect to Penalties not exceeding Five Pounds.

Trustees to make Ditches, &c. on each Side of Road and Branch within Inclosures.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to fill up the several Ditches and Drains now being on each Side of the said Road and Branch, or any of them, or such Part or Parts of the same respectively as the said Trustees or their Surveyor shall think fit, and to enter into the several Closes, Fields, and Grounds which shall adjoin upon each Side of the said Road or Branch, and at the Costs and Expence of the said Trustees to make and dig, or cause to be made and dug therein, Ditches, Drains, or Watercourses, to run parallel with the said Road and Branch, and also to make and dig, or cause to be made and dug, at such Place and Places, such and so many Drains and Waterducts as they the said Trustees, or their Surveyors or Surveyor, shall think expedient and necessary, from the said Road and Branch, through the Fences, Hedges, or the Banks thereof, and Walls, which separate the said several Closes, Fields, and Grounds from the said Road and Branch, to communicate with the said several Ditches, Drains, and Waterducts so to be made within the said several Closes, Fields, and Grounds as aforesaid, whereby the Water may be taken and conveyed therein, and effectually drained from and off the said intended Road and Branch; and for the several Purposes aforesaid, the said Trustees, and their Surveyor or Surveyors, Workmen and Labourers, or any of them, shall from Time to Time, and at all seasonable Times, have full and free Liberty of Ingress and Egress to and from the said several Closes, Fields, and Grounds, or any of them, without being or being considered to be

Trespassers

Trespassers or a Trespasser; and which said several last-mentioned Ditches, Drains, and Waterducts shall from thenceforth, and from and after the making and digging thereof respectively as aforesaid, be repaired, scoured, cleansed, and maintained by the respective Owners or Occupiers of the several Closes, Fields, or Grounds in, upon, and through which the same shall have been so made and dug as aforesaid; and the said several Owners and Occupiers shall continue to cut, prune, and trim their respective Hedges, parting the said several Closes, Fields, and Grounds from the said Road and Branch, and cut down, prune, or lop the Branches of the Trees, Bushes, and Shrubs in or near to such Hedges or other Fences, in such Manner as is prescribed, and under and subject to such Penalties, Forfeitures, Costs, and Charges, in default thereof, as are directed to be paid and levied by the herein-before recited Act passed in the Third Year of the Reign of His said present Majesty: Provided always, that the said Trustees shall and they are hereby empowered and required, by and out of the Monies to be received under and by virtue of this Act, to make full Compensation and Satisfaction to the several Persons interested in such Closes, Fields, or Grounds, for any Damage they may sustain by the Execution of the Powers herein-before granted.

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

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Branch of Road into, through, across, over, and upon the several Lands, Grounds, or Premises of any Person who is or may be the Owner of any Lands, Grounds, or Premises set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding of the County of *York*, (in case of a Dispute about the same,) and be certified accordingly, by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake.

No Dwelling Houses, &c. to be injured, except those mentioned in the Schedule, without Consent.

XVI. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Trustees to make such Branch shall not extend to the pulling down or making use of any Dwelling House or other Building, or to the taking in or making use of any Orchard, Garden, Yard, Paddock, Park, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or of any Part of the same respectively, without the Consent in Writing of the Owners or Proprietors thereof first had and obtained, other than and except such as are mentioned in the Schedule to this Act annexed.

Limiting the Time for purchasing Premises.

XVII. Provided also, and be it further enacted, That if the said Trustees shall not, within the Space of Three Years next after the passing of this Act, agree for or cause to be valued, as in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty is directed, and purchase the Buildings, Lands, Tenements,

Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them thereby and hereby granted for such Purpose shall cease, determine, and be utterly void and of no Effect; any thing herein contained to the contrary thereof in anywise notwithstanding.

Application of Compensation when amounting to 200*l.*

XVIII. And be it further enacted, That (notwithstanding any thing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, to the contrary in this respect enacted, declared, or contained,) 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 by virtue of the Powers of this Act, 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 Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person 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 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 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 other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may,

1 G. 4. c. 35.

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 the 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, or settled.

Where less than 200*l.* and not under 20*l.*

XIX. 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 this Act, and belonging to any Corporation, or to any Person under any 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, Idiotcy, 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 said Bank of *England*, in the Name and with the Privity of the 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.

