ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xlii.

An Act for repairing and maintaining a Road from near *Salterhebble* in the Parish of *Halifax* to the *Huddersfield* and *New Hey* Turnpike Road in the Parish of *Huddersfield,* and to *Sowerby Bridge* in the said Parish of *Halifax,* all in the West Riding of the County of *York,* with a Bridge on the Line of the said Road. [11th *June* 1838.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a new Road from* 5 G. c. 69.
Salterhebble *in the Parish of* Halifax *to the* Huddersfield *and* New Hey *Turnpike Road in the Parish of* Huddersfield, *and several Branches therefrom, in the West Riding of the County of* York, *with certain Bridges on the Line of the said Road and Branches:* And whereas a considerable Debt is due and owing on the Credit of the Tolls arising on the Roads made and maintained by virtue of the said Act, with large Arrears of Interest: And whereas it is expedient that the Trustees should be discharged from the Necessity of making and completing and maintaining in repair as a Turnpike Road certain Parts of the Roads comprised in the said Act, and that the Powers and Provisions of the said Act should be altered and amended:

And whereas the Purposes aforesaid might be more conveniently effected if the said recited Act were repealed, and if other Powers and Provisions were granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Day of the Commencement of this Act the said recited Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed.

Recited Act repealed.

This Act to be put in execution for repairing 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 repairing, amending, and maintaining the Road leading from and out of the *Halifax* and *Huddersfield* Turnpike Road at the North End of the Inn and Premises in *Southowram* in the Parish of *Halifax* called the *Calder* and *Hebble Inn*, near *Salterhebble Bridge*, to *Helliwel Green* in the Parish of *Halifax*, and thence to the *Huddersfield* and *New Hey* Turnpike Road near the *Royal George* Public House in the Parish of *Huddersfield*, with the Bridge over the River *Calder* on the Line of the said Road; and for making such Part of the said Line of Road as lies between *Sowood Green* in the Township of *Stainland* and the *Royal George* Public House aforesaid (which by the said recited Act hereby repealed the Trustees are authorized to make) as is not yet completed; and also for repairing, amending, and maintaining the Road leading from and out of the said *Halifax* and *Huddersfield* Turnpike Road in *Southowram* aforesaid, near the Second Milestone thereon, to a Place called *Bankhouse* in the Township of *Skircoat*, and thence to and communicating with the Turnpike Road from *Halifax* aforesaid to *Rochdale* at or near *Sowerby Bridge* in the Township of *Skircoat* aforesaid, all in the West Riding of the County of *York*.

Tolls made liable to Debts, &c. contracted under former Act, &c.;

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby declared to be subject and liable to the Payment of all Monies which have been advanced or borrowed and are now due and owing upon the Credit or on account of the said recited Act hereby repealed, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been advanced or borrowed or become due and owing on the Credit of this Act or on the Security of the Tolls granted by this Act; and all and every Persons and Person who now owe or who may be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Act hereby repealed shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Act shall remain in as full Force and Effect as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities

and Conveyances, Contracts, &c. to continue in force.

were

were made to or by or entered into by such Person or Persons to or with the Trustees for executing this Act, and shall accordingly be and continue available in all Courts of Law and in Equity, notwithstanding the Repeal of the said Act, until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Trusts created by this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said recited Act with or to any Person or Persons for any Purpose relating to the said Roads or to the Execution of the said Act, shall be and remain in as full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and Tenor thereof respectively, as if such Bargains, Contracts, Agreements, or Notices had been made, entered into, or given by the Trustees for executing this Act.

Trustees.

