ANNO NONO

GEORGII IV. REGIS.

Cap. lxxxiii.

An Act for amending, diverting, and improving the present Roads, and making and maintaining certain new Roads, between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*. [23d *May* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and widening the Road from the Sign of the* Coach and Horses *in* Birstal *to the Turnpike Road at* Nunbrook, *and from* Bradley Lane *to the Town of* Huddersfield, *in the West Riding of the County of* York: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for continuing and amending an Act of the Fifth Year of His present Majesty, for amending and widening the Road from the Sign of the* Coach and Horses *in* Birstal *to the Turnpike Road at* Nunbrook, *and from* Bradley Lane *to the Town of* Huddersfield, *in the West Riding of the County of* York: And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts of the Fifth and Twenty-sixth Years of His present Majesty, for repairing the Road from* Birstal *to* Nunbrook, *and from* Bradley Lane *to* Huddersfield *in the County of* York: And whereas the Trustees appointed in and by virtue of the said several recited Acts have proceeded to put the same in execution,

5 G. 3. c. 72.

26 G. 3. c. 140.

47 G. 3. c. 93.

and considerable Sums of Money have been borrowed on Security of the Tolls authorized to be taken on the said Roads by virtue of the said several recited Acts, or some or one of them, which Sums of Money are still due and owing and cannot be paid off nor the Interest thereof be discharged, nor can the said Road be sufficiently widened or otherwise improved, diverted, and effectually maintained and kept in repair, unless the Powers and Provisions of the said recited Acts are amended and enlarged: And whereas it would be more convenient to the said Trustees, and more beneficial to the said Road and to the Public, if the said recited Acts were repealed, and if further and other Provisions were granted in lieu thereof: And whereas the Trustees for executing the said recited Acts have made a new Piece of Road or Diversion from and out of the said Road from *Birstal* to *Nunbrook*, commencing at the *Greyhound Inn* at *Smithies Lane*, and communicating again with the said Road at *Little Green*, all in the Parish of *Birstal* in the said County of *York*: And whereas the Road comprised in the said recited Acts is, in some Parts, steep, narrow, circuitous, and incommodious to the Public; and it would open a more direct Communication between *Birstal* and *Huddersfield*, and be of much Convenience and Advantage to the Public, if a certain new Piece of Road or Diversion were made to commence at or near the Place on the said Road from *Birstal* to *Nunbrook*, where the *Yew Tree Inn* now stands, and to extend from thence to or near to the *Star Inn* at *Hartishead Common*; and another new Piece of Road or Diversion, to commence at *Cooper Bridge*, and to extend from thence to the Corner of *Lad Greave Wood* in *Bradley* in the Parish of *Huddersfield*, to join the said Road from *Bradley Lane* to *Huddersfield* at *Lad Greave Wood* aforesaid: And whereas an Act was passed in the Thirty-second Year of the Reign of King
32 G. 2. c. 54. *George* the Second, intituled *An Act for repairing and widening the Road from* Dewsbury *to* Ealand *in the West Riding of the County of* York: And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third,
19 G. 3. c. 88. intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Thirty-second Year of His late Majesty, for repairing and widening the Road from* Dewsbury *to* Ealand *in the West Riding of the County of* York: And whereas another Act was passed in the Thirty-eighth Year of
38 G. 3. c. 39. the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Year, and from thence to the End of the then next Session of Parliament, the Term and enlarging the Powers of Two Acts made in the Thirty-second Year of the Reign of King George the Second, and the Nineteenth Year of His present Majesty, for repairing and widening the Road from* Dewsbury *to* Ealand *in the West Riding of the County of* York: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His
59 G. 3. c. 53. said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Three Acts for repairing the Road from* Dewsbury *to* Ealand *in the West Riding of the County of* York: And whereas Part of the said *Dewsbury* and *Ealand* Turnpike Road, near *Cooper Bridge*, intersects the Line of the said *Birstal* and *Huddersfield* Road, whereby Travellers passing from *Birstal* to *Huddersfield* are obliged to travel about One Mile on the said *Dewsbury* and