When under 20*l.*

XX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of 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,

taken, or used for the Purposes of this Act, for his, her, and their own Use and Benefit; or in case of Infancy, Idiotcy, 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 Titles, &c.

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum 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 of Money shall be 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 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 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 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 same 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, Title, or Interest of the Person or Persons making claim thereunto, or to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and 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 Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in Possession presumptively entitled.

XXII. Provided always, and be it further enacted, That when 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 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 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

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 Dividend 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 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.

The Court may order reasonable Expences of Purchases.

XXIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporations, 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 Bank of *England*, 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 of Exchequer to order the Expences of all Purchases from Time to Time to be paid 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.

Power to erect Toll Gates, Turnpikes, Side Gates, Weighing Machines, &c.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue all, every, or any of the Toll Gates or Turnpikes, Side Gates, Bars, Chains, Toll Houses, and Weighing Machines now standing and being in or upon or across the said Road, or on the Side thereof, and to remove the same, or any of them, and also to erect, set up, or build, or cause to be erected, set up, or built, in lieu thereof or in addition thereto, upon, in, or across the said Road or any Part thereof, or upon the Sides thereof, or any Part thereof, and also upon the said Branch of Road by this Act authorized to be made as herein-before mentioned, when, where, and as they shall judge necessary, any Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such Gate, Bar, Chain, or Weighing Machine; and to take in and inclose, on the Sides of the said Road and Branch respectively, suitable Garden Spots for the same respectively, 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 and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

XXV. And

Trustees compelled to erect and continue Toll Gates on the Branch Road.

XXV. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, upon the Branch of Road comprised in this Act, One or more Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions in this Act and the said recited Acts contained: Provided also, that no Money arising from any of the Tolls hereby authorized to be collected and taken, shall be applied in or towards the Repair of any Branch Road upon which there shall not be a Toll Gate or Bar erected or put up and continued under the Authority of the Trustees for carrying this Act into Execution: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such respective Branch Roads; any thing in this Act or the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Authorizing the taking of Tolls.

XXVI. And be it further enacted, That from and after the Third *Monday* after the passing of this Act it shall be lawful for the said Trustees, or for any Person under their Authority, to demand and take the following Tolls at each and every Turnpike, Toll Gate, Side Bar, or Chain, to be continued, erected, or placed by virtue of this Act in, upon, across, or on the Sides of the said Road or Branch respectively; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricle, Phaeton, Calash, Sociable, Car, Gig, Hearse, or Litter, the Sum of Eight-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Seven-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Nine-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 Halfpenny, or Ten-pence for every Score:

For every Calf, Sheep, Swine, or Lamb, the Sum of One Halfpenny, or Ten-pence for every Score.

Which said several and respective Tolls or Sums of Money shall and may be demanded and taken as aforesaid before any Horse or other Beast or Cattle, Coach, Waggon, Cart, or other Carriage what-

soever, shall be permitted to pass through any such Toll Gate or Turnpike, Side Gate, Side Bar, or Chain; and such several and respective Tolls or Sums of Money 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.

Tolls to be paid but Once a Day.

XXVII. Provided also, and be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage, through any of such Toll Gates or Turnpikes, Side Bars or Side Gates, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting the Payment thereof on that Day) be permitted to pass and repass Toll-free through the same Toll Gate, Turnpike, Side Bar or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, (such Ticket to be made according to the Requisitions and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty,) at any Time during the same Day, (such Day in all Cases to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), any thing herein contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls on the whole Line of Road.

XXVIII. Provided always, and be it further enacted, That no more than Five full Tolls shall be demanded or taken of or from any Person, for or in respect of the same Horses or other Beasts, or Cattle or Carriages, in any one Day (to be computed in manner herein-before directed), for passing or repassing through all the several Toll Gates or Toll Bars erected or to be erected on the whole Line of the said Road, including the Branch thereof herein-before mentioned.

Stage Coaches, &c. to pay each Time of passing;

XXIX. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Coach carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing and repassing along the said Road and Branch.

Post Chaises, &c. on every new Hiring.

XXX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Road and Branch, whenever any new Hiring thereof shall be made.

Horses, &c. drawing different Waggons, &c.

