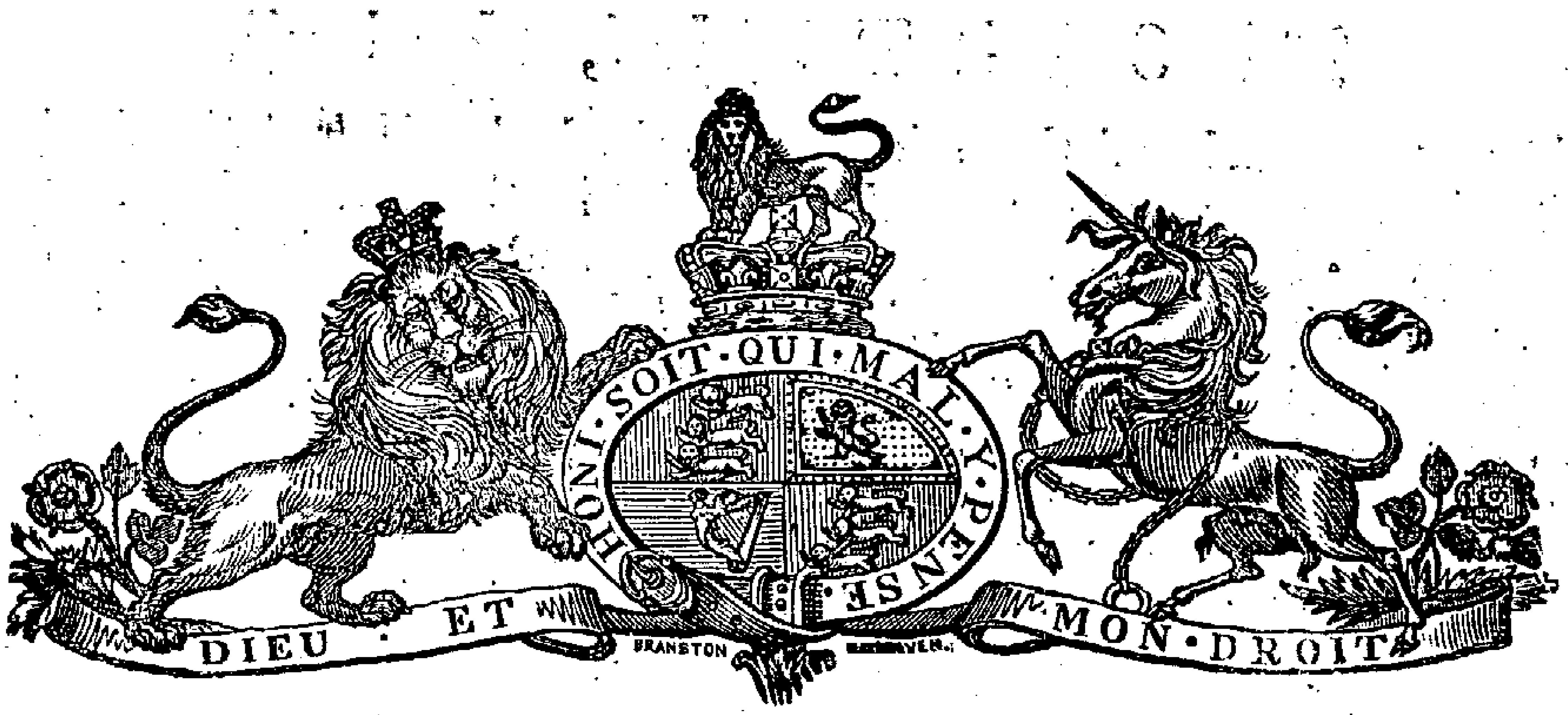


ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

Cap. lxxii.

An Act for repairing, maintaining, and improving the Road from *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a Place called *Bents* to or near *Dunford Bridge*, all in the West Riding of the County of *York*.

[19th *July* 1844.]

WHEREAS an Act was passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the* Wadsley *and* Langset *Turnpike Road, and extending the same in Two Lines to join the* Huddersfield *and* Woodhead *Turnpike Road, in the Townships of* Upperthong *and* Honley *in the West Riding of the County of* York: 4 G. 4. c. 77. And whereas by the said Act the several Roads therein comprised were divided into Three separate Districts or Trusts, and the Road therein mentioned as extending from the Termination of the *Wadsley* and *Langset* Road by way of *Saughley* and *Cross* to join the *Huddersfield* and *Woodhead* Turnpike Road was constituted One of such separate Districts, and called the *Holmfirth* District: And

