ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. cxviii.

An Act for repairing, maintaining, and improving the Road from *Dewsbury* to *Ealand* in the West Riding of the County of *York*. [4th *July* 1836.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of King *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 King *George* the Third, 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, whereby, after reciting that Doubts have arisen touching the Extent of the Road intended to be repaired by the former Act, it is enacted and declared, that the Road leading from the North-east End of *Raven's Bridge*, which stands at the Confines of the Town of *Dewsbury*, to the Pinfold standing at the South-east End of or Entrance into the Town of *Ealand*, shall be deemed the Road intended to be repaired by the said Act: And whereas another Act was passed in the Thirty-eighth Year of King *George* the Third, intituled *An Act for continuing for Twenty-one Years, 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*

32 G. 2. c. 54.

19 G. 3. c. 88.

38 G. 3. c. 39.

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 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 considerable Sums of Money are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts on the said Road, which cannot be paid off, nor the Interest thereof be discharged, nor can the said Road be extended, diverted, or otherwise improved and effectually maintained and kept in repair, unless the Powers and Provisions of the said recited Acts are amended and enlarged, and the Tolls authorized by the said recited Acts to be taken on the said Road altered and increased: And whereas the making and maintaining of a new Branch or Diversion of the said Road, to commence at or near a Place called *Nun Brook*, and to terminate at or near a Place called *Stocks Bank*, respectively in the Township of *Mirfield* in the said West Riding of the County of *York*, and the making and maintaining an Extension and Continuation of the said Road, to commence at or near a Place called *Ravens Bridge*, aforesaid, in the said Township of *Mirfield*, and to terminate at or near a Place called *Church Street*, in the Parish of *Dewsbury* aforesaid, in the said West Riding of the County of *York*, will open a shorter, safer, and more commodious Communication than there is at present between the improving Town of *Dewsbury* aforesaid and the surrounding populous District, and the several Towns and Villages to which the said Turnpike Road now leads, and will also be of great public Utility: And whereas it is expedient that the said recited Acts for repairing the Road from *Dewsbury* to *Ealand* should be repealed, and further and other Powers and Provisions granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the First Day of *August* next the said several 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 King *George* the Third, shall be and the same are hereby declared to be repealed.

59G. 3. c. 53.

Recited Acts repealed.

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

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 improving and maintaining the aforesaid Road from *Ravens Bridge* aforesaid to the Pinfold at *Ealand* aforesaid, and also for making the said Diversion of the said Road commencing at or near *Nun Brook* and terminating at or near *Stocks Bank*, respectively in the Parish of *Mirfield* aforesaid, and the said Extension of the said Road commencing at or near *Ravens Bridge* aforesaid and terminating at or near *Church Street* in the Parish of *Dewsbury* aforesaid.

Tolls liable to Debts, &c. contracted under former Acts.

III. And be it further enacted, That the Tolls hereby granted and authorized to be taken on the said Road shall be and the same are hereby declared to be subject and liable to the Payment of all Monies which are now due and owing on the Credit of the said Tolls granted by the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second,

Second, and by the said recited Acts of the Nineteenth, Thirty-eighth, and Fifty-ninth Years of the Reign of King *George* the Third, 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 advanced or borrowed, or had become due on the Credit of this Act or of the Tolls hereby granted; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the same Acts hereby repealed shall be liable to the Payment thereof to the Trustees for executing this Act, and such Sums shall be applied for the Use of the said Road.

