ANNO SEXTO.

GULIELMI IV. REGIS.

Cap. viii.

An Act for repairing and maintaining the Road from *Rochdale* in the County Palatine of *Lancaster* to *Halifax* and *Ealand* in the West Riding of the County of *York*. [30th *March* 1836.]

WHEREAS an Act was passed in the Eighth Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from the Town of* Rochdale *in the County Palatine of* Lancaster, *leading over a certain craggy Mountain called* Blackstone Edge, *in the same County, and from thence to the Towns of* Halifax *and* Ealand *in the County of* York: And whereas another Act was passed in the Twenty-seventh Year of the Reign of King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act made in the Eighth Year of the Reign of His present Majesty, for repairing and widening the Road from the Town of* Rochdale *in the County Palatine of* Lancaster, *leading over a certain craggy Mountain called* Blackstone Edge, *in the same County, and from thence to the Towns of* Halifax *and* Ealand *in the County of* York: And whereas another Act was passed in the Sixth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts made in the Eighth and Twenty-seventh Years of His late Majesty, for repairing and widening the Road from* Rochdale *in the County Palatine of* Lancaster *to the Towns of* Halifax *and* Ealand *in the County of* York: And whereas another Act was passed in the Thirty-fifth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Terms and Powers of Three Acts made in the Eighth and Twenty-seventh Years of His late Majesty King* George *the* 8 G. 2. c. 7. 27 G. 2. c. 37. 6 G. 3. c. 90. 35 G. 3. c. 160.

Second and the Sixth Year of the Reign of His present Majesty, for repairing and widening the Road from Rochdale *in the County Palatine of* Lancaster *to the Towns of* Halifax *and* Ealand *in the County of* York: And whereas another Act was passed in the Fifty-fifth Year of the Reign of King
55 G. 3. c. 36. *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of King* George *the Second and Two Acts of His present Majesty, for repairing and widening the Road from* Rochdale *in the County Palatine of* Lancaster *to* Halifax *and* Ealand *in the County of* York: And whereas the Trustees appointed under or by virtue of the said recited Acts have, in the Execution thereof, borrowed and expended several large Sums of Money, and made a considerable Progress in the Amendment of the said Roads; but the same cannot be sufficiently and effectually amended, improved, and kept in repair, and the Money so borrowed, with the Interest thereof, cannot be repaid and discharged, unless the Term and Powers of the said Act are enlarged: And whereas it would be of Advantage to the Inhabitants of the Neighbourhood of the said Road and the Public if Powers were given to make a new Piece of Road or Diversion to commence at a Point upon the said Turnpike Road in the Parish of *Halifax* about Two hundred and eleven Yards to the East of the First Mile Stone from the Town of *Halifax*, and to terminate at a Point upon the said Turnpike Road at or near to the North-east Corner of a certain Plantation, the Property of *Thomas Grove Edwards* Esquire, in the Township of *Skircoat* in the same Parish, and also to make a new Piece of Road or Diversion to commence at a Point about One hundred Yards to the West of certain Lodge Gates leading to *Pye Nest* in the said Township of *Skircoat*, and to pass through the Townships of *Warley* and *Sowerby*, and terminate upon the said Turnpike Road near to the Third Mile Stone from the said Town of *Halifax*: And whereas it is expedient that the said recited Acts should be repealed, and further and other Powers and Provisions granted and made instead 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

Recited Acts repealed. Parliament assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act the said recited Acts of the Eighth and Twenty-seventh Years of the Reign of King *George* the Second, and the Sixth, Thirty-fifth, and Fifty-fifth Years of the Reign of King *George* the Third, shall be and the same are hereby respectively declared to be repealed.

This Act to be put in execution for the Purposes herein mentioned. II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending and keeping in repair the Roads from the Market Cross in *Rochdale* in the County Palatine of *Lancaster* to the Market Cross in *Halifax* and to the Market Cross in *Ealand* in the County of *York*, and for making and maintaining the new Pieces of Road hereinbefore mentioned and described.