whereas so much of the said Road called the *Holmfirth* District as extends from the Bottom of *Flint Lane* in the Township of *Thurlstone* to *Holmfirth* has been completed, and a Continuation of the same to join the *Huddersfield* and *Woodhead* Turnpike Road is now making in a more convenient Line than the Line referred to in the said recited Act, which last-mentioned Line it is expedient should be abandoned, and the making of so much of the Line mentioned or referred to in the said recited Act as extends from the Bottom of *Flint Lane* aforesaid to the Termination of the *Wadsley* and *Langset* Turnpike Road is deemed unnecessary: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act on the said *Holmfirth* District of Road, which Money still remains owing, together with Arrears of Interest thereon, and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued, and the existing Tolls altered, and other Tolls granted: And whereas it would be of public Utility if the Trustees for executing this Act were empowered to make the new Line of Road herein-after mentioned to lead to a Station on the *Sheffield, Ashton-under-Lyne, and Manchester* Railway: And whereas it is expedient that the said recited Act should be repealed, so far as the same applies to the said Road called the *Holmfirth* District of Road, and that further and more effectual Powers should be granted, as well for repairing and improving the said Road, as also for making and maintaining the said proposed new Line of Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 *Thursday* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, so far as the same relates to the Road therein called the *Holmfirth* District, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Act repealed, and this Act to be put in force.

II. And be it enacted, That all Money due to, and all Property and all Choses in Action vested in, the Trustees under the said Act hereby repealed, so far as the same relates to the Road therein called the *Holmfirth* District, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof.

Arrears of Tolls, Rents, and other Monies and Property due under recited Act vested in Trustees under this Act.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said West Riding of the County of *York*, together with *James Bates*, *Joseph Batley*, *Richard Batty*,

Appointment of Trustees.

Batty, William Bayley, Benjamin Beeley, William Bingley, Richard Boothroyd, John Boothroyd, Tedbar Boothroyd, John Brook, Benjamin Bradshaw, Henry Briggs, Thomas Burnup, Benjamin Butterworth, Joseph Butterworth, David Charlesworth, Joshua Charlesworth, James Charlesworth, Joseph Rhodes Charlesworth, Thomas Lister Charlesworth, the Reverend *Richard Collins* Clerk, *Joseph Dickinson, John Dickinson, Joseph Dyson* the elder, *Matthew Henry Moorhouse Dyson, Thomas Dyson, Joseph Dyson* the younger, *George Farrar, John Hobson Farrar, George Farrar, James Hobson Farrar, Thomas Farrar, William Fenton, Cookson Stephenson Floyd, George Gartside, Joseph Gartside, William Haigh, John Hall, Samuel Hall, William Hall, John Harpin* the younger, *William Harpin, Edward Harpin, Thomas Hardy, Edward Hardy, Joshua Hinchliff, Joseph Hinchliff, George Hinchliff, James Hinchliff, George Henry Hinchliff, John Hinchliff, David Hinchliff, Jonathan Hirst, John Hirst, James Horncastle, Joseph Johnson, Thomas Iveson,* the Reverend *Richard Ebenezer Leach* Clerk, *Joshua Littlewood, John Littlewood, Thomas Littlewood, Thomas Haigh Martin, Robert Pemberton Milnes, Sidney Morehouse, John Bower Morehouse, Joshua Moorhouse, Matthew Butterworth Moorhouse, George Moorhouse, Joseph Moorhouse, Thomas Morehouse, John Earnshaw Morehouse, John Newton, Thomas Nicholson, William Rimington* of *Broomhead Hall, Henry Shaw, James Shaw, Jonathan Shaw, Cookson Stephenson, Uriah Tinker, Ebenezer Tinker, Uriah Tinker* the younger, *John Tinker, John Tinker* the younger, *George Tinker, Philip Tinker, Abel Tinker, Joseph Turner, Ely Wimpenny, Henry Wimpenny, Newton Wimpenny, George Woodhead, John Woodhead,* and *John Wood* of *Thorncliffe,* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England,* shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it enacted, That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England,* not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their first Meeting at the *White Hart Inn* in *Holmfirth,* or at some other convenient Place in the Neighbourhood of the said Roads, upon the Third *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Roads, as they shall think proper.

Power to appoint Committees.