Appointment of Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with Sir *George Armytage* Baronet, *John Armytage*, *George Armytage*, *William Armytage*, *Godfrey Armytage*, *Henry Armytage*, *Thomas Atkinson* Clerk, *John Aspinal*, *Thomas Allbutt* Clerk, *Richard Henry Beaumont*, *Thomas Wentworth Beaumont*, *John Bunbury Blake*, *Charles John Brandling*, *Adderley Beamish*, *Benjamin North Rockley Batty*, *William Battye* of *Birstal*, *Nicholas Brown*, *Nicholas Brown* the younger, *Uriah Bradbury*, *Titus Senior Brooke*, *John Brooke* of *Dewsbury*, *John Brooke* the younger, *John Brooke* of *Brighouse*, *John Brooke* the younger, *Joseph Cockill*, *James Crosland*, *Caleb Crowther* Doctor of Medicine, *Thomas Cook*, *John Crowther*, *George Crowther*, *Benjamin Crowther*, *Elliott Carrett*, *Joseph Travis Clay*, *John Carter* of *Ealand*, *John Clay*, *George Augustus Dawson* Clerk, *Joseph Dawson*, *Samuel Dawson*, *John Emmett*, *Thomas Firth*, *John Fairburn*, *Joseph Fryer*, *Joseph Jowitt Fryer*, *Charles Fryer*, *John Greenwood* of *Daisy Hill*, *Jonathan Greenwood*, *John Greenwood*, *Abram Greenwood*, *John Beswicke Greenwood*, *Samuel Gill* of *London*, *William Greenwood* of *London*, *Joshua Garside*, *Joseph Holdsworth*, *Joseph Sykes Hague*, *Thomas Hague*, *John Hague*, *Edward Hague*, *Thomas Haigh*, *Samuel Wood Haigh*, *Edward Hinchliffe*, *John Hodgson*, *Samuel Hodgson*, *Samuel Hurst*, *Richard Hurst*, *John Heald*, *Joshua Thomas Horton* Clerk, *John Hardy*, *Robert Holdsworth*, *John Halliley*, *James Halliley*, *John Halliley* the younger, *George Hirst*, *William Holland*, *Samuel Holland*, *John Hebblethwaite*, *Matthew Hale*, *John Hammerton*, *Joshua Ingham*, *Joshua Cunliffe Ingham*, *James Taylor Ingham*, *John Arthur Ikin*, *Joshua Ingham Ikin*, Sir *John Lister Lister Kaye* Baronet, *Arthur Lister Lister Kaye*, *John Kitson*, *Charles Kitson*, *John Leadbeater*, *Thomas Leadbeater*, *Edward Ledgard*, *Francis Ledgard*, *Joseph Lee*, *Thomas Lee* of *Wakefield*, *Thomas Lee* the younger, *William Lister*, *Francis Maude*, *Ralph Maude* Clerk, *Daniel Micklethwaite*, *James Micklethwaite*, *Morritt Matthews*, *Martin Manley*, *William John Norris*, *Thomas Oldroyd*, *Samuel Oates*, *Richard Ostler*, Sir *William Pilkington* Baronet, *John Parker*, *John Pilling*, *Joseph Pilling*, *Charles Pitchforth*, *Abraham Crowther Pitchforth*, Sir *Joseph Radcliffe* Baronet, *William Greenwood Rylah*, *Thomas Rylah*, *Hammond Roberson* Clerk, *Thomas Rawson* of *Nidd*, *John Rawson* of *Ashgrove*, *William Rhodes*, *William Brook Rhodes*, *Joseph Rushforth*, *Henry Rushforth*, *Edward Sykes*, *Henry Stables*, *William Walter Stables*, *William Stancliffe*, *John Stancliffe*, *Richard Shepley Stancliffe*, *Joseph Stancliffe*, *Abraham Sanderson*, *John Sheard*, *John Scholefield* of *Mirfield*, *John Scholefield* of *Horbury*, *Richard Sykes*, *George Sargent*, *Joseph Starkey*, *Thomas Spedding*, *Joseph Bottomley Sykes*, *John Stott*, *Joseph Stott*, *Samuel Stansfield*, *Jonathan Schofield*, *George Schofield*, *John*