Ealand Road, and about Three Miles from the Junction of the Two Turnpike Roads to *Huddersfield*, and by reason of the high Tolls which the Trustees of the *Dewsbury* and *Ealand* Road are authorized to take on the said Road, such Travellers are subjected to excessive Tolls in respect of so short a Distance, and it is therefore expedient that Provision should be made for the Relief of the Public from such excessive Tolls: And whereas such beneficial Purpose may be effected, and at the same Time a due Proportion of the Tolls may be applied to the Repair of the said Roads, by authorizing the Trustees of the said *Dewsbury* and *Ealand* Road to exempt such Travellers as aforesaid from Payment of Toll at the Toll Gate erected on the same Road near *Cooper Bridge* aforesaid, and by authorizing the Trustees of the said *Birstal* and *Huddersfield* Road to pay to the Trustees of the said *Dewsbury* and *Ealand* Road One Fifth Part of the Net Tolls received by them between *Huddersfield* and the Junction of the said Two Turnpike Roads, to be applied in the Repair of the said *Dewsbury* and *Ealand* Road, and for other the Purposes mentioned in the said recited Acts relating to the said Road: 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: 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 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:* And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: 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 immediately after the passing of this Act the said several recited Acts passed in the Fifth, Twenty-sixth, and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby severally declared to be repealed.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

7 & 8 G. 4. c. 24.

Recited Acts of 5, 26, and 47 G. 3. repealed.

II. And be it further enacted, That this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of amending, improving, diverting, and maintaining the Road lately made by the Trustees of the *Leeds* and *Homefield Lane End* Road, commencing at a certain Public House in *Birstal*, known by the Name of the *Coach and Horses*, and extending to the *Greyhound Inn* at *Smithies Lane;* and the Road extending from thence through *Rydings Park*, by *Little Green* and the *Yew Tree Inn*, to the Bottom of *Mirfield Moor* near *Nunbrook;* and the Road from *Bradley Lane* to *Huddersfield;* and also an old Road from the *Greyhound Inn* aforesaid, by *Crabtree House*, to *Little Green* aforesaid; and

This Act to be put in execution for amending, &c. the Roads herein described.

and also the new Pieces of Road hereby authorized to be made, commencing at the *Yew Tree Inn* aforesaid, and extending from thence to or near to the *Star Inn* at *Hartishead Common*, and the other commencing at *Cooper Bridge*, and extending from thence to the Corner of *Lad Greave Wood* in *Bradley* in the Parish of *Huddersfield*.

This Act and the Tolls liable to the Debts, &c. contracted under former Acts.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted or authorized to be taken, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls by the said first Three recited Acts hereby repealed authorized to be taken on the said Road from *Birstal* to *Nunbrook*, and from *Bradley Lane* to *Huddersfield*, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be taken and collected; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said first Three recited Acts hereby repealed shall be liable to the Payment thereof to the Trustees herein-after appointed, or directed to be appointed, for executing this Act.

Contracts, &c. under former Acts to be binding.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said first Three recited Acts hereby repealed, or any or either of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, and Notices, made, entered into, or given by the Trustees for executing the said recited Acts hereby repealed with or to any Person or Persons, for any Purpose relating to the Roads comprised therein, or the said Road so by them made as aforesaid, or to the Execution of the said Acts hereby repealed as aforesaid, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing 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 Acts.

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

V. And be it further enacted, That all Books for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Road, kept according to the Directions or Provisions of the said first Three recited Acts hereby repealed, or any or either of them, or of any Act then in force, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements, made under the Direction or by virtue of the said Acts hereby repealed, or any of them, shall be preserved and kept by the Trustees for executing this Act, or as they shall direct, and shall at all reasonable Times be open to the Inspection of the said Trustees, and any Creditor

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 Clerk to the said Trustees, or other Person having the Care of such Book or Books, shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Penalty for Refusal of Inspection.

VI. 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 Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts 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, 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.

Former Officers to continue.