Arrears of Tolls, &c. vested in the Trustees. III. Provided always, and be it further enacted, That all Arrears of Tolls or Rents and other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts hereby repealed, or any or either of them, shall immediately on the Commencement of this Act be

vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, and all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *Jonathan Akroyd*, *Edward Ball*, *Charles Ball*, *Ely Bates*, *George Beaumont*, *Rawdon Briggs*, *William Briggs*, *George Buckstone Browne*, *Charles Butterworth*, *Robert Butterworth*, *James Butterworth*, *Henry Butterworth*, *John Halliwell Beswicke*, *Thomas Barker*, *Musgrave Briscoe*, *Abraham Brierley*, *James Brierley*, *James Brierley* of *Westhill*, *John Crook*, *John Chadwick*, *Jeremiah Dyson*, *John Dyson*, *James Dearden*, *Thomas Edwards Dyson*, *Edwards Dyson*, *John Smith Entwisle*, *Henry Lees Edwards*, *Henry Edwards*, *Charles Edwards*, *John Elliott*, *William Elliott*, *James Richard Elliott*, *Joseph Fenton*, *James Fenton*, *Samuel Freeman*, *Jonathan Fildes*, *Thomas Ferrand*, *John Holroyd*, *James Holroyd*, *Richard Howarth*, *Edward Hopwood*, *John Holroyd* the younger, *Robert Holt*, *Robert Stansfeld Holroyd*, *John Hadwen*, *Thomas Wilson Hadwen*, *Robert Healey*, *William Hepworth*, *John Hodgson*, *Joseph Hodgson*, *Peter Kenyon Holden*, *George William Horton*, *Robert Leech*, *John Midgley*, *James Midgley*, *William Midgley*, *Thomas Midgley*, *Thomas Milne*, *Charles Milne*, *John Mitchell*, *Charles Musgrave*, Bachelor in Divinity, *James Edward Norris*, *Charles Norris*, *William Newall*, *Thomas Hanson Newall*, *Henry Newall*, *Laurence Newall*, *George Pollard* the younger, *Henry Priestley*, *John Priestley*, *Walker Priestley*, *George Priestley*, *James Pilling*, *John Rhodes Ralph*, *James Royds*, *Albert Hudson Royds*, *Edmund Royds*, *William Edward Royds*, *Charles Rhys*, *John Roby*, *Thomas Ramsbottom*, *Thomas Ramsbottom* junior, *James Ramsbottom*, *Alexander Ramsey*, *Joseph Rushforth*, *Henry Rushforth*, *Edward Rawson*, *William Henry Rawson*, *William Henry Rawson* junior, *John Rawson*, *William Rothwell*, *Thomas Sudworth*, *Robert Stansfeld*, *George Stansfeld*, *John Stansfeld*, *James Schofield*, *Richard Stott*, *Robert Sutcliffe*, *Michael Stocks*, *Richard Greaves Townley*, *Henry Taylor*, *John Taylor*, *Walter Vavasour*, *John Vavasour*, *James Ward*, *John Waterhouse* junior, *Samuel Waterhouse* junior, *John Wheelwright*, *Robert Wainhouse*, *William Wainhouse*, *Charles Whiteley*, *Joseph Whiteley*, and *George Whiteley*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, making, amending, improving, and keeping in repair the said Roads, and for putting this Act in execution.

Power to appoint additional Trustees.

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

for executing this Act as if they had been named and appointed in and by this Act.

First and subsequent Meetings of Trustees.

VI. And be it further enacted, That the said Trustees shall meet at some convenient House or Place on or near the said Roads on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and there proceed to carry 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 either upon or near to the said Roads as the said Trustees shall think proper and appoint.

Power to continue the present Gates and erect others.

VII. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses and Weighing Machines erected and now standing and being in, upon, across, or on the Sides of the said Roads 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, set up, and built, upon, in, or across the said Roads, or on the Sides thereof or of any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses and Weighing Houses, with Outbuildings and Conveniences suitable thereto, at or near such Gates, Turnpikes, Side Gates, Bars, Chains, and Weighing Machines, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses and Weighing Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to order or cause to be taken down and removed or altered or discontinued any such Gates, Turnpikes, Side Gates, Bars, Chains, Weighing Machines, Toll Houses, or Weighing Houses, as they the said Trustees shall think proper.

Power to take Tolls.