VI. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Managoment of any particular District or Part of the Roads comprised in this Act, or to execute any of the other Purposes of this Act according to such Instructions and Regulations as shall be laid down by the said

said Trustees at any General Meeting, and the said Committees and their Surveyor may proceed and act according to such Appointment, but shall always be accountable according to such Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VII. And be it enacted, That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road, commencing at the Bottom of *Flint Lane* in the Township of *Thurlstone*, adjoining the High Road there, and passing into or through the Townships, Hamlets, or Places of *Thurlstone*, *Hepworth*, *Cartworth*, *Scholes*, and *Wooldale* to *Holmfirth* in the said Township of *Wooldale*, at or near a certain Butcher's Shop now standing there in the Occupation of *George Haigh*, and for making or completing and maintaining and keeping in repair a Continuation of the said Road from thence into or through the Townships of *Wooldale*, *Cartworth*, and *Upperthong* across the *Greenfield* and *Shepley Lane Head* Turnpike Road, the *Ribbleden* Rivulet, and the River *Holme*, to join the *Huddersfield* and *Woodhead* Turnpike Road in the said Township of *Upperthong*, and also for making, maintaining, and keeping in repair a new Line of Road to lead out of the said first-mentioned Road at a Place called *Bents* in the said Township of *Wooldale*, and to pass into or through the Townships of *Wooldale*, *Cartworth*, *Hepworth*, *Scholes*, *Holme*, and *Thurlstone* to the Station or intended Station on the *Sheffield*, *Ashton-under-Lyne*, *and Manchester* Railway at or near *Dunford Bridge* in the said Township of *Thurlstone*, and for making the Communication delineated on the Map or Plan herein-after mentioned from the said new Line of Road in the said Township of *Thurlstone* to certain Land, marked 83ª on the said Map or Plan, in the said Township of *Cartworth*, all in the West Riding of the County of *York*; and the said Road from *Flint Lane* to the *Huddersfield* and *Woodhead* Turnpike Road shall be a separate District, and be called "The *Holmfirth* District;" and the said Road from *Bents* to the Railway Station shall be a separate District, and be called "The *Dunford* District."

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection.

VIII. And whereas a Map or Plan describing the Lines of the said new Roads, and the Lands through which the same are intended to be made, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said West Riding to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace for the said West Riding, or his Deputy for the Time being, to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

IX. And

Power to make Lines of Road according to Plan.

IX. And be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the Roads herein-before described in the Lines and through the Lands delineated in the Map or Plan, and described in the Book of Reference herein-before mentioned, of such Width as they may think proper, not exceeding Sixty Feet, together with such Footpaths, Bridges, Embankments, Ditches, Drains, Arches, Culverts, Tunnels, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in such Map or Plan and Book of Reference, making Satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

Power to deviate from Lines laid down.

X. And be it enacted, That it shall be lawful for the said Trustees in making the said Roads to deviate from the Lines delineated upon the said Map or Plan: Provided always, that no such Deviation shall extend to a greater Distance than Ten Yards from the Line in *Holmfirth* to join the *Huddersfield* and *Woodhead* Turnpike Road, nor to a greater Distance than One hundred Yards from the Line of the said *Dunford* District, or into the Lands of any Person not described in the said Map or Plan or Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

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

XI. And be it enacted, That it shall be lawful for the said Trustees to make the said Roads in the Line in or through the Lands delineated upon the said Map or Plan, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the said Map or Plan, or 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 in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said West Riding for the Time being.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XII. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purpose of making or improving any Road mentioned in this Act, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*), by means of any such Purchase, or any Conveyance

veyance or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XIII. Provided always, and be it enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have same Powers as if Fee Simple Proprietors.

XIV. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the said Trustees would have had in case they had purchased the Fee Simple, or the whole Estate and Interest, in the said Lands.

Trustees restrained from pulling down Houses not in Schedule.

XV. Provided always, and be it enacted, That the Powers and Authorities given by this Act shall not authorize the said Trustees to take or pull down, or to use or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the Schedule to this Act annexed,) without the previous Consent in Writing of the Owner or Proprietor thereof, and other Persons interested therein.

Limiting the Time for purchasing Property.

XVI. Provided also, and be it enacted, That in case the said Trustees shall not, within the Space of Three Years from the Commencement of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Power to get Stone for Fences.

XVII. And be it enacted, That it shall be lawful for the said Trustees to dig for and take Stone for the Purpose of erecting the Fences on the Sides of the said Roads, in the same Manner as they are by Law authorized to dig for and take Stone for any other Purpose, and subject to the same Regulations.

XVIII. And

Repairs of Fences.