VII. 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 varied, altered, or repealed,) 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 varied, altered, or repealed,) and also the said recited Acts passed in the Fifth and Seventh and Eighth Years of the Reign of His present Majesty, and the Powers or Provisions therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) 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 extended to this Act.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with Sir *George Armytage* Baronet, *John Armytage*, *Henry Armytage*, *Edward Armytage*, *Joseph Armitage*, *George Armitage*, *Joseph Taylor Armitage*, *John Armitage*, *Henry Armitage*, *Edward Armitage*, *James Armitage*, *Edmund Armitstead* Clerk, *Thomas Armitstead*, *John Atkinson*, *Joseph Atkinson*, *Thomas Atkinson*, *Law Atkinson*, *Thomas Allen*, *Benjamin Haigh Allen*, *John*

Appointment of Trustees.

Allen, Joseph Green Armytage, William Green Armytage, Joseph North Green Armytage, William Armitage Archbell, John Archbell, John Atkinson Clerk, *William Aldam, John Beaumont, Charles Horsfall Bill, Richard Bremridge, William Brooke* of *Honley, John Brooke* of *Almondbury, John Brooke* of *Armitage Bridge, Thomas Brooke, Edward Brooke, John Bower, Samuel Brooke, Richard Battye, William Walker Battye, James Bradley, John Booth* of *Huddersfield, James Brook* of *Huddersfield, William Leigh Brook, Joseph Brook, Richard Brook, William Brook, Timothy Bentley, William Battye, John Battye, Benjamin North Rockley Batty, George Banks, James Brook* of *Leeds, Richard Clay, James Crosland, Charles Carr, John Crowther, Robert Denison, John Dyson, John William Elam, Lewis Fenton, Thomas Firth* of *Huddersfield, Joseph Fryer, John Fisher* of *Longroydbridge, Edward Fisher, John Fisher* the younger, *John Firth* of *Lane Head, James Clarke Franks* Clerk, *William Greenwood, Joseph Haigh, John Haigh* of *Springwood, John Haigh* of *Huddersfield, John Haigh* of *Crow Nest, Thomas Holroyd, John Horsfall, John Horsfall* the younger, *Abraham Horsfall, William Margeson Heald* Clerk, *William Heald, John Harrop, Thomas Harrop, Thomas Holdsworth, Thomas Haigh, Edward Hinchliffe, Joshua Ingham, James Taylor Ingham,* Sir *John Lister Lister Kaye* Baronet, *George Lister Kaye, Arthur Lister Kaye,* the Honourable *Henry Lascelles,* the Honourable *William Lascelles, John Lockwood, Daniel Ledgard, William Ledgard, Thomas Lockwood, Thomas Lockwood* the younger, *Abraham Lockwood, Francis Maude, Francis Maude* the younger, *Ralph Maude* Clerk, *John Maude, Thomas Marshall, John Marshall, Jonas Hobson Marshall, Henry Nelson, Thomas Nelson, Joshua Nussey, George Nussey, John Nussey, Sidney Norris, Richard Oastler,* Sir *William Pilkington* Baronet, *Thomas Benson Pease,* Sir *John Ramsden* Baronet, *John Charles Ramsden, William Ramsden, Henry Ramsden, Charles Ramsden, Hammond Roberson* Clerk, *Joseph Rushworth, James Roberts, Joseph Roberts,* Sir *Joseph Radcliffe* Baronet, *Joseph Percival Pickford Radcliffe, Jeremiah Riley, Stansfeld Rawson, Francis Rawson, Walter Williams Stables, Walter Stables, Henry Stables, Joseph Scott, Thomas Starkey, Joseph Starkey, John Starkey, George Senior, James Stancliffe, Joseph Senior, John Sutcliffe, Henry Tudor, William Turnbull, Vance, John Whitacre, Joseph Walker, Joseph Samuel Walker, Samuel Walker* the younger, *Samuel William Walker, William Buttle Walker, Samuel Walker* of *Mirfield, Benjamin Walker, Benjamin Wilson* the younger, *Thomas Wilson, Thomas Wheatley, William Wilkes,* and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed Trustees for amending, improving, diverting, altering, repairing, and maintaining the said Roads comprised in this Act, and for the several other Purposes of this Act, and for otherwise putting this Act in execution.

Power to appoint additional Trustees.