VIII. And be it further enacted, That the respective Sums herein-after mentioned shall and may be demanded and taken for Tolls throughout the Line of the said Roads in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, and on every Day; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chaise, Chariot, Hearse, Curricle, Gig, Waggon, Cart, Caravan, Van, or other Carriage, not exceeding the Sum of Two Shillings:

For every Horse or other Beast not drawing, not exceeding the Sum of Sixpence:

For every Drove of Oxen or other Neat Cattle, *per* Score, not exceeding the Sum of Three Shillings and Four-pence:

For every Drove of Calves, Pigs, Sheep, or Lambs, *per* Score, not exceeding the Sum of One Shilling and Eight-pence:

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

demanded and taken in equal Proportions not exceeding One Third Part thereof at any One Gate for once passing through the same before any Horse, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate or Turnpike or Side Gate which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads; and such respective Sums of Money or Tolls shall be and are hereby vested in the Trustees for the Time being for putting this Act into execution, and shall be applied in manner herein-after directed.

The full Toll may be taken in equal Proportions at each Gate; provided no larger Amount be taken in the whole than the Amount of One full Toll.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings to determine and direct that the said Sums or Tolls herein-before mentioned shall be demanded and taken in equal Proportions at each or any of the Toll Gates or Turnpikes erected or to be erected on the said Roads, and such Tolls shall be taken every Time of passing (except for repassing once in respect of each Payment as herein-after mentioned) through any of such Gates or Turnpikes: Provided always, that no larger Sum or Toll in the whole shall be demanded or taken in respect of the same Horse or Horses, Beast or Beasts, Cattle or Animals, than the Sum or Sums herein-before specified and limited to be taken in One Day as aforesaid for passing and repassing through all the Gates or Turnpikes or Side Gates on the said Roads, or for passing or repassing any Number of Times through any One or more of such Gates or Turnpikes or Side Gates in any One Day, to be computed as aforesaid.

No Toll to be taken for repassing.

X. Provided always, and be it further enacted, That when the Toll payable at any Toll Gate or Turnpike on the said Road shall have been paid for or in respect of any Horse or other Beast passing through any Toll Gate or Toll Gates or Turnpike or Turnpikes erected or to be erected on the said Roads, such Horse or Beast shall (on a Ticket being produced denoting such Payment) be permitted to return or repass on the same Day Toll-free once in respect of each One Payment of such Toll on the same Day, to be computed as aforesaid.

Restriction as to Amount of Tolls to be taken between the Six Mile Stone and Halifax, &c.;

XI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, Lessee or Lessees of the said Tolls, to demand or take in any One Day (to be computed as aforesaid) at the Gate or Gates, Bar or Bars, erected or to be erected upon, across, or on the Side or Sides of the said Road within Six Miles of the Town of *Halifax* more than One Third Part of the whole Amount of Tolls collected on the whole Line of Road from *Rochdale* to *Halifax* by virtue of this Act, for or in respect of any Horses, Beasts, or Cattle passing along the said Road from or to the *Oldham* and *Ripponden* Turnpike Road, and paying Toll thereon on the same Day (to be computed as aforesaid).

and as to the Amount to be taken within Four Miles from Rochdale.

XII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, Lessee or Lessees of the said Tolls, to demand or take in any One Day, to be computed as aforesaid, at the

the Gate or Gates, Bar or Bars erected or to be erected upon, across, or on the Side or Sides of the said Road within Four Miles of the Market Cross in *Rochdale* more than One Third Part of the whole Amount of Toll to be from Time to Time collected on the whole Line of Road from *Rochdale* to *Halifax* by virtue of this Act, for or in respect of any Horses, Beasts, or Cattle passing along the said Road from or to the *Todmorden* Turnpike Road on the same Day, to be computed as aforesaid.

No Toll be taken on the Road formerly repaired by Trustees, and from which they are now discharged, nor within 180 Yards of the same.