IV. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *John Abbot*, *Jonathan Akroyd*, *Robert Baldrey*, *John Baldwin*, *William Baldwin*, *Henry Bates*, *George Binns*, *George Buckstone Browne*, *George Carrol*, *John Clay*, *William Craven*, *Samuel Crowther*, *Thomas Dinsley*, *Thomas Edwards Dyson*, *George Dyson*, *Jeremiah Dyson*, *Henry Lees Edwards*, *Charles Edwards*, *Henry Edwards*, *William Emmet* (Papermaker), *John Emmet*, *Samuel Farrar*, *Samuel Freeman*, *James Goodall*, *George Haigh*, *John Haigh* (Mount), *William Haigh*, *George Haigh* the younger, *James Thistleton Haigh*, *Richard Haigh*, *Samuel Hodgson*, *Newsom Hodgson*, *Peter Kenyon Holden*, *John Holland*, *William Holland*, *John Holroyd*, *George Horton*, *Richard Howarth*, *William Hoyland*, *John Ingram*, *Abraham Richard Ingram*, *Henry Ingram*, *Thomas Jackson* Clerk, *Abram Jubb*, *Mason Stanhope Kenny*, *George Kershaw*, *Riley Kitson*, *Richard Kershaw Lumb*, *Benjamin Mellor*, *Benjamin Mellor* junior, *Joseph Mellor*, *John Milne* junior, *Charles Milne*, *John Milner*, *Richard Moulson*, *Charles Musgrave* Doctor in Divinity, *George Naylor*, *William John Norris*, *James Edward Norris*, *Charles Norris*, *Richard Oastler*, *David Oliver*, *John Ormerod*, *Benjamin Outram*, *Thomas Perkinton*, *John Priestley*, *Walker Priestley*, *Charles Pitchforth*, *George Thomas Pollard*, *Thomas Pollit*, *Samuel Pollit*, *Stansfeld Rawson*, *William Henry Rawson*, *William Henry Rawson* junior, *John Rawson* junior, *Edward Rawson*, *Jeremiah Rawson*, *Thomas William Rawson*, *William Rothwell*, *Joseph Rushforth*, *Thomas Sladen*, *John Swallow*, *John Swallow* junior, *George Swallow*, *Robert Stansfeld*, *Joseph Shaw*, *George Shaw*, *James Shaw*, *John Shaw*, *George Hodgson Shaw*, *Ely Walker Shaw*, *John Hope Shaw*, *George Smith*, *Joseph Stocks*, *Michael Stocks*, *Thomas Saudworth*, *John Fearby Sutcliffe*, *Thomas Fox Sutcliffe*, *Isaac Thwaite*, *William Barnes Thompson*, *Thomas William Tottie*, *Thomas Turney*, *Robert Wainhouse*, *William Wainhouse*, *Samuel Harper Walker*, *Samuel Walker*, *James Walker*, *John Walker*, *James Ward*, *John Waterhouse* junior, *Samuel Waterhouse*, *Samuel Waterhouse* junior, *John Wheelwright*, *William Wilkinson*, *Benjamin Whiteley*, *Thomas Whiteley*, *Joshua Whittel*, and *Samuel Wood*, and their Successors, being duly qualified to act as

Trustees

Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Additional Trustees may be appointed.

V. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered from Time to Time at any of their Meetings to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and 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 *Royal Oak* Inn in *Burwood* in *Stainland* in the Parish of *Halifax* aforesaid, or some other convenient Place in the Neighbourhood of the said Roads, on the Second *Wednesday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

Respecting Toll Gates, &c.

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

VIII. And

Tolls for Passage of Horses, &c. on the Roads.

VIII. And be it further enacted, That the respective Sums herein-after mentioned shall and may be demanded and taken at each and every or any of the Toll Gates or Turnpikes, or Toll Houses or Side Gates, or Side Bars or Chains, which are or shall be standing or being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads or any of them, or any Parts thereof respectively, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, One Shilling:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, Nine-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, Two-pence:

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

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

For every Dog drawing any Cart, Carriage, or other Vehicle, the Sum of Two-pence:

For Foot Passengers &c. on the Bridge

For every Foot Passenger or Person on Foot (except the Driver of any Waggon, Wain, Cart, or other Carriage) who shall pass any Turnpike Gate (if any) which shall be erected or continued upon or adjoining the said Bridge over the River *Calder*, the Sum of One Penny, whether he or she shall travel or go more or less than One hundred Yards on the said Roads, any Law or Statute to the contrary notwithstanding; and the like Sum of One Penny at such Turnpike Gate for every Person who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage, (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire,) or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage, whether such Waggon, Wain, Cart, or Carriage shall travel or go more or less than One hundred Yards on the said Roads; such respective Tolls to be paid before any such Person, or any such Waggon, Wain, Cart, or other such like Carriage, or the Horse or Horses, Beast or Beasts drawing the same, shall be entitled to pass through such Turnpike Gate, and no Person shall be liable to Toll as such Foot Passenger at more than One Gate:

Which said several Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be continued or erected by virtue of this Act; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed,

Penalty on Evasion of the Foot Toll.