IX. 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 of the said recited Acts of the Third and Fourth Years of the

Reign of His present Majesty, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

X. And be it further enacted, That the said Trustees shall hold their First Meeting for executing this Act at the *George Inn* in *Huddersfield*, or some other convenient Place within the said Town, upon the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper.

Power to continue or erect Toll Gates, Toll Houses, &c.

XI. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered, if they shall think proper, to continue all or any of the Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, Side Bar or Side Bars, and Toll Houses, now standing and being in or upon or across the said Roads, or on the Sides thereof, and also 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 any Part thereof, or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, Toll Houses, and Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads 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 remove or take away the Toll Gates or Turnpikes, or Bars or Chains, Toll Houses and Weighing Machines by this Act authorized to be continued or erected, or any or either of them, as they the said Trustees shall think proper and expedient.

Power to take Tolls.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or authorized by the said Trustees or their Lessees, and they are hereby authorized and empowered, to demand and take the several Tolls herein-after mentioned at each and every of the respective Toll Gates, Turnpikes, Bars, or Chains, and Side Gates, which shall be continued or erected by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Sociable, Berlin, Phæton, Landau, Chariot, Vis-a-vis, Barouche, Chaise, Calash, Chaise Marine, Curricle, Chair, Car, Gig, Whiskey, Hearse, Litter, Stage Coach, Diligence, Caravan, Van, or other such Carriage, any Sum not exceeding the Sum of Four-pence Halfpenny:

For

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, any Sum not exceeding the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and under Six Inches, any Sum not exceeding the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, any Sum not exceeding the Sum of Four-pence Halfpenny:

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

For every Score of Oxen, Cows, or Neat Cattle, any Sum not exceeding Ten-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, any Sum not exceeding Five-pence, and so in proportion for any greater or less Number:

Which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, drawing or not drawing, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed, by virtue of this Act, in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof; and which said respective Tolls 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.

No Tolls to be paid for repassing on the same Day.

XIII. Provided always, and be it further enacted, That in case the Tolls hereby authorized to be taken shall, at any Time or Times, in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) have been paid for the passing of any Horse, Beast, or Cattle, through any such Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to repass Once Toll-free through the same Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, at which such Payment or Payments respectively shall have been made, at any Time or Times during the same Day (to be computed as aforesaid).

Tolls to be payable only Three Times a Day at One Gate.

XIV. Provided also, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid Three Times in any One Day, (to be computed as aforesaid,) for the passing of any Horse or other Beast, drawing or not drawing, through any One of such Toll Gates, Turnpikes, Side Gates, or Chains, such Horse or other

other Beast shall, upon Tickets denoting such Payments being produced, be permitted to pass Toll-free through the same Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, at which such Three Payments shall have been made, at all Times, during the same Day, (to be computed as aforesaid,) any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

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 or take for or in respect of the same Horse, Beast, or Cattle, more than Two Tolls for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road between *Birstal* and *Nunbrook*, nor more than Two Tolls between *Cooper Bridge* and *Huddersfield*.

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

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 or Cart, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Roads, or any of them.

Post Chaises on every new Hiring.

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 Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

General Exemptions from Toll.

XVIII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, to be erected upon, across, or by the Sides of the said Roads, for any Horse, Beast, or other Cattle or Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Compost, or Manure, (except Lime,) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Toll House or Toll Gate erected or to be erected on the said Road.

Exemptions not to be allowed, except Wheels are of a certain Breadth.

XIX. Provided always, and be it further enacted, That no such Exemption from Toll as herein-before mentioned shall be claimed or allowed unless the Tires of the Wheels of such Cart or other Carriage with Two Wheels be of the Breadth of Four and a Half Inches or more, if drawn by One Horse or other Beast, or of the Breadth of Six Inches or more, if drawn by Two or more Horses or other Beasts; nor unless the Tires of the Wheels of such Cart or other Carriage with Four Wheels be of the Breadth of Four and a Half Inches or more, if drawn by One or Two Horses or other Beasts, or

of the Breadth of Six Inches or more, if drawn by Three or more Horses or other Beasts.

One Horse Carts to be weighed.