XIII. And whereas, from the Time of the passing of the said recited Act of the Eighth Year of King *George* the Second up to the present Time, the Trustees of the said *Rochdale* and *Halifax* Turnpike Road have been liable to the Repair of such Part of the same Road as leads from the Market Cross of *Halifax* to the Western Boundary of the Town and Township of *Halifax*, being a Length of One Mile or thereabouts, from which they are by this Act intended to be discharged: And whereas from and after the passing of this Act the Inhabitants of the Township of *Halifax* will be liable exclusively to the Maintenance and Repair of the said Piece of Road: And whereas an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and maintaining the Roads from* Todmorden *to* Fulledge Lane End *in* Burnley *and to* Littleborough *in the County of* Lancaster, *and to* King Cross *in the Parish of* Halifax *in the County of* York: And whereas the said last-mentioned Turnpike Road joins the said *Rochdale* and *Halifax* Turnpike Road hereby intended to be repaired at *King Cross* aforesaid at a Distance of One hundred and eighty Yards or thereabouts from the said Western Boundary of the Town and Township of *Halifax*, and a Turnpike Gate is standing and being thereon, and Persons travelling from *Halifax* to or towards *Todmorden*, and *vice versa*, in passing over the said *Rochdale* and *Halifax* Road between *King Cross* and *Halifax* must of Necessity pass through the said Gate, and the Payment of Toll thereat would subject the Inhabitants of the said Township of *Halifax* and the Public at large so passing to or from the said *Todmorden* Road to excessive Toll; be it therefore enacted, That no Toll shall be demanded or taken at any Gate or Gates erected or to be erected on the Road comprised in this Act within the Township of *Halifax*, or within One hundred and eighty Yards of the Western Boundary thereof, for or in respect of any Horses, Beasts, or Cattle passing or repassing along the same.

1 & 2 G. 4. c. 111.

Stage Coaches to pay every Time of passing.

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable (or such Proportions thereof as shall be payable at the several Gates or Turnpikes on the said Roads as aforesaid) 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 Roads: 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.

XV. Pro-

Post Chaises to be subject to Toll on every new Hiring.

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

Application of the Tolls and other Monies.

XVI. And be it further enacted, That out of the Money now in the Hands of the said Trustees, and out of the Tolls and other Money to be collected and levied under or by virtue of this Act, the said Trustees shall and they are hereby required, in the first place, to pay the Charges and Expences attending the obtaining this Act; and the said Trustees shall apply the Residue of the said Money for amending the said Roads, and also for keeping down, paying off, and discharging the Principal Money borrowed and taken up by virtue of any of the said recited Acts, or to be borrowed and taken up by virtue and upon the Credit of this Act, and otherwise for putting this Act in execution, in such Manner as to the said Trustees shall seem requisite and expedient.

No Money to be laid out in repairing Streets in Halifax, Rochdale, or Ealand.

XVII. 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 *Halifax*, *Rochdale*, and *Ealand*, or either of them, or any other Town through which the said Roads shall pass, or to collect any Tolls by virtue of this Act therein.

No more Money to be laid out on any Road diverging from the Rochdale and Halifax Road than is collected thereon, &c.

XVIII. 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 any Road branching or diverging from the said *Rochdale* and *Halifax* Turnpike Road, and comprised in this Act, unless some Toll Gate or Turnpike shall be erected and continued upon such Road so branching or diverging, 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.

Leases to be vacated;

XIX. And be it further enacted, That all Demises, Leases, and Agreements for Lease or Leases, or Letting, of the Tolls on the said Roads, heretofore granted, shall, on the Thirtieth Day of *June* after the passing of this Act, cease and be void; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, or any other Person or Persons, shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements, or Letting, refuse or neglect to deliver up the Possession of any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, or the Buildings and Appurtenances thereunto belonging, to the said Trustees, or to any Persons acting under their Authority, after Demand thereof made, then it shall be lawful for such Trustees to remove such Lessee or Lessees, Farmer or Farmers, or Person or Persons, from the Possession thereof, in such Manner as any Lessee or Lessees, Farmer or Farmers of the Tolls to

arise

arise and be made payable under this Act, whose Lease or Leases, Contract or Contracts, shall be void or vacated, might in any other Case be removed by virtue of the Powers or Provisions of any Statute relating to Turnpike Roads in *England:* Provided always, that such Trustees shall, on or before the said Thirtieth Day of *June* after the passing of this Act, and they are hereby authorized, directed, and required to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls for the Loss or Damage which they, he, or she may or might thereby sustain (such Loss or Damage being calculated according to the Amount of the Tolls which were receivable at the Time of such Leases or Contracts being entered into, and not according to any increased Amount which might accrue after the passing of this Act); and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover Compensation for the Loss or Damage sustained by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, and also (unless the Amount recovered shall be less than the Sum tendered by or on behalf of the said Trustees) shall have and recover their full Costs of Suit: Provided also, that in case such Trustees and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements, or Letting, shall continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted or made, then and in such Case such Lessees or Lessee shall pay such Sums of Money or such additional Rent to such Trustees as such Trustees shall think fit, as a Consideration for the continuing of such Leases or Lease or Letting; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County, Riding, Borough, or Place where the Toll House shall be situate, which such Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessees or Lessee, and on Proof of Four Days Notice of the Intention of such Lessees or Lessee having been given in Writing by such Lessees or Lessee to or at the Office of the Clerk or Clerks of the said Trustees.