John Flinders Schofield, *Henry Torre* Clerk, *William Turner*, *Charles Radcliffe Turner*, *William Toone*, *Thomas Todd*, *John Tyas*, *Thomas Thornhill*, *John Tweedle*, *William Kenworthy Walker*, *Percival Wormald*, *William Watts*, *William Wheatley*, *Joseph Wheatley*, *Joshua Hirst Wheatley*, *Richard Wheatley*, *Thomas Wheatley*, *Edward Balme Wheatley*, *Charles Wheatley*, *Charles Wheatley* the younger, *John Whitacre*, *Charles Wooler*, *Samuel Walker*, *Benjamin Walker*, *Samuel Walker* the younger, *Edmund Walker*, *Benjamin Wilson*, *Thomas Wilson*, *Joseph Walker* of *Lascelles Hall*, *William Buttle Walker*, *James Wraith*, *Richard Wheatley* of *Brighouse*, *Samuel Walker* of *Whitley*, *Thomas Walker* of *Whitley*, and *Ely Wilkinson* the younger, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for extending, diverting, improving, and maintaining the said Road from *Dewsbury* to *Ealand*, and for carrying this Act into execution.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees hereby appointed and they are hereby authorized and empowered, at any of their Meetings to be holden by virtue of this Act, to elect and appoint any Number of fit and proper Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole, in addition to the Trustees in and by this Act named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Black Bull* Inn in *Mirfield* aforesaid on the Second *Thursday* after the Commencement of this Act, or as soon after as conveniently may be, for carrying the Purposes of this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and such Place or Places upon or near to the said Road, as the said Trustees shall find expedient and appoint for that Purpose.

Power to erect or continue Toll Gates, &c.

VII. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses erected and now standing and being in, upon, or across or on the Sides of the said Road shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and built, or set up and placed, upon, in, or across the said Road or any Part or Parts thereof, or by the Sides thereof, (except upon such Part or Parts thereof as by virtue of the Act herein-after recited, passed in the Ninth Year of the Reign of King *George* the Fourth, for repairing the Road from *Birstal* to *Huddersfield*, the Trustees of the *Dewsbury* and *Ealand* Road are expressly restricted from taking Toll,) when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Gates or Turnpikes, or such future Gates, Turnpikes, Side Gates,

Side Bars, or Chains, Weighing Machines, or any of them, as they the said Trustees shall think proper.

Power to take Tolls.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take or to cause to be demanded and taken at the several and respective Turnpikes, Toll Gates, Bars, and Chains now erected or hereafter to be erected upon, across, or on the Side of the said Road, (subject to any Order which may be made by the said Trustees at their First Meeting,) the Tolls or Sums herein-after mentioned, or any Sum or Sums not exceeding the Tolls or Sums herein-after mentioned, on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night); that is to say,

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding the Sum of Sixpence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, any Sum not exceeding the Sum of Sixpence; and having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches, any Sum not exceeding the Sum of Five-pence; and having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, any Sum not exceeding the Sum of Four-pence:

For every Four-wheeled Carriage of any Description, which shall be fastened or in any Manner fixed to another Carriage, any Sum not exceeding the Sum of Ten-pence; and for every Two-wheeled Carriage so fastened or fixed, any Sum not exceeding the Sum of Sixpence:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding the Sum of Two Shillings and Sixpence:

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

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

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

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein-before granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which said Sums of Money or Tolls shall be demanded or taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, or Carriage of whatsoever Description, chargeable with Toll as aforesaid, 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 Road; and such respective Tolls

or Sums of Money shall be and they are hereby vested in the Trustees for putting this Act in execution, and shall be applied in manner hereinafter directed.

Limiting the Number of Tolls on the whole Line.

IX. Provided always, and be it further enacted, That no more than Three Tolls in the whole shall be demanded or paid for or in respect of the same Horses, Beasts, Cattle, or Carriages for once passing on the same Day (to be computed as aforesaid) through all the Turnpikes or Toll Gates, Side Gates, or Chains erected or to be erected on the whole Line of the said Road; provided also, that any Horses, Beasts, Cattle, or Carriages for or in respect of which the Tolls by this Act granted shall have been paid at any Turnpike or Toll Gate, Side Gate or Chain, shall be allowed to return through the same Turnpike or Toll Gate, Side Gate or Chain, (and also through any other Turnpike or Toll Gate, Side Gate, or Chain, which under the Provisions of this Act such Payment will clear,) on the same Day, without Payment of Toll; but if such Horses, Beasts, Cattle, or Carriages shall pass a Third Time through the same Turnpike or Toll Gate, Side Gate or Chain, such Horses, Beasts, Cattle, or Carriages shall be again liable to the Payment of Toll, and so *toties quoties* for every Third Time of passing through the same Turnpike or Toll Gate.