XX. And be it further enacted, That notwithstanding the said recited Acts or any of them, or any Clause, Matter, or Thing therein contained, all Carts and other Carriages drawn by One Horse or other Beast, and having the Sole or Bottom of the Felies of the Wheels thereof of a less Breadth than Four and a Half Inches, shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Roads, pursuant to any Provision contained in the said recited Act of the Fourth Year of the Reign of His present Majesty, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to weigh such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable by Law; and every such Cart or other Carriage drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Twenty-seven Hundred Weight in Summer, (to be computed from the First Day of *May* to the Thirty-first Day of *October*,) or than Twenty Hundred Weight in Winter, (to be computed from the First Day of *November* to the Thirtieth Day of *April*,) shall pay,

Additional Tolls for Overweight.

and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls granted by this Act) to receive and take such and the same additional Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

Respecting Tolls, &c. on the Dewsbury and Ealand Road.

XXI. And be it further enacted, That from and after the passing of this Act, and during the Time that the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His late Majesty, shall continue in force, it shall not be lawful for the Trustees acting in execution of the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty, nor for any of their Lessees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees or of the said Acts, to demand or take on such Part of the said *Dewsbury* and *Ealand* Turnpike Road as intersects the Line of the said *Birstal* and *Huddersfield* Turnpike Roads, (that is to say, between the Place of the Junction of the said *Birstal* and *Huddersfield* Roads with the *Dewsbury* and *Ealand* Road, near to the *Horse Shoe Inn*, and the Junction of the same Roads at *Bradley Lane*,) for or in respect of any Horses, Beasts, Cattle, or Carriages which shall have passed in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) along any Part of the said *Birstal* and *Huddersfield* Turnpike Road, any of the Tolls which shall be payable or collected by virtue of the said Acts on the said *Dewsbury* and *Ealand*

Ealand Turnpike Road, any thing in the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His late Majesty, or in any Law or Statute contained to the contrary notwithstanding: Provided always, that the said Trustees for executing this Act, or their Treasurer, shall pay and contribute, and they or their Treasurer for the Time being are and is hereby directed and required, on the Expiration of Twelve Calendar Months from the Day of the passing of this Act, or within Thirty Days afterwards, and on the same Day or within Thirty Days afterwards in every succeeding Year, during the Time that the said Acts of the Thirty-second Year of the Reign of King *George* the Second, and the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty, shall continue in force, to pay to the Trustees for executing the same Acts, or to their Treasurer, One Fifth Part of the net Annual Proceeds of the Tolls collected on that Part of the said *Birstal* and *Huddersfield* Turnpike Roads which lies between *Cooper Bridge* and *Huddersfield* aforesaid; and the said Trustees of the said *Dewsbury* and *Ealand* Road shall and they are hereby required to apply the Monies so to be annually paid to them in the Repair of the said *Dewsbury* and *Ealand* Turnpike Road, and for other the Purposes mentioned in the said recited Acts relating to the said Road.

Application of the Money received.

XXII. And be it further enacted, That all the Monies already received by virtue of the said first Three recited Acts hereby repealed, or now in the Treasurer's Hands, and all Monies which shall arise and be produced or received by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be received by virtue thereof, shall be vested in the said Trustees for the Time being, and be applied, in the first place, in Payment of all the Costs, Charges, and Expences incidental to and attending the applying for and obtaining and passing of this Act, with Interest; and in the next place in paying the said annual Payments to the Trustees of the said *Dewsbury* and *Ealand* Turnpike Road, and in defraying the Expences of making and completing the Roads or Diversions by this Act authorized to be made, and erecting and repairing Toll Gates and Toll Houses, and paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the said Acts hereby repealed, and which shall from Time to Time be borrowed or advanced and secured in pursuance of this Act, in keeping the said Roads in repair; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed, and which may hereafter be borrowed and secured by virtue of this Act.

Tolls not to be laid out on the Streets of Huddersfield.

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

in paving or repairing any Highway or Street in the Town of *Huddersfield.*

New Pieces of Road may be made.

XXIV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the said Two new Pieces of Road or Diversions herein-before described, upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty-two Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, on the Line of the said Roads, as they shall think necessary or expedient; and for 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 be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences 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.