XXXI. Provided also, and be it further enacted, That the said Tolls shall be payable at each and every Turnpike, Toll Gate, Side Bar and Side Gate, erected on the said Road and Branch, in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for each Time during the same Day that any such Horse or other Beast of Draught shall pass through any of the said Turnpikes, Toll Gates, Side Bars or Side Gates, drawing any other Waggon, Wain, Cart, Van, Caravan, or such

like Carriage than that which such Horse, Ass, or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Tolls shall have been paid.

One Horse Carts may be weighed.

XXXII. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Road, carry a greater Weight than is by Law allowed for Carts drawn by Two Horses; be it therefore enacted, That all Carts passing along the said Road, drawn by One Horse only, shall and may be weighed at any Weighing Machine erected or to be erected on the said Road or Branch, and the like additional Toll demanded, received, and recovered for the Overweight thereof (exceeding the Weight which by Law is allowed for Carts drawn by Two Horses), as is by Law payable in respect of the Overweight of Carts drawn by Two Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by Two Horses, shall be applicable to Carts passing on the said Road or Branch drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Regulating the Payment of Toll for passing from the Leeds and Barnsdale Road towards Leeds, and vice versâ.

XXXIII. And whereas the said Road leading from *Barnsdale* to *Thwaite Gate*, near *Leeds*, enters upon and forms a Junction with the *Leeds* and *Wakefield* Road at or near to *Thwaite Gate*, and within One Mile and a Half and One hundred Yards from the Pavement of the Town of *Leeds* aforesaid, or thereabout, and Persons travelling from the said *Barnsdale* and *Leeds* Road to the Town of *Leeds* aforesaid are of necessity obliged to pass upon the said *Leeds* and *Wakefield* Road, thereby subjecting themselves to the Payment of Tolls at a certain Toll Bar or Toll Gate erected by the Trustees of the said *Leeds* and *Wakefield* Turnpike Road upon the said *Leeds* and *Wakefield* Turnpike Road, called the *Hunslet Bar*, and placed Five hundred Yards or thereabout from the Point of Junction of the said *Barnsdale* and *Leeds* Road with the said *Leeds* and *Wakefield* Road: And whereas it is expedient that a Portion of the Tolls now payable by Persons travelling upon the said *Barnsdale* and *Leeds* Road, and the said *Leeds* and *Wakefield* Road, between the Township of *Rothwell Haigh* and *Leeds* reciprocally, should be reduced: Be it therefore further enacted, That from and after the First Day of *February* next, and during the Period that the Act for repairing and amending the said *Leeds* and *Wakefield* Road shall continue in force, all Persons travelling towards *Leeds* who shall have paid Toll at a certain Bar upon the said *Barnsdale* and *Leeds* Road called *Thwaite Gate Bar*, or at any other Bar which may be erected upon the said Road within the Township of *Rothwell Haigh*, shall, upon producing a Ticket to be for that Purpose provided by the Trustees of the said *Barnsdale* and *Leeds* Road, denoting Payment of Toll at any such Bar as aforesaid, be permitted to pass towards *Leeds* on the same Day Toll-free through all or any of the Bars now erected or which may be erected by the Trustees of the said *Leeds* and *Wakefield* Road between *Thwaite Gate* and *Leeds*; and in like Manner, for and during the same Period, all Persons travelling towards the Township of *Rothwell Haigh*, who shall have paid Toll at a certain Bar on the said *Leeds* and *Wakefield* Road called *Hunslet Bar*, or at

any

any other Bar which may be erected between *Leeds* and *Thwaite Gate* aforesaid, shall, upon producing a Ticket to be for that Purpose provided by the Trustees of the said *Leeds* and *Wakefield* Road, denoting Payment of Toll at any such last-mentioned Bar, be permitted to pass towards the Township of *Rothwell Haigh* Toll-free through the said *Thwaite Gate* Bar, and through any other Bar which by virtue of this Act may be erected upon the said *Barnsdale* and *Leeds* Road within the said Township of *Rothwell Haigh*.

Tolls in respect of Carriages going for Coal to be paid at Hunslet Bar.

XXXIV. And for preventing Disputes respecting the Payment of Toll for Horses or other Beasts drawing any Cart or other Carriage going for Coal, not being the Produce of the Estate of the Right Honourable *William* Lord *Stourton*, within the Township of *Rothwell Haigh* aforesaid, and passing through *Hunslet* Bar aforesaid, from the North Side thereof, be it further enacted, That Toll in respect of the same shall be paid and payable at *Hunslet* Bar.