but Satisfaction to be made to Lessees.

Power to light the Roads with Gas.

XX. 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, at any Meeting or Meetings to be holden under this Act, of which Meeting or Meetings Twenty-one Days Notice, specifying the Purpose for which such Meeting is intended to be held, shall have been given by the Clerk to the said Trustees in manner required for giving Notices of Meetings of Trustees of Turnpike Roads in *England*, to contract and agree with any Person or Persons, Bodies Politic or Corporate, for the lighting the said Roads with Gas, or such Part or Parts of the said Roads as the said Trustees shall think proper to light, and for such Length of Time, not exceeding the Duration of this Act, as the said Trustees shall think proper, and to pay for the same out of the Monies or Tolls to arise by virtue of this Act.

Gas Pipes not to be placed against pri-

XXI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any other Person

Person or Corporation, to carry or fix any Pipe or other Thing for the Conveyance of Gas for lighting the said Roads, or any Way, Passage, or Place, or to continue the same, against, through, or into any private Building or Premises, without the Consent and Authority of the Owner and Occupier of such Building or Premises.

vate Buildings without Consent.

XXII. And be it further enacted, That every Corporation or Person, in supplying Gas, or in laying or repairing any Mains, Pipes, Plugs, or other Apparatus, shall do as little Damage as may be to the Soil or Pavement of the Footpaths or Carriageways which it may be necessary to break or take up, and shall and they are hereby required immediately after to fill in the Trenches, and to reinstate and make good such Footpaths and Carriageways to the Satisfaction of the said Trustees, and cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges, and during the Performance of such Works sufficiently to fence and guard, and affix Lights during the Night, at or near the Places where any Ground shall be opened, in such Manner as to prevent Accidents or Inconvenience to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Corporation or Person, or any of their Agents or Servants, in filling in such Ground, or removing such Rubbish, or making good such Soil or Pavement, or in case the Ground so opened shall not be sufficiently guarded and lighted, it shall be lawful for the said Trustees to fill in such Ground, and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence and guard any such Trench or Excavation, and provide necessary Lights at Night; and the Expences attending the same respectively shall be paid by the said Corporation or Person to the said Trustees, and, in default of Payment thereof for Seven Days next after Demand made in Writing, all such Expences, together with a Penalty not exceeding Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Corporation or Person so supplying Gas as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace, who upon due Proof of such Default is hereby empowered to grant the same.

Pavements to be made good when Pipes are laid.

XXIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by any Person or Corporation making, furnishing, or supplying any such Gas, such Person or Corporation shall, immediately after Notice given to him or them, either verbally or in Writing, of any such Escape of Gas, by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case such Person or Corporation shall not within Twenty-four Hours next after such Notice given effectually prevent the Gas from further escaping, and wholly and effectually remove the Cause of Complaint, such Person or Corporation shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and also the further Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of such Notice, during which the said Gas shall be suffered to escape as aforesaid; which Penalty shall be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness, by Information to be laid before some

Contractors to prevent the Escape of Gas.

Justice of the Peace, and shall and may be levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Person or Corporation.

Gas Pipes to be laid at a Distance from Water Pipes.

XXIV. And be it further enacted, That all the Pipes or other Conduits to be laid or used for the Conveyance of such Gas shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriage-way will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any such Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in which Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, and so that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet;) and in laying down the said Gas Pipes the Person or Corporation laying the same shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly form and complete with proper and sufficient Materials the Joining with the other Pipes to be connected therewith, and shall also make and keep Air-tight all such Pipes, and all the Pipes to be connected therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all respects prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of forfeiting the Sum of Ten Pounds for every Default.