Horses drawing different Carriages to pay each Time of passing.

X. Provided also, and be it further enacted, That in case the Tolls in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts drawing any Waggon, Wain, Cart, or other such Carriage, for passing through any such Toll Gate, Turnpike, Side Bar, Side Gate, or Chain on the said Road, and any such Horse or other Beast shall afterwards be employed during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

Stage Coaches to pay every Time of passing.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, Waggon, or other such public Carriage carrying Goods or Passengers for Pay or Reward, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or any other than Animal Power, conveying Goods or Passengers for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road; provided nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, or other such public Carriage, on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Horses drawing Post Chaises, &c. subject to Toll on every new Hiring.

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

XIII. And

Application of Tolls.

XIII. And be it further enacted, That all Monies now in the Hands of the said Trustees or of their Treasurer, or which shall or may be collected or received under the Powers or Authorities of this Act, shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the applying for and obtaining the passing of this Act or incidental thereto; in the next place, in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Posts, Boards, and Fences, and for Books, Advertisements, and Salaries of Officers, and all other Expences incidental to the Execution of this Act, and in keeping down the Interest of Monies now due or hereafter to be subscribed or advanced, and which may be borrowed on the Credit of this Act for the Purposes of the said Road, and in amending and keeping the same in repair, and in repaying the Principal Monies already subscribed or advanced, or now due or owing for the Purposes of the said Road, or which shall be borrowed on the Credit of this Act on account of the same Road.

No Money to be laid out in repairing the Streets in Dewsbury or Ealand.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Acts hereby repealed or any of them, or to be raised by virtue of this Act, in repairing, amending, lighting, or improving any Street, Highway, Road, or Place in the Towns of *Dewsbury* and *Ealand*, or either of them, or any other Town through which the said Road shall pass, or to collect any Tolls by virtue of this Act therein.

New Road may be made.

XV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered and required, to make the said Two new Pieces of Road or Diversion and Extension of Road herein-before mentioned and described upon, in, over, and through any Lands or Grounds or Hereditaments, of such Width and Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, as shall be necessary and expedient for the Accomodation of all Persons having Occasion to pass thereon, and for the Convenience of the several Owners and Occupiers of the Lands in or through which the said Diversion and Extension of the said Road shall be made; and for such Purpose or Purposes it shall and may be lawful for the said Trustees, and all Persons acting under their Authority, and they are hereby authorized and empowered, to enter upon and to take and use the Lands, Hereditaments, and Premises upon, over, or through which the Lines of the said Two Pieces of Road or Diversion and Extension of Road are laid down or described in the Maps or Plans and Book of Reference herein-after mentioned, and also to take and use or pull down and remove the Houses, Buildings, Tenements, Hereditaments, and Premises described or mentioned in the Schedule to this Act annexed, any Law or Statute to the contrary notwithstanding, making or tendering Satisfaction to the Owners or Proprietors of all private Lands, Houses, Buildings, Tenements, and Premises so taken and used, for the same, or for any Loss or Damage they may sustain thereby.

XVI. And

Maps or Plans deposited with the Clerk of the Peace to remain there, and be open to Inspection.

XVI. And whereas Two several Maps or Plans describing the Lines of the said Two new Pieces of Road, and the Lands, Hereditaments, and Premises over or through which the same are to be made, together with a Book of Reference containing a List of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited with the Clerk of the Peace for the said West Riding of the County of *York*; be it therefore enacted, That the said Maps or Plans and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies of or Extracts therefrom at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the said Maps or Plans and Book of Reference; and the said Trustees in making the said Two new Pieces of Road shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic or Collegiate, through whose Lands or Premises such Deviation shall be made.

Misnomers in the Map or Schedule not to prevent the Improvements.