Imposing additional Toll upon Coal, except Lord Stourton's.

XXXV. Provided always, and be it further enacted, That the said Trustees may and they are hereby authorized to erect or continue a Toll Gate or Turnpike upon some Part of the Estate of the Right Honourable *William* Lord *Stourton*, within the Township of *Rothwell Haigh* in the Parish of *Rothwell* aforesaid, at which Toll Gate or Turnpike, until the Expiration of Thirteen Years from the passing of this Act, there shall be demanded and paid, over and above and in addition to the Tolls by this Act granted, at the said Toll Gate or Turnpike, the Sum of Nine-pence *per* Ton upon or in respect of each and every Horse drawing a Cart, Waggon, or other Carriage laden with Coals, not being the Produce of or got from any Coal Mines on the Estate of the said Lord *Stourton*, within the Parish of *Rothwell* aforesaid, which Toll shall be payable and paid for every such Horse, under and subject to the Regulations and Directions herein contained with respect to the Collection of the other Tolls hereby authorized to be taken.

Exemption from Toll for Lord Stourton and his Tenants, and others fetching Coal from his Collieries.

XXXVI. Provided always, and be it further enacted, That during the Period that the said Act for repairing and amending the *Leeds* and *Wakefield* Road shall continue in force, no Toll shall be demanded or taken at *Thwaite Gate* Bar, or any other Toll Bar which may be erected upon the Estate of the said Lord *Stourton*, within the said Township of *Rothwell Haigh*, except in the Case or Cases herein-after mentioned, of or from him the said Lord *Stourton*, his Heirs or Assigns, or the Owners or Occupiers for the Time being of his or their Estates, Coal Mines, or Hereditaments within the Township of *Rothwell Haigh* aforesaid, or of his, their, or any of their Servants, Workmen, or Labourers, (when employed as such,) passing or repassing with any Horse, Beast, or other Cattle, Wain, Cart, or other Carriage, whether laden or unladen, over or along any Part of the said Road within the Township of *Rothwell Haigh* aforesaid, or of or from any other Person or Persons passing or repassing as aforesaid with any Horse, Beast, or other Cattle, Wain, Cart, or other Carriage, going for, carrying, or conveying, or returning empty after having carried or conveyed any Coals only, being the Produce of any Mines

Mines on the Estate of the said Lord *Stourton*, within the Parish of *Rothwell* aforesaid, any thing herein contained to the contrary notwithstanding.

Power to collect Toll from Lord Stourton and others exempted, in case of Removal of Hunslet Bar.

XXXVII. Provided always, and be it further enacted, That in case the said *Hunslet* Bar, or any Bar which may be set up in lieu thereof upon the said *Leeds* and *Wakefield* Road, between *Thwaite Gate* aforesaid and the Town of *Leeds*, shall be removed or discontinued during the Period that the said Act for repairing and amending the *Leeds* and *Wakefield* Road shall continue in force, then and not otherwise it shall and may be lawful for the Trustees acting in the Execution of this Act to demand, collect, and receive at the said *Thwaite Gate* Bar, or any other Toll Bar to be erected upon the Estate of the said Lord *Stourton*, within the said Township of *Rothwell Haigh*, during the Remainder of such Period as last aforesaid, of and from him the said Lord *Stourton*, his Heirs or Assigns, or the Owners or Occupiers for the Time being of his said Estates, and their respective Labourers, Servants, and Workmen, and of and from all other Persons conveying Coals, the Produce of any Coal Mines of the said Lord *Stourton*, as well as from all other Persons whatsoever, such and the same Tolls for the Passage of Horses, Beasts, Cattle, and Carriages, as now are or hereafter may be payable at the said *Hunslet* Bar, any thing in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that the said Toll of Nine-pence *per* Ton on Coals not the Produce of the Estate or Coal Mines of the said Lord *Stourton* shall be paid in like Manner as though the said *Hunslet* Bar had not been removed.

Payment of One Third Part of the Toll which Lord Stourton is subject to at the Hunslet Bar to the Thwaite Gate Bar, and the other Two Thirds to the Hunslet Bar.