XVIII. And whereas some Parts of the said Roads pass along the Sides of steep Declivities, and serious Accidents to Passengers may happen by reason of the Neglect of the Occupiers of the adjoining Lands to repair the Walls and Fences on the Sides of the said Roads, and the Lives of Passengers will be subject to imminent Danger during the tardy Process by Indictment; be it therefore enacted, That the Owners or Occupiers of Lands on the Sides of the said Roads shall, from and after the Time that they are liable to repair the same by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England*, maintain and keep in repair sufficient proper and substantial Fences or Hedges, of the Height of Four Feet and Six Inches at the least, on the Sides of the said Roads; and if any such Owner or Occupier shall not sufficiently maintain and repair such Fences or Hedges within Fourteen Days after Service on such Owner or Occupier by the Surveyor of the said Roads of Notice in Writing requiring the same to be done, then the Surveyor shall make complaint thereof to some Justice of the Peace within the Limit in which the Lands upon which such Work shall be required to be done shall be situate, and thereupon such Justice shall summon the Owner or Occupier of such Lands before any Two or more Justices; and if it shall appear to such Justices that any such Owner or Occupier has refused or neglected to maintain and repair such Fences or Hedges, pursuant to the Provisions of this Act, it shall be lawful for such Justices, upon hearing such Surveyor and such Owner or Occupier of such Lands, or upon Default of the Appearance of such Owner or Occupier, then upon having due Proof of the Service of such Summons, and after inquiring into and considering the Circumstances of the Case, to order and direct such Fences or Hedges to be sufficiently repaired and maintained by such Owner or Occupier as aforesaid; and if any such Owner or Occupier shall not obey such Order of such Justices within Fourteen Days after Service of a Copy thereof on him he shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings for each Offence, to be recovered and applied as any other Penalty for Offences on Turnpike Roads may be recovered and applied; and it shall then be lawful for the Surveyor of the said Road to repair and maintain such Fence or Hedge in such sufficient Manner as he shall think proper; and such Owner or Occupier so making such Default as aforesaid shall be charged with and pay to such Surveyor, or to the Treasurer of the said Trustees, all the Costs, Charges, and Expences of repairing and maintaining such Fences or Hedges; and in default of Payment thereof, on Demand, such Costs, Charges, and Expences shall be levied and recovered in like Manner, and by the like Ways and Means, as any Penalty, Forfeiture, Fine, or Damages, or Costs, may be recovered or levied by the Acts for regulating Turnpike Roads in *England*.

Liabilities to repair the Holmfirth District of Road to be enforced on such Road although the

XIX. And whereas it has been deemed expedient to permit that a Portion of the Road authorized to be made under the said recited Act should be abandoned as aforesaid; be it therefore enacted, That all Persons who, by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England*, are made liable to the Repair of any Turnpike Road or Highway in any Township within which any Part of

whole of the Road be not made.

of the Line of the said *Holmfirth* District of Road is situate shall be liable to the Repair of such Part and Parts of the Line of the said *Holmfirth* District of Road as now is made and open to the Public, and as shall be from Time to Time made and open to the Public, although the whole of such Line of Road is not or shall not be at any Time hereafter made and completed.

Power to stop up, &c. useless Roads, &c.

XX. And be it enacted, That in all Cases where, by the making of the said new Lines of Road, Parts of public Carriage Roads, Highways, Occupation Roads, Bridleways, or Footpaths shall become useless, or may for the Convenience of the Public require to be diverted into the Turnpike Road, or otherwise, it shall be lawful for the said Trustees, with the Consent and under the Order in Writing of any Two Justices of the Peace for the said West Riding of the County of *York*, to discontinue, stop up, divert, or alter such public Carriage Roads, Highways, Occupation Roads, Bridleways, and Footpaths, or any Parts thereof, in such Manner as they shall deem expedient.

Notices to be given previously to stopping up, &c. useless Roads, Ways, &c.

XXI. Provided always, and be it enacted, That before any public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath shall be discontinued, diverted, stopped up, or altered by the said Trustees, or any such Order of Two Justices shall be made, the said Trustees shall cause to be affixed at each End of such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the said Trustees; and the said Trustees shall also cause the same Notice to be given by Advertisement in some public Newspaper circulated in the said West Riding for Four successive Weeks, and also on the principal Doors of the Churches or Chapels (if any) belonging to the Parishes or Townships within which such public Carriage Roads, Highways, Occupation Roads, Bridleways, or Footpaths shall be situate, on the Four *Sundays* of the said Four successive Weeks.

Proceedings on Order for stopping up, &c. Roads, Ways, &c.