XVII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Two new Pieces of Road into, through, over, or across the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands and Premises over which the same is or are set out and described in the said Maps or Plans or Book of Reference as aforesaid, and also to pull down, take, and use the Houses, Buildings, Lands, Grounds, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, 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 said Schedule to this Act annexed, in case it shall appear to any Two or more of the Justices of the Peace for the West Riding of the County of *York*, and be certified under their Hands, that such Error or Omission proceeded from Mistake.

No Houses, &c. to be taken except such as are mentioned in the Schedule.

XVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Two new Pieces of Road 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, Orchard, 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 Owners or Proprietors thereof, or other Persons interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Power to take Houses, &c. limited to Five Years.

XIX. 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 Commencement of this Act, all the Powers granted by this Act for purchasing, taking, or using the same or such of them as shall not have been purchased, shall cease and determine, save and except with the Consent of the Owners and Proprietors thereof for the Time being.

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

XX. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or 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 either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Rights of Way to cease when Lands not wanted.

XXI. Provided always, and be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Power of using the Land as if they had purchased the Fee Simple thereof.

XXII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

No more Money to be laid out on the Road from Nun Brook to Stocks Bank than is collected thereon.

XXIII. Provided also, and be it further enacted, That no Money arising from the Tolls by this Act granted shall be applied in or towards the Repair of the said intended Diversion or new Piece of Road from *Nun Brook* to *Stocks Bank* aforesaid, unless some Toll Gate or Turnpike shall be erected and continued upon such new Piece of Road, nor unless the Tolls shall be demanded and taken thereon, pursuant to the Powers and Provisions of this Act; provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of the said last-mentioned Road than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

Trustees in the first instance to repair Walls on Declivities, after

XXIV. And whereas many Parts of the said Road are made on the Side of steep Declivities, where it has been necessary to support the Road by Burr Walls, which occasionally fall down or require to be repaired: And whereas no Compensation was made to the Owners of the Land in

which Occupiers of adjoining Lands to repair the same.

which such Burr Walls have been made for the Injury they might sustain from their Liability to repair such Burr Walls; for Remedy whereof be it therefore enacted, That whenever any such Burr Wall shall fall down or require to be repaired the same shall be rebuilt or repaired up to the Level of the Roads by the Surveyor of the said Road, at the Expence of the Trustees thereof, whose Surveyor and Workmen in making such Repairs shall have Power to enter upon the Grounds or Places where such Repairs are necessary, for the Purpose of making and doing the same, without being considered as Trespassers, and without being required to make any Compensation for Damages reasonably arising or caused thereby; and that the Occupier of the Land for the Time being to which such Wall belongs or adjoins shall raise and keep the same, after the same shall have been so rebuilt or repaired, where necessary, by the said Trustees, up to the Level of the said Road, to the Height of Five Feet above the Road.

If Occupiers neglect to repair Walls after Notice, Trustees may repair same, and charge Occupiers with Expences.

XXV. And be it further enacted, That if any such Occupier shall neglect to build or repair such Wall from the Level of the said Road in such Cases as before mentioned, or if such Part as last aforesaid of such Wall, or of any Wall or Fence adjoining the said Road, shall from any Neglect of Repair or otherwise be suffered to be of less Height than Five Feet above the Road, and shall not be repaired within Ten Days after any Notice in Writing to be given to or left at the Dwelling House of such Occupier, by or under the Hand of the Surveyor or Clerk of the said Trustees, it shall be lawful for the said Surveyor to rebuild or repair the same, and to charge the Costs and Expences thereof to such Occupier; and if such Occupier shall neglect or refuse to pay the same Costs and Expences to the said Surveyor within Ten Days after Demand thereof, it shall be lawful for the said Surveyor to make Complaint before One of His Majesty's Justices of the Peace for the West Riding of the County of *York*, who shall thereupon proceed to summon such Defaulter, and if he fail to appear to such Summons, or to show sufficient Cause for the Non-payment of such Charges, it shall be lawful for such Justice, upon the Evidence of One or more Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) to determine the Amount of the Costs and Expences of any such Repair, and to cause the same to be levied, together with the Costs of such Complaint, Information, and Conviction, upon the Goods and Chattels of such Defaulter, by Warrant under his Hand and Seal.