XXXVIII. And whereas it is possible that the said Lord *Stourton* will open and work a Colliery in or near to the Line of the said *Barnsdale* Road, and that the Coal now getting or hereafter to be got out of the Pits or Collieries of the said Lord *Stourton* will pass upon the said *Barnsdale* and *Leeds* and the *Leeds* and *Wakefield* Roads respectively; and it is therefore fair and reasonable that the Tolls paid and liable to be paid by the said Lord *Stourton*, or others, in respect of such Coal, or other Produce of the Estates of the said Lord *Stourton*, should be divided between the Trustees of the said respective Roads in the Proportions herein-after mentioned; be it therefore enacted, That from and after the First Day of *February* next, and during the Period that the said Act for repairing and amending the said *Leeds* and *Wakefield* Road shall continue in force, it shall and may be lawful for the Trustees for executing this Act to collect and take at the said Gate called *Thwaite Gate Bar*, or at any other Toll Bar which may hereafter be erected within the said Township of *Rothwell Haigh*, One Third Part of the Toll imposed upon and liable to be paid, and which by the Trustees of the *Leeds* and *Wakefield* Road for the Time being shall have been directed to be paid at the said *Hunslet* or other Bar between *Thwaite Gate* and *Leeds*, under or by virtue of the Act relating to the said *Leeds* and *Wakefield* Road, for Horses, Carts, or Carriages going for, leading, or carrying Coal or other Produce in or along the said *Barnsdale* Road, which is or would be entitled to Exemption from Payment of

Toll at the said *Thwaite Gate* Bar, or such other Bar as aforesaid, under the Exemption Clause herein-before for that Purpose contained, for the Payment of which Tolls a Ticket or Tickets shall be given by the Bar Keeper of the said *Thwaite Gate* or other Bar as aforesaid, to be produced at the said *Hunslet* or other Bar between *Thwaite Gate* and *Leeds*; and that the other Two Third Parts of such last-mentioned Toll, and no more, shall and may be demanded and shall be paid at the said *Hunslet* Bar, or other Bar between *Thwaite Gate* and *Leeds*, instead of the full Toll now payable thereat, or which but for this present Clause or Proviso would still remain liable to be paid thereat.

Act not to preclude any Arrangement between the Trustees of Barnsdale Road and the Leeds and Wakefield Road.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall preclude or prevent the Trustees of the said *Barnsdale* Road, and the Trustees of the said *Leeds* and *Wakefield* Road, from making any other Arrangement respecting the Tolls of the said Two Roads, so far as they are connected with each other, at such Time or Times during the Period that the said *Leeds* and *Wakefield* Turnpike shall continue in force, and in such Manner as they the said Trustees shall think reasonable, and mutually agree upon.

Certain Exemptions from Toll for the Inhabitants of Glass Houghton.

XL. And whereas the Owners or Occupiers of Estates within the Township of *Glass Houghton* formerly incurred considerable Expence in opening a Part of the Line of the said *Barnsdale* Road, between the North End of *Pontefract Park Lane* and the Town or Village of *Glass Houghton*; be it therefore enacted, That until the Expiration of Thirteen Years from the passing of this Act, no Toll shall be demanded or taken of or from any Person or Persons passing or repassing along any Part of the said Road with any Horse, Ass, Mule, Beast, or other Cattle, Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, or returning empty the same Day after having carried or conveyed any Coal or Limestone only, which may be got from or out of any Coal Pits or Lime Quarries situate within the said Township of *Glass Houghton*, or any Coal or Limestone only from or out of the Coal Pits or Lime Quarries in the Estate called *Wheldale*, belonging to the Provost and Scholars of the *Queen's College, Oxford*; nor shall any such Toll be demanded or taken on the *Pontefract* Market Days, at any Toll Bar which may be erected between the said Towns of *Glass Houghton* and *Pontefract*, of or from any *bonâ fide* Inhabitant Householder within the said Township of *Glass Houghton*, or other Person or Persons in his, her, or their Service or Employ, or of his, her, or their Family, going to or returning from the said Town of *Glass Houghton* to *Pontefract*, whether riding, driving, or otherwise.