XXII. Provided also, and be it enacted, That immediately after any such Order of Two Justices shall be made the said Order of the said Two Justices shall be transmitted to and lodged with the Clerk of the Peace for the said West Riding; and the said Trustees shall cause to be affixed at each End of such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath a Notice (comprising a Copy of the Order) that such Order has been made; and the said Trustees shall also cause the same Notice to be given by Advertisement in some public Newspaper circulated in the said West Riding for Two successive Weeks, and also on the principal Doors of the Churches or Chapels (if any) belonging to the Parishes or Townships within which such public Carriage Roads, Highways, Occupation Roads, Bridleways, or Footpaths shall be situate, on the Two *Sundays* of the said Two successive Weeks.

Roads, &c. to be discontinued

XXIII. And be it enacted, That after the said several Notices shall have been so given as aforesaid, and after such Order as herein-

before mentioned shall have been made, such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal as is herein-after mentioned. after Notice given.

XXIV. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the said West Riding, upon giving to the said Trustees or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid. Appeal to the Quarter Sessions.

XXV. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the said Trustees, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures for Offences under this Act are recoverable; but if the said Jury shall return a Verdict that such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such public Carriage Road, Highway, Occupation Road, Bridleway, or Footpath shall not be discontinued, stopped up, diverted, or altered, or, in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal; and such Costs shall be paid by the said Trustees or their Treasurer out of the Monies received by virtue of this Act in the District to which the Case shall relate. In case of Appeal, Jury at Sessions to determine whether Roads, &c. shall be discontinued.

Expences of stopping up, &c. Roads, Ways, &c.; and vesting Soil of same.

XXVI. And be it enacted, That the Expences attending the stopping up, discontinuing, diverting, or altering such public Carriage Roads, Highways, Occupation Roads, Bridleways, or Footpaths, or any Part thereof, and all Money Compensation in respect thereof, shall be paid by the said Trustees out of the Monies received by virtue of this Act upon the District where the public Carriage Roads, Highways, Occupation Roads, Bridleways, or Footpaths shall be situate; and that the Soil of such of the said public Carriage Roads, Highways, Occupation Roads, Bridleways, and Footpaths as shall be so stopped up or discontinued shall become the Property of and be vested in the Owners of the adjoining Lands, according to their Rights and Interests in such Lands; (that is to say,) one Moiety in such Owners on one Side thereof, and the other Moiety in such Owners on the other Side thereof.

Power to take Tolls.

XXVII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates, Toll Bars, or Chain Bars which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Ass, Ox, Mule, or other Beast drawing any Coach, Landau, Barouche, Chariot, Chaise, Landaulet, Phaeton, Hearse, Curricle, Chair, Gig, Van, Caravan, taxed Cart, or other Carriage of a like Description, by whatsoever Name called or known, the Sum of Four-pence:

For every Horse, Ass, Ox, Mule, or other Beast drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of a like Description, by whatsoever Name called or known, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, with the entire Sole of such Fellies of a flat Surface, or not deviating more than One Quarter of an Inch from a flat Surface, the Sum of Three-pence:

For every Horse, Ass, Ox, Mule, or other Beast drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of a like Description, by whatsoever Name called or known, having the Fellies of the Wheels of the Breadth of Four and a Half Inches, and less than Six Inches, or having a Deviation of more than One Quarter of an Inch on the entire Sole of the Fellies from a flat Surface, the Sum of Four-pence Halfpenny:

For every Horse, Ass, Ox, Mule, or other Beast drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of a like Description, by whatsoever Name called or known, having the Fellies of the Wheels of less Breadth than Four and a Half Inches, or having a Deviation of more than One Quarter of an Inch on the entire Sole of the Fellies from a flat Surface, the Sum of Sixpence:

For every Horse, Ass, Mule, or other Beast (not drawing), laden or unladen, the Sum of One Penny:

For every Bull, Cow, Ox, Steer, Heifer, Calf, or other such Beast, the Sum of One Halfpenny:

For every Drove of Hogs, Pigs, Goats, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number than a Score:

For every Carriage, of whatsoever Description, and for whatever Purpose, and not drawn by any Horse or other Beast, but impelled or set and kept in Motion by or by means of Steam or Mechanism, the Sum of Two Shillings and Sixpence:

For every Carriage, of whatsoever Description, or for whatever Purpose used, linked or fastened to any Carriage not drawn by any Horse or other Beast, but impelled or set and kept in Motion by or by means of Steam or Mechanism, and drawn by means of its being so linked or fastened thereto, the Sum of One Shilling and Sixpence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Ox, Beast, or other Cattle or Animal or Carriage whatsoever shall be permitted to pass through any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across the said Roads, or on the Sides thereof.

Fraction of a Halfpenny in Tolls.

XXVIII. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Persons having paid Toll to return once Toll-free.