Respecting Payment by the Trustees of the Birstal and Huddersfield Road in lieu of Tolls.

XXVI. And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *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: And whereas a Bill is now pending in Parliament for amending the said last-mentioned Act: 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 thousand three hundred Yards on the said *Dewsbury* and *Ealand* Road; be it therefore further enacted, That from and after the First Day of *August* One thousand eight hundred and thirty-six 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 King *George* the Third, and of this Act, 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 or of this Act, 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* Turnpike Roads with the *Dewsbury* and *Ealand* Turnpike Road near the *Horse Shoe* Inn and the Point of Junction of the said Two 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 Roads, any of the Tolls which shall be payable or collected by virtue of the said recited Acts or of this Act on the said *Dewsbury* and *Ealand* 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 King *George* the Third, and in this Act, or the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, or in any Law or Statute contained to the contrary notwithstanding: Provided always, that the said Trustees for executing the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of any Act passed or to be passed for the Amendment thereof, 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 after the First Day of *August* One thousand eight hundred and thirty-six, or within Thirty Days afterwards, and on the same Day or within Thirty Days after 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 King *George* the Third, and this Act, or any or either of them, shall continue in force, to pay to the Trustees for executing the same last-mentioned Acts and this Act, or to their Treasurer for the Time being, out of the Tolls arising on the said Road, the yearly Sum of Two hundred and fifty Pounds.

Trustees of Dewsbury Road to apply Sum received from Birstal, &c. Trustees in repair of Dewsbury Road.

XXVII. And be it further enacted, That the Trustees for executing 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 King *George* the Third, and this Act, shall and they are hereby required to apply the said annual Sum of Two hundred and fifty Pounds in the Repairs of the said *Dewsbury* and *Ealand* Turnpike Road, and for other the Purposes mentioned in the said recited Act and this Act relating to the said *Dewsbury* and *Ealand* Road.

Public Act.

XXVIII. 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.

XXIX. And

Commencement and Continuance of Act.

XXIX. And be it further enacted, That this Act shall commence and take effect upon and from the First Day of *August* next, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The

The SCHEDULE to which the foregoing Act refers.

Townships.	Reputed Owners.	Reputed Occupiers.	Description of Property.
Mirfield -	Sir George Armytage, Bart.	Martha Brewer - -	Garden.
Ditto -	The Assignees of Samuel Brook, William Rhodes, and George Andrew.	George Brearley - -	Plantation.
Ditto -	The Earl of Scarborough -	Thomas Popplewell and Samuel Smith.	Garden.
Ditto -	Ditto - -	Thomas Popplewell and George Sayner.	Two Gardens.
Ditto -	Ditto - - -	Thomas Popplewell and Samuel Ellis.	Yard.
Ditto -	Ditto - -	- - - -	Public Necessary.
Ditto -	Ditto - - -	George Wood and William Denton.	Pigsty and Garden.
Ditto -	Ditto - -	George Shaw and Nancy Mickleth waite.	Cottage.
Ditto -	Ditto - - -	Thomas Hitchon and Benjamin Wood.	Piggery.
Ditto -	Richard Holdsworth -	John Jackson - -	House, Yard, and Stable.
Ditto -	The Earl of Scarborough -	Ditto - - -	Pigsty.
Ditto -	Ditto - -	Richard Holdsworth -	Brewhouse and Necessary.
Ditto -	Thomas Winn - -	William Ellis - -	Cottage.
Ditto -	Ditto - -	Himself - - -	Ditto.
Ditto -	Ditto - - -	Sarah Hemingway - -	Ditto.
Ditto -	Ditto - -	George Terry - -	Cottage, Stable, and Garden.
Ditto -	Ditto - - -	John Waring - -	Cottage.
Ditto -	Ditto - -	George Hemingway -	Ditto.
Ditto -	Ditto - - -	George Swithenbank -	Ditto.
Ditto -	Ditto - - -	Christopher Barker -	Ditto.
Ditto -	The Earl of Scarborough -	Uriah Bradbury - -	Garden.
Ditto -	Ditto - - -	William Jackson and Benjamin Smith.	Stable.
Ditto -	John Scholefield - -	Ralph Smithson - -	Ditto.
Ditto -	John Lister - -	Himself - - -	Road.
Ditto -	The Earl of Scarborough -	Joseph Dearden and Abraham Hirst.	Cottage and Gardens.
Ditto -	Ditto - -	Ditto, and Richard Jackson.	Ditto.
Ditto -	Francis Ledgard - -	William Scholefield -	Cottage.
Ditto -	The Earl of Scarborough -	Joseph Dearden and Abraham Barker.	Cottage, Stable, and Garden.
Ditto -	Ditto - - -	Jabez Norminton -	Cottage and Garden.
Ditto -	Ditto - -	Samuel Norminton - -	Ditto.
Ditto -	Ditto - - -	Abraham Norminton -	Ditto.
Ditto -	Ditto - -	James Norminton - -	Ditto.
Ditto -	Ditto - - -	Grace Smithson, Nicholas Smithson, and Joseph Furness.	Gardens.
Dewsbury -	Jonathan Greenwood and John Greenwood.	Benjamin Oates - -	Garden.
Ditto -	Henry Crabtree - -	Himself - - -	Necessary.
Ditto -	Joseph Taylor - -	Joseph Oldroyd - -	Garden and Necessary.
Ditto -	Joseph Hirst - -	Himself - - -	Necessary.
Ditto -	Ditto - - -	Jonathan Fearnley -	Garden.
Ditto -	Mary Thompson - -	Thomas Richardson -	Ditto.