Power for Lord Stourton, his Lessees, &c. to make and lay Railroads, &c.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Lord *Stourton*, his Heirs and Assigns, and the Person or Persons who shall for the Time being be the Owner or Owners of or entitled to his said Estates, Coal Mines, and Hereditaments at or upon *Rothwell Haigh* aforesaid, and his, their, and each and every Lessee or Lessees, Tenant or Tenants, and for each and

and every of them, from Time to Time, and at all or any Time or Times hereafter, to make, continue, and lay all such Coal Roads, Railroads, Ways, and Passages from his or their Collieries, Coal Mines, or Coal Works, either now opened and working, or hereafter to be opened or wrought within the Parish of *Rothwell* aforesaid, to the River *Aire*, or to any other Place or Places whatsoever, under or across the said *Barnsdale* and *Leeds* Road, or any Part thereof, as he, they, or any of them shall think necessary and expedient for the leading, carrying, or conveying his or their Coals and other Produce of the said Coal Mines to the said River *Aire*, or to such other Place or Places as aforesaid; and from Time to Time and at all Times for him and them, and his and their Agents, Servants, Workmen, Colliers, and Labourers, freely to pass and repass over and along the Coal Road or Railroad already made and arched, and also over and along such Coal Roads or Railroads, Ways and Passages to be hereafter made, when such last-mentioned Coal Roads or Railroads, Ways and Passages, shall be fenced off from the said *Barnsdale* Road, or arched as herein-after mentioned, with Horses, Cattle, Waggons, Wains, Carts, or other Carriages, or without, and to lead, carry, and convey such Coals and other Produce of the said Coal Mines over and along such Coal Roads, Railroads, Ways, and Passages, by and with Waggons, Wains, Carts, or other Carriages, and with Horses, Cattle, Ropes, Engines, Machinery, or otherwise, as they or any of them shall think proper: Provided always, that no such Coal Road, Railroad, Way, or Passage as aforesaid shall rise more than One Inch above or sink more than One Inch below the Surface of the said Turnpike Road.

Certain Road to continue shut up.

XLII. And whereas so much and such Part of the Highway by *Monkhill* from the said Town of *Pontefract* as did extend from a certain Lane leading to the Farm called *Fairy Hill Farm*, to the Northern Extremity of the said Township or Borough of *Pontefract*, hath been, by virtue of the said herein-before recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, shut up and discontinued, and hath ceased to be a Highway, and hath been since sold, under the Directions and Regulations of the said Act; be it therefore further enacted, That the same shall not be re-opened, nor shall it be lawful for any Person or Persons at any Time to use, claim, or demand the said Part of the said last-mentioned Road as a public Highway, upon any Pretence whatsoever, either with any Horse, Beast, Cattle, or Carriage, or as a Way or Passage for Passengers on Foot: Provided always, that such Part of the said Highway as is between the aforesaid Lane to *Fairy Hill* and the Town of *Pontefract* shall continue to be made and upheld as a public Road by the said Township of *Pontefract*, and be kept in good and sufficient Repair by the Inhabitants thereof, as if this Act, or the said former Act of the Fifty-ninth Year of the Reign of His said late Majesty, had never passed into a Law.

For protecting a certain Fish Pond of Lord Stourton.

XLIII. And be it further enacted, That the said Trustees shall not, in widening, diverting, altering, or turning the said *Barnsdale* and *Leeds* Turnpike Road, in any Case make or divert the said Road, or turn or alter the same so as to pass nearer to a certain Fish Pond of

of the said Lord *Stourton*, situate in the *Glasshouse Farm*, in the Township of *Rothwell Haigh* aforesaid, than Fifteen Yards.

Application of Money in hand, and of Tolls and Money borrowed.

XLIV. And be it further enacted, That out of the Money already received or borrowed by virtue of the said former Act hereby repealed, and out of the Money already subscribed or to be subscribed or advanced for the Purpose of carrying this Act into Execution, or which shall be borrowed on the Credit of this Act, or out of the first Money which shall or may arise or be received from the Tolls by this Act granted, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences incident to and attending the obtaining and passing of this Act, together with the lawful Interest for any Money to be borrowed or advanced for Payment of such Costs and Expences, from the Time of advancing the same to the Time of the Repayment thereof, and the Remainder of all such Monies (after Payment of the necessary Expences of purchasing Lands and Premises, and of first forming the said Branch of Road, and of erecting or repairing Toll Gates, Toll Houses, Milestones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act,) shall be applied in keeping down the Interest of the Principal Monies now or heretofore advanced or borrowed on the Credit of the Tolls collected or arising from or payable on account of the said Road and Branch, and which may hereafter be borrowed on the Credit of this Act, or of the Tolls to arise from, or to be collected on, or to be paid in respect of the said Road and Branch, and in amending, altering, improving, and keeping in repair the said Road and Branch, and otherwise in putting this Act into Execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected on, or arising from, or payable in respect of the said Road and Branch, and the Principal Monies which may hereafter be borrowed by virtue of this Act.