XXIX. And be it enacted, That in case the Toll 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 Gates, Bars, or Chains, such Horse, Beast, or Cattle (except as herein-after mentioned) shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to return once Toll-free through the same Toll Gate, Bar, or Chain at which such Payments respectively shall have been made at any Times during the same Day (to be computed as aforesaid).

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

XXX. Provided also, and be it 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, Bars, or Chains, such Horse or other Beast shall, upon Tickets denoting such Payments being produced, be permitted to pass Toll-free through the same Toll Gate, Bar, or Chain 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.

Limitation of Payments of Tolls.

XXXI. Provided always, and be it enacted, That the Tolls hereby authorized to be taken shall not be demanded or taken at any greater Number of Gates than Two on the said Road called the *Holmfirth* District

District for or in respect of the same Horses, Beasts, or Cattle passing and re-passing once through all the Toll Gates, Bars, or Chains erected or to be erected or continued on the said Road, nor at any greater Number of Gates than One on the said Road called the *Dunford* District for or in respect of the same Horses, Beasts, or Cattle passing and re-passing once through all the Toll Gates, Bars, or Chains to be erected on the said Road, in any one Day (to be computed as aforesaid).

Horses, &c. drawing different Carriages to be again subject to Toll.

XXXII. Provided always, and be it enacted, That in case the Toll hereby authorized to be taken shall have been paid in respect of any Horses, Beasts, or Cattle drawing any Waggon, Wain, Cart, or other Carriage at any Toll Gate, Bar, or Chain upon or on the Side of the said Road called the *Holmfirth* District, or the Road called the *Dunford* District, and any such Horses, Beasts, or Cattle shall be afterwards employed on the same Road during the same Day (to be computed as aforesaid) in drawing a different Waggon, Wain, Cart, or other Carriage from that which they were employed in drawing when such Payment was made, all such Horses, Beasts, and Cattle so drawing shall, notwithstanding such Payment, be again liable to Toll in the same Manner as if no previous Payment of Toll in respect of the same had been made.

Post Chaises to pay every Time of passing with fresh Hiring.

XXXIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post-chaise or other Carriage travelling for hire, as often as new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XXXIV. And be it 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, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, conveying Passengers or Goods (except Slate, Flag, or Stone only conveyed in Waggons or Carts to *Dunford Bridge*) for hire or reward, shall be payable and paid every Time of passing along the said Roads or any Part thereof: Provided also, nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or Cart, on account only of the Horses or Beasts drawing the same having been changed.

One-horse Carts to be weighed.

XXXV. And be it enacted, That all Carts, Waggons, and other such like Carriages passing along the said Roads, drawn by only One Horse or other Beast, or impelled or set and kept in Motion by or by means of Steam or Mechanism, and having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Six Inches, may be weighed at any Weighing Machine hereafter to be erected upon or for the Benefit of the said Roads; and the like additional Toll may be

be demanded, received, and recovered for the Over-weight thereof as is by Law payable in respect of the Over-weight of Carts, Waggons, or other Carriages drawn by Two or more Horses; and all Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts or other such like Carriages passing on the said Roads drawn by only One Horse or other Beast, or impelled or set and kept in Motion by or by means of Steam or Mechanism, and to the Drivers, Masters, and Owners thereof respectively.

Additional Tolls for extra Weight.

XXXVI. And be it enacted, That every Cart, Waggon, or other Carriage drawn by One Horse or other Beast, or impelled or set and kept in Motion by or by means of Steam or Mechanism, having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Six Inches, which, together with the Loading thereof, shall weigh more than Thirty Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Twenty-six Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), and every Cart, Waggon, or other Carriage drawn by One Horse or other Beast, or impelled or set and kept in Motion by or by means of Steam or Mechanism, having the Sole or Bottom of the Fellies of the Wheels of a less Breadth than Four and a Half Inches, which, together with the Loading thereof, shall weigh more than Twenty-six Hundred Weight in Summer (to be computed as aforesaid), or than Twenty-three Hundred Weight in Winter (to be computed as aforesaid), shall be liable to, 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 demand, receive, and take, such and the same additional Toll for Over-weight as Carts, Waggons, or other Carriages drawn by Two or more Horses or other Beasts are liable to by Law.

Penalty on Lessees of Tolls compounding for Over-weight.

XXXVII. And be it enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition by the Year or otherwise with any Person whomsoever for or in lieu of the Tolls of any Carriage of whatsoever Description by Law liable to be charged in respect of Over-weight, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof by Confession, or on the Oath of any Witness before any Two or more of Her Majesty's Justices of the Peace, forfeit, in addition to the Costs and Charges attending the Conviction, a Sum not exceeding Five Pounds, and also his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void; and every such Composition shall be null and void; and One Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied to the Purposes of this Act.