For preventing Contamination of Water.

XXV. And be it further enacted, That whenever the Water of any Waterworks, or the Water in any Well or Pond, shall be contaminated by the Gas of any Person or Corporation, such Person or Corporation shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the Owner of such Waterworks, Well, or Pond, or the Party using such Water and suing for the same; and in case any such Water shall be so contaminated as aforesaid, the Person or Corporation aforesaid shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Person or Corporation, cause Measures to be taken effectually to prevent Gas from further escaping from their Works and from contaminating any such Water; and in case the said Person or Corporation shall not within Twenty-four Hours next after such Notice so left as aforesaid effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, such Person or Corporation shall forfeit and pay to the Party so interested in or using such Water and complaining as aforesaid, for the Use and Benefit of such Party, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each Day during which any such Water shall remain contaminated by any such Gas as aforesaid,

XXVI. And

For ascertaining if the Water be contaminated.

XXVI. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated by the said Gas; be it therefore enacted, That in every such Case it shall and may be lawful for the Owners or Proprietors of any such Waterworks, or for any Person interested in such Well or Pond, to examine the Pipes and other Apparatus of the said Person or Corporation as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated by the Escape of such Gas, the Costs and Expences of the said Examination, and also of the Repair of the Pavement which shall have been taken up or disturbed, shall be paid by the said Person or Corporation, which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from the Escape of such Gas, then the Owners or Proprietors of such Waterworks, or other Party or Person making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the Person or Corporation aforesaid any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of such Person or Corporation in and by such Examination, and shall also make good to the said Trustees any Loss, Damage, or Injury which may be done to the Pavement of the said Roads and Places so broken up or disturbed in such Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice of the Peace as aforesaid.

Penalty on Contractors suffering Liquids produced by Manufacture of Gas to flow into any Stream, &c.

XXVII. And be it further enacted, That if any Person or Corporation making, furnishing, or supplying such Gas shall empty, or cause or suffer to be emptied or to flow, any Washings, or other waste Liquid, Substance, or Thing whatsoever, which may arise or be produced in the Manufacture of such Gas, into any River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead or Well, or shall commit or cause to be committed any Act to the Water contained in any of them, whereby such Water shall be soiled or corrupted, such Person or Corporation shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time in which such Act shall have ceased: Provided also, that in addition to the said Penalty or Forfeiture of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings, or other waste Liquids, Substances, or Things, shall be emptied or caused or suffered to flow in manner aforesaid into any River, Brook, or Running Stream, or any Reservoir, Aqueduct, Waterway, Canal, Feeder, Pond, or Springhead or Well, or any such Act shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person to the Person or Corporation aforesaid, and such Person or Corporation shall not within Twenty-four Hours after such Notice prevent such Washings, waste

waste Liquid, Substance, or Thing from being emptied or flowing in manner aforesaid, and every such Act as aforesaid from being committed, such Person or Corporation as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause or Matter of Complaint shall continue; and such last mentioned Penalty shall and may be recovered and levied in the same Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer, or to the Person who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done as aforesaid.

New Road may be made.

XXVIII. 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 new Pieces of Road or Diversions 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-eight Feet, together with such Foot-paths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences as shall be necessary and expedient for the Accommodation 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 Roads or Diversions 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 and Premises upon, over, or through which the Line of the said new Pieces of Road or Diversions are laid down or described in the Maps or Plans and Books of Reference herein-after mentioned, and also to take and use or pull down or 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.

As to the Construction of the Bridge over the Rochdale Canal.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees to construct, erect, or make any Bridge for the Purpose of carrying the intended new Piece of Road across the *Rochdale* Canal at or near to *Sowerby Bridge*, unless the same shall be so constructed and erected or made that the Width of the Crossing shall be at least Forty-five Feet from Pier to Pier, and the Height at least Thirty-five Feet from the Crown thereof to the Top-water of the said Canal: Provided also, that the said Trustees shall and they are hereby required to make Compensation to the Company of Proprietors of the *Rochdale* Canal Navigation for any Injury, Loss, or Damage which shall be done or occasioned by the constructing, erecting, or making of any such Bridge or Crossing; and the said Trustees shall pay for any such Injury, Loss, or Damage out of the Monies or Tolls to be raised or collected by virtue of this Act; and in case of any Dispute or Difference respecting any such Injury, Loss, or Damage, or Compensation, such Dispute or Difference may be settled and determined as in other Cases; or if the Dispute or Difference shall

be as to the Amount of Compensation only, and the Amount claimed shall not exceed Twenty Pounds, the same may be heard and determined by any Two Justices of the Peace for the West Riding of the County of *York*.