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

XXV. And whereas a Map or Plan, describing the Line of the said Pieces of Road or Diversions, and the Lands, Hereditaments, and Premises through or over which the same is or are to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited in the Office of the Clerk of the Parliaments; be it therefore enacted, That the said Trustees, in making the said new Pieces of Road or Diversions, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Land such new Pieces of Road or Diversions shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Parliaments; and the same, or any Copy or Copies thereof, certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall

shall and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others, in all Courts of Law, and elsewhere.

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

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

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

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

Limiting the Time of purchasing to Five Years.

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

Unnecessary Roads may be stopped up by Order of Trustees.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting or Meetings to be held under this Act, after the making of the said new Roads or Diversions, by Order under their Hands and Seals, to order and direct that any Road or Roads which shall be rendered useless or unnecessary by the making of the said new Roads or Diversions shall be stopped up and discontinued at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Roads, or such of them as shall be so stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be common Highways or a common Highway to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order

having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Roads or Road so ordered to be stopped up and discontinued as aforesaid, and also upon the principal Door of the Church or Chapel belonging to the Parish or Parishes within which such Roads or Road shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be Twice inserted in some public Newspaper usually circulated in the West Riding of the County of *York*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same, as herein-after provided; nor shall any such Road be stopped up or discontinued in case any such Person or Persons shall make any such Appeal within Four Calendar Months next after the making of such Order, until after the Determination of such Appeal.

Allowing Appeal against the Order.

XXX. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing such Roads, or any or either of them, to appeal against the same at any General or Quarter Sessions of the Peace for the said West Riding, which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal (to be duly signed by such Appellant or Appellants), or leaving the same at the usual Place of Residence of the Trustees making the Order, or of any One or more of them, at least Ten Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and, upon the Quashing or Confirmation of the said Order, to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

If no Appeal, Order to be conclusive.

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

Construction of the Bridge over the River Calder, &c.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable or empower the Trustees acting under the Authority of this Act to erect and construct any Bridge or Bridges over the River *Calder*, or any Brook or Stream belonging to or contributing its Waters to the *Calder* and *Hebble* Navigation, which shall in any Manner narrow the present Section of such River, Brook, or Stream, or impede, alter, vary, or in any Manner prejudice the Course of the Water therein, or the Rights of the Company of Proprietors of the said Navigation thereto; nor shall anything herein contained extend or be construed to extend to authorize or empower the said Trustees to erect and construct any Bridge or Bridges over any Cut or Canal belonging to the said

said Company of Proprietors of less Height underneath the Arch thereof than Eleven Feet above the Surface of the Water in such Cut or Canal, of less Span than Twenty-one Feet, or with less Breadth, for a Towing or Hauling Path under the same, than Five Feet.

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

XXXIII. 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, and of such Depth and Breadth, as they shall consider expedient for the Purposes of keeping the said Roads dry and of conveying the Water from the same, as well on the Side or Sides of the said Roads, as also, where necessary, into or through any Lands or Grounds adjoining or lying near the said Roads, (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass through, or under the said Roads, shall be repaired and maintained by the said Trustees, subject to the Provisions of the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty.

Public Act.

XXXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Term of Act.

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

SCHE-

SCHEDULE (A.)

Owners.	Occupiers.	Description of Property.
Henry Preston	Ann Mitchell	Garden.
Ditto	Widow Marriott	Coal Pit Cabin.
Charles Brook	[redacted] Brook	Stable and Barn.
Ditto	Ditto	Stack Yard.
Trustees of the late William Child	Joseph Waller and Joseph Knowles	Plantation.
Ditto	Thomas Fearnsides	Ditto.
Ditto	Joseph Waller	Copperas Yard.
Joseph Thackery	Himself	Garden.
Trustees of the late Sir Thomas Pilkington, Baronet	Thomas Haigh and Edward Hinchliffe	Lime Kiln Yard.
Ditto	Thomas Haigh	Plantation.
Ditto	Simon Scholfield, John Rushworth, and Matthew Clough	Garden.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.