Penalty on Persons transferring

XXXVIII. And be it enacted, That if any Person having paid any Toll hereby authorized to be taken shall give or dispose of the Note

Toll Tickets to evade Tolls.

Note or Ticket signifying the Payment of such Toll to any other Person in order to avoid the Payment of Toll, every Person so giving or disposing of and every Person receiving such Note or Ticket, being convicted thereof before any Two or more Justices of the Peace, shall respectively forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Tolls may be collected on completed Parts of the Road.

XXXIX. And be it enacted, That the Tolls hereby authorized to be taken shall be demanded and be payable and paid (subject to the Provisions in this Act contained) at the several Toll Gates, Bars, and Chains upon the said Road from *Flint Lane* to *Holmfirth*, and upon the Sides thereof, although the Continuation of the said Road from *Holmfirth* to the *Huddersfield* and *Woodhead* Turnpike Road aforesaid shall not be completed and open to the Public, and although the intended new Line of Road from *Bents* to near *Dunford Bridge* shall not be made or completed; and also, that so soon as the said intended new Road from *Bents* to near *Dunford Bridge*, or any Part thereof, shall be made and opened for the Use of the Public, and any Toll Gate, Bar, or Chain shall be erected, pursuant to this Act, upon the same, or on the Sides thereof, the said Tolls shall be demanded and be payable and paid (subject to the Provisions in this Act contained) at the several Toll Gates, Bars, and Chains which shall be so erected, although the said Continuation of the said Road from *Holmfirth* to the *Huddersfield* and *Woodhead* Turnpike Road, or any other Part of the new Roads or Works by this Act authorized to be made, shall not be made or completed.

No Toll on certain Part of Dunford District until District completed.

XL. Provided always, and be it enacted, That no Toll shall be demanded or payable on any such Part of the said intended new Line of Road from *Bents* to *Dunford Bridge* as at the Time of the passing of this Act shall be an existing Highway, until the whole of the said intended new Line of Road shall be made and completed.

Respecting Toll Gates.

XLI. And be it enacted, That the several Toll Gates, Bars, Chains, and Toll Houses now standing or being upon the said Road called the *Holmfirth* District, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, in or across the said Road, and also upon any Road to be made or repaired by virtue of this Act, or on the Sides thereof, any Toll Gate, Bar, or Chain, and to remove the present or any future Toll Gate, Bar, or Chain, as they shall think proper.

Application of Monies on the Holmfirth District.

XLII. And be it enacted, That all Monies which shall be received by the said Trustees upon the said Road called the *Holmfirth* District by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, In paying and discharging One Third Part of the Expences of obtaining or passing this Act, or incident thereto:

Secondly, In paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be

taken by any former Acts for repairing the said Road, and which may have been advanced or subscribed for the Purpose of completing the said Road:

Thirdly, In paying the Expences of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution with reference thereto:

Fourthly, In paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may be borrowed on the Credit of the Tolls after the passing of this Act:

Fifthly, In reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by any former Act for repairing the said Road, and which may have been advanced or subscribed for the Purpose of completing the said Road:

Sixthly, In reducing, paying off, and discharging any Sum which may be borrowed under this Act for repairing the said Road.

Application of Monies on the Dunford District.

XLIII. And be it enacted, That all Monies which shall be received by the said Trustees upon the said Road called the *Dunford* District by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, In paying and discharging Two Third Parts of the Expences of obtaining and passing this Act, or incident thereto:

Secondly, In paying the Expences of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution with reference thereto:

Thirdly, In paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been subscribed or advanced for the Purpose of making the said Road:

Fourthly, In paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may be borrowed on the Credit of the Tolls after the passing of this Act:

Fifthly, In reducing, paying off, and discharging the several Principal Sums which have been subscribed or advanced for the Purpose of making the said Road:

Sixthly, In reducing, paying off, and discharging any Sum which may be borrowed under this Act for repairing the said Road.

No more Money to be laid out than taken on any Road.

XLIV. And be it enacted, That no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

No Money to be laid out for improving any Road not in this Act.

XLV. And be it enacted, That the said Trustees shall not pay or apply any Monies received or to be received for the Purposes of this Act, or any Monies to arise from the Tolls hereby authorized to be taken, in or towards defraying the Expence of the Repairs or Improvement of any Road not comprised in this Act, or of purchasing

chasing or taking down or removing any Houses or Buildings on the Sides of any such Road, any former Act, Law, or Statute to the contrary notwithstanding.