To prevent the Navigation being obstructed by Construction of the Bridge.

XXX. Provided also, and be it further enacted, That if the Navigation of the said Canal shall be stopped by reason of the Erection of the said Bridge, the said Trustees shall forfeit and pay to the said Company of Proprietors the Sum of Twenty Pounds for every Day during which such Stoppage shall continue, and so in proportion for any less Time than One Day.

Directions as to Ascent and Fences to the Bridge, &c.

XXXI. Provided also, and be it further enacted, That the said Trustees shall and they are hereby required so to construct, erect, and make the said Bridge that the Ascent of the Road over the same shall not exceed One Foot in Thirteen Feet: Provided also, that the Fence on each Side of the said Bridge, and on the Side of every Causeway thereto adjoining or belonging, shall not be less than Four Feet above the Surface of the Road and Footpath.

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

XXXII. And whereas Maps or Plans describing the Lines of the said new Pieces of Road or Diversions, and the Lands, Hereditaments, and Premises over or through which the same are intended to be made, together with Books of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited with the Clerk of the Peace for the said County Palatine of *Lancaster* and also with the Clerk of the Peace for the said Riding; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace for the said County and for the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies 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 or Extracts of the said Maps or Plans and Books of Reference; and the said Trustees, in making the said new Pieces of Road or Diversions, shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

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

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said new Pieces of Road or Diversions 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 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 Books 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, and be certified by Writing 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.

XXXIV. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Pieces of Road or Diversions shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, 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, except with Consent.

XXXV. 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.

Where new Road cuts through old Highway, a Bridge to be erected by the Trustees.

XXXVI. And whereas the new Piece of Road will cross a certain Highway leading from *King Cross* to *Skircoat Moor*, and according to the projected Level of the said new Piece of Road the making thereof would cause a Chasm in the said Highway unless a Bridge were erected over and across the said new Piece of Road where the same crosses the said Highway; be it therefore further enacted, That the said Trustees shall and they are hereby required, in making the said Piece of Road across the said Highway, to erect, build, or make and provide a good and substantial Bridge, not less than Twenty Feet in Width, in the Line of the said Highway, so that the Passage along the said Highway may not be interrupted, and from Time to Time and at all Times thereafter keep the same and the Approaches thereto within Thirty Feet in good and sufficient Repair.

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

XXXVII. 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.

XXXVIII. Pro-

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

XXXVIII. 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 Lands as if they had purchased the Fee Simple thereof.

XXXIX. 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 House or other Building, 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.

Public Act.

XL. 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.

Term of this Act.

XLI. And be it further enacted, That this Act shall commence and take effect upon and from the Fourth Day of *May* 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.