Townships.	Reputed Owners.	Reputed Occupiers.	Description of Property.
Dewsbury -	John Halliley and James Halliley.	George Archer - -	Garden, Cottage, and Carpenter's Shop.
Ditto -	Ditto - -	John Fearnley and Jonathan Fearnley.	Barn and Calf-shed.
Ditto -	Ditto - - -	James Halliley - -	Yard, Plantation, and Garden.
Ditto -	Thomas Todd - -	Richard Birkenshaw and Joseph Ramsden.	Garden and Necessaries.
Ditto -	John Lister and Henry Lister.	Themselves - -	Stack-yard.
Ditto -	Benjamin Armitage and Henry Lister.	Henry Lister - -	Garden.
Ditto -	George Taylor - -	Himself and Betty Harpin	Ditto.
Ditto -	Thomas Todd - -	Himself - - -	Ditto.
Ditto -	Ditto - -	GeorgeRush,ThomasJubb, William Auty, John Johnson, and William Gledhill.	Gardens.
Ditto -	John Rush - -	Himself - - -	Garden.
Ditto -	Richard Crawshaw -	Himself and John Cooper	Gardens.
Ditto -	Paul Auty - -	Himself - - -	Cottage.
Ditto -	Thomas Wilson - -	Hannah Wilson, Mark Crabtree, and Benjamin Steel.	Cottages.
Ditto -	Daniel Day - -	Betty Dawson and James Crossland.	Ditto.
Ditto -	Ditto - -	James France - -	Shop.
Ditto -	Charles Hemingway, James Hemingway, Robert Hemingway, Benjamin Auty, and Joseph Wilson.	Benjamin Armitage and Daniel Day.	Shops.
Ditto -	Matthew Gaunt, James Hubbard, and John Brooke.	John Brooke - -	Yard, Warehouse, and Dry-house.
Ditto -	James France - -	Himself - - -	Garden.
Ditto -	Daniel Sharp - -	Ditto - -	Cottage and Garden.
Ditto -	Ditto - -	George Auty - -	Ditto.
Ditto -	Joshua Ingham - -	Richard Oldfield - -	Mill.
Ditto -	Ditto - - -	James France - -	Mill and Yard.
Ditto -	Ditto - - -	Samuel Parr - - -	Dyehouse.
Ditto -	Ditto - - -	Abel Johnson - -	The Anchor Inn.
Ditto -	John Halliley - -	Himself - - -	Garden.

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