Subscriptions to be applied according to the Contract.

XLVI. And be it enacted, That all Monies which have been or shall be subscribed or advanced for any of the several Purposes of the Execution of this Act shall be applicable and applied to and for the particular Purpose for which the same respectively have been or shall be so subscribed.

For preventing Nuisances.

XLVII. And be it enacted, That if any Person shall lay or place or hang upon the Walls or Fences of the said Roads, or on the Side of the said Roads, for any Purpose whatever, any Wool or Woollen or Cotton Cloth, or any Warp or Linen, or if any Blacksmith or Wheelwright, or other Person, shall, in or upon the said Roads, or by the Side thereof, or in any Situation within Twenty Yards from the Centre of the Road, and exposed thereto, make or assist in making any Fire for the Purpose of heating the Tiring to be affixed upon the Wheel of any Carriage whatsoever, or for any other Purpose whatsoever, every Person offending in any of the Cases aforesaid shall for each such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustee or Clerk a competent Witness in Actions.

XLVIII. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Roads not to be exempt from any general Act.

XLIX. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

L. And be it enacted, That this Act shall commence on the Third *Thursday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

LI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

LII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHEDULE to which this Act refers.

DUNFORD DISTRICT.

Parishes.	Townships.	No. on Plan (A.)	Description.	Owners.	Occupiers.
Kirkburton -	Wooldale -	3[a]	Wickens Road - -	Joseph Hinchcliff of Stand Bank, and others.	Joseph Hinchcliff and others.
		23	Methodist Chapel, School and Outbuildings, and Frontage Ground.	Trustees of Hade Edge Chapel, Firth Barber, and others.	Themselves.
		29[a]	Quarry Road - -	John Moorhouse and others	John Moorhouse and others.
		65	Allotment for Stone Quarry.	The Surveyors of the Highways.	
	Cartworth -	60	Plantation - -	Joshua Littlewood and Benjamin Beeley.	Joshua Littlewood and Benjamin Beeley.
		64	Allotment for Stone Quarry.	The Surveyors of the Highways.	
		69	Allotment of Peat Ground.	Constable of the Constabulary of Holme.	
		70[a]	Occupation Road -	John Harpin, Esq. and others.	John Harpin, Esq. and others.
	Hepworth -	81	Croft - - -	John Harpin, Esq. -	Eli Hirst.
Almondbury	Holme -	66	Allotment for Stone Quarry.	The Surveyors of the Highways.	
Penistone -	Thurlstone -	91	Part of Bed or Soil of the River Dun.	Moses Hadfield, Esq., and George Hall.	

HOLMFIRTH DISTRICT.

Parishes.	Townships.	No. on Plan (B.)	Description.	Owners.	Occupiers.
Kirkburton -	Wooldale -	1	House, Shop, Warehouse, Kitchens, Area, and Frontage.	Elizabeth Bray and Ann Dickinson.	William Wood and Alfred Wood.
		24	Houses, Shops, Necessary, Outbuildings, and Appurtenances.	Ann Dickinson - -	Richard Earnshaw, William Day Martin, and James Whiteley.
	Cartworth -	5	Coal Yard - -	Joshua Hinchcliff - -	David Tinker.
		6	Stable, Pig-cote, and Yard	Same - - -	Jonathan Butterworth.
		7	Building occupied as a Greengrocer's Shop.	Same - - -	Abel Hoyle.
	Wooldale and Cartworth.	26	Bed or Soil of the Ribbleden Rivulet.	Ann Dickinson and Joshua Hinchcliff, or the Surveyors of Highways of Wooldale and Cartworth.	
Kirkburton and Almondbury.	Cartworth, Wooldale and Upperthong.	10	Bed or Soil of the River Holme.	Joshua Hinchcliff, Joshua Moorhouse, or the Surveyors of the Highways of Wooldale, Cartworth, and Upperthong.	
Almondbury	Upperthong	11	Cart Shed - -	Joshua Moorhouse -	Joshua Moorhouse.
		13	Land, Yard, Tenter Ground, and Roads.	Same - - -	Ditto.
		16	Out-kitchen, flagged Ground, and Steps.	Same - - -	Ditto.
		17	Piece of vacant Ground	Joseph Moorhouse -	Joseph Moorhouse.
		18	Front Garden - -	Same - - -	Ditto.
		20	Kitchen Garden -	Same - - -	Ditto.
		21	Garden and Rabbit Hole	Joshua Moorhouse -	Ditto.
		22	Planted Walk or Road -	Same - - -	Joshua Moorhouse.

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