Money not to be laid out in repair of Streets in Pontefract.

XLV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to lay out and expend any Sum of Money to arise or be received by virtue of this Act in repairing or sustaining any of the Streets within the Town of *Pontefract* aforesaid.

One per Cent. to be deposited to form a Sinking Fund.

XLVI. Provided always, and be it further enacted, That the Sum of One Pound *per Centum per Annum* on every Sum of Money already borrowed or received under or by virtue of the said former Act hereby repealed, or now advanced or subscribed, or which shall hereafter be borrowed or taken up at Interest upon the Credit or Security of the Tolls by this Act granted, shall, from and after the Expiration of Three Years after the passing of this Act, be charged on and during the Continuance of this Act be appropriated and paid out of the said Tolls, in order to form a Sinking Fund for the gradual Payment of the Principal Sums now advanced or subscribed, or already borrowed or received under or by virtue of the said former Act hereby repealed, or so hereafter to be borrowed as aforesaid; and after the Payment of any such Principal Sum or Sums, the full Interest which would have been otherwise payable for or in respect of the same to the Creditor or the respective Creditors shall from thenceforth, for and during the Continuance of this Act, be charged on

on and appropriated and paid out of the same Tolls, in aid of the said Sinking Fund; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum, and such Part of the Balance of any other Monies in the Hands of the Trustees of the said Road and Branch as they shall think proper, shall be applied in Payment of an equal Amount of the said Principal Money then due on the Credit or Security of the said Tolls, rateably or by Lot, among the said Creditors, as the said Trustees shall think fit.

Creditors may be paid off.

XLVII. And be it further enacted, That from and after the End of One Year next after the passing of this Act, any Person who now is or at any Time hereafter may be entitled to any Sum of Money lent or advanced at Interest upon the Credit of the said Tolls and Toll Houses, shall and may have such Sum of Money repaid to him or her (and the Treasurer of the said Road and Branch is hereby required to pay the same out of the Monies then in his Hands as Treasurer), under the Penalty of Twenty Pounds, upon giving Twelve Calendar Months Notice in Writing to the Clerk of the Trustees of the said Road and Branch for the Time being (and which Notices such Clerk is hereby required to register in the Order in which the same are received), of his or her wishing any such Sum of Money to be repaid to him or her by the Treasurer of the said Road and Branch; and in order to provide for the making of such Payments, it shall be lawful for the Treasurer of the said Road and Branch for the Time being to make such Payments out of the Tolls of the said Road and Branch, or, with the Consent of the said Trustees, to borrow and take up the Money required for making the same, at Interest, upon Mortgage of the said Tolls, or a proportionate Part thereof, as to the said Trustees shall from Time to Time seem most expedient: Provided always, that the said Treasurer shall not be required in any One Year to pay more out of the Funds of the said Road and Branch than the Sum of Three hundred Pounds, and the Year, for the Purposes hereinbefore mentioned, shall be reckoned to commence from the Day next after the passing of this Act; provided also, that the Treasurer of the said Road and Branch for the Time being shall not in any Case be compelled or compellable to pay any such Sums of Money until after all the Interest then due or becoming due shall be paid or provided for out of the Tolls of the said Road and Branch; any thing in any of the said recited Acts contained, or any Law or Usage, to the contrary notwithstanding.

Public Act.

XLVIII. 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.

Commencement and Term of Act.

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

SCHEDULE referred to by the foregoing Act.

No. on Plan.	Description of Property.	Names of Occupiers.	Names of Owners.
6.	A Messuage, or Part of a Messuage, situate in the Town of Castleford, and being on the South Side, and opposite to Castleford Bridge -	Sarah Thornton - -	Messrs. Edw. Gaggs, Mark Carter, John Carter, and Thomas Carter.
7.	A Cottage or Part of Cottage, situate in Castleford, and adjoining to the above-mentioned Messuage on the West - - - - - -	Eleanor Holmes -	Emilia Jackson. Garnett Jackson.
	Manor of Houghton-cum-Castleford	Thos. Davison Bland, Esquire - -	T. D. Bland, Esq. as Lord of the Manor.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.