Nos. on Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
		Township and Parish of Halifax.	
5	Charles Whiteley - -	William Broadbent -	Pigstye and Yard.
6	Ditto - - -	Jonathan Deardden -	Garden.
7	Ditto - - -	Widow Hartley - -	Pigstye.
8	Ditto - - -	Ditto - - -	Garden.
9	Ditto - - -	Ditto - - -	Pigstye.
10	Ditto - - -	William Brook - -	Cowhouse.
11	Ditto - - -	Ditto - - -	Garden.
12	Ditto - - -	Jonathan Deardden -	Pigstye.
13	John Townsend - -	Jonas Tillotson - -	Cottage.
14	Ditto - - -	William Pratt - -	Ditto.
15	Ditto - - -	John Riley - - -	Ditto.
16	Charles Whiteley - -	- - - -	Vacant Ground.
17	Ditto - - -	Widow Hartley - -	Pigstye and Yard.
17 *a*	Ditto - - -	Joseph Sheard - -	Garden.
18	Ditto - - -	Widow Hartley - -	Cottage and Outbuildings.
19	Ditto - - -	Jonathan Deardden -	Cottage.
20	Ditto - - -	Ditto - - -	Ditto.
21	Thomas Riley - -	Widow Normington -	Ditto.
22	Ditto - - -	Himself - - -	Garden.
23	James Bintliff, junior -	Robert Mansley - -	Ditto.
23 *a*	Ditto - - -	Ditto - - -	Shed.
24	Ditto - - -	Ditto - - -	Shed and Pigstye.
25	Ditto - - -	John Aked - -	Pigstye.
26	Ditto - - -	- - - -	Vacant Ground.
27	Ditto - - -	William Teal - -	Cottage.
28	Ditto - - -	Robert Mansley - -	Ditto.
29	Ditto - - -	William Hunter - -	Ditto.
30	Ditto - - -	John Witton - -	Ditto.
31	Ditto - - -	Joseph Platts - -	Ditto.
32	Ditto - - -	James Bintliff, senior -	Ditto.
33	Ditto - - -	William Mansley - -	Ditto.
34	Ditto - - -	Widow Schofield - -	Ditto.
35	Ditto - - -	Catherine Mansley - -	Ditto.
36	Ditto - - -	John Aked - -	Ditto.
37	Ditto - - -	Joseph Milns - -	Ditto.
38	Ditto - - -	James Dodgson - -	Ditto.
39	Ditto - - -	Himself - - -	House.
39 *a*	Ditto - - -	Ditto - - -	Coal-place and Pigstye.
40	Henry Wrigley - -	Himself - - -	Pasture.
41	James Robertshaw - -	Himself - - -	Cottage and Garden.

Nos. on Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
	Township of Skircoat in the Parish of Halifax.		
3 *a*	John Haigh, Esquire -	William Riley - - -	Cowhouse.
16	Thomas Grove Edwards, Esq.	Himself - - -	Plantation.
31	Henry Lees Edwards, Esq.	Himself - - -	Ditto.
33	Ditto - - - -	Ditto - - - -	Ditto.
36	John Fearby Sutcliffe, Esq.	Himself - - -	Ditto.
40	Thomas Fourniss Dyson, Esq.	Himself - - -	Ditto.
42	Ditto - - -	Ditto - - -	Ditto.
44	Ditto - - -	Ditto - - -	Ditto.
45	John Fearby Sutcliffe, Esq.	Joseph Layfield - -	Cottage, Outbuildings, and Garden.
47	Ditto - - -	Himself - - -	Plantation.
48	Ditto - - -	Messrs. Sutcliffe and Brother	Buildings.
49	Ditto - - -	Himself - - -	Plantation.
50	Ditto - - -	Messrs. Sutcliffe and Brother	Mill-dam.
	Township of Warley in the Parish of Halifax.		
2	John Fearby Sutcliffe, Esq.	Himself - - -	Plantation.
2 *a*	Ditto - - -	Ditto - -	Ditto.
2 *b*	Ditto - -	Messrs. Sutcliffe and Brother	Mill-dam.
3	Ditto - - -	Ditto - - -	Buildings.
6	Ditto - - -	Himself - - -	Plantation.
16	James Walton - -	Himself - - -	Arable and Garden.
19	George Greenup, Esq. -	James Walton - -	Tenter Field.
20	The Proprietors of the Rochdale Canal.	Themselves - -	Canal Bank.
21	Ditto - - -	Ditto - - -	The Rochdale Canal.
22	Ditto - - -	Ditto - -	Towing Path.
24	Henry Bates and James Tong.	Isaac Smith - -	Coal Staith.
25	Ditto - - -	Ditto - - -	Shed and Pigstyes.
27	George Greenup, Esq. -	William Maude - -	Garden.
	Township of Sowerby in the Parish of Halifax.		
5	George Binns - -	David Jennings - -	Gardens.
5 *a*	Ditto - - -	Ditto - - -	Building.
6	Ditto - - -	Ditto - - -	House.
7	Ditto - - -	Ditto - - -	Pasture and Garden.
8	Samuel Wood - -	John Wilde - - -	Cottage and Garden.
9	Ditto - - -	James Mitchell - -	Cottage.

Nos. on Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
11	Henry Priestley and Robert Barnes, Esqrs.	John Marsh - - -	Privy.
18 *a*	Robert Eddlestone - -	John Farrar and William Wilson.	Coal-places.
20	Robert Stansfeld, Esq. -	Himself - - -	Plantation.

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