IX. And be it further enacted, That if any Foot Passengers or Persons on Foot shall fraudulently or forcibly pass through any Turnpike Gate erected upon or adjoining the said Bridge over the River *Calder* without paying the Toll hereby imposed, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and such Penalty shall be levied and recovered, together with the necessary Costs and Charges of levying the same, by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered; and one Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

Toll to be paid but once a Day at the same Gate.

X. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any or either of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Limiting the Number of Payments on the several Lines of Road.

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 of the Tolls, to demand or take for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Roads between the *Halifax* and *Huddersfield* Turnpike Road and *Helliwell Green*, more than One full Toll; or between *Helliwell Green* and the *Royal George* more than One full Toll; or between the said *Halifax* and *Huddersfield* Road and *Sowerby Bridge* more than One full Toll.

Toll to be paid for Horses, &c. drawing public Carriages every Time of passing.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads, or any or either of them: Provided also nevertheless, that in case the Horses or Beasts drawing any such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon or other Stage Carriage or Cart, shall be changed after such Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart, shall have passed through any Toll Gate or Turnpike on the said Roads, and Tolls shall have been paid thereat for the same, no further Toll shall be payable in respect of any such other Horses

Horses or Beasts than would have been payable in respect of such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, in case such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, had been drawn by the same Horses or Beasts along the whole Line of the said Roads.

Toll to be paid for Post Chaises on every new Hiring.

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

Exchequer Loan Commissioners to have Priority, as heretofore.

XIV. And whereas the Commissioners acting in the Execution of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, did advance to the Trustees acting under the said first herein-before recited Act the Sum of Six thousand Pounds, upon the Security of a certain Indenture of Mortgage bearing Date the Nineteenth Day of *April* One thousand eight hundred and twenty-seven, and the said Trustees did assign the Tolls as therein mentioned, to hold the same, subject to the Repayment of the Sum of Three hundred Pounds *per Annum*, as Part of the Principal Money so advanced, and the Interest on such Part of the Principal Money as should from Time to Time remain unpaid, at the Rate of Five Pounds *per Centum per Annum*; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate or in any Manner prejudice or affect the said Indenture of Mortgage, or any of the Powers, Remedies, and Privileges now vested in the said Commissioners in respect thereof, and that the said Mortgage shall be entitled to the same Priority of Security which the same may now possess, to all Intents and Purposes, and in such and the like Manner as if this Act had not been passed.

Application of Monies.

XV. And be it further enacted, That out of the Monies already received or which shall be received by virtue of the said recited Act hereby repealed, or out of the first Money which shall arise or be received by virtue of this Act or otherwise, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Milestones, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act) be applied in Repayment of the Advance from the said Commissioners for the Issue of Exchequer Bills as aforesaid; and next, in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls by virtue of the said recited Act,

Act, and afterwards in keeping down the Interest of the Principal Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and in repairing, making, and maintaining the Roads comprised in this Act, and in otherwise putting this Act into execution; and lastly, in repaying the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said Roads by virtue of the said recited Act hereby repealed, or to be borrowed on the Credit of this Act.

Tolls not to be applied in the Repair of any Road unless there be a Toll Gate continued thereon.

XVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be made or repaired by this Act unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat 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 any such Roads than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

For completing such Part of the Roads as is not already made.

XVII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to make such Part of the said Roads comprised in this Act as is not already made upon, in, over, or through the Lands, Grounds, or Hereditaments described in the Plan and Book of Reference hereinafter mentioned, of such Width or Dimensions as they shall think proper (such Width not exceeding Forty-two Feet), together with such Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such said Part of the said Roads, and such Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Grounds respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

The Tolls may be collected, and the Labilities for repairing the Roads may be

XVIII. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any Horse, Beast, Cattle, or Carriage, or Person, through any Toll Gate or Turnpike erected or to be erected on such Part and Parts of the Roads by this Act authorized to be repaired or made, or on the Sides thereof, as now is or are or as shall from Time to Time be

be at any Time hereafter made or open for the Use of the Public, although the whole of the Roads by this Act authorized to be made is not or shall not be at any Time hereafter made and completed; and that all Persons who, by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England*, would be liable to the Repair of the said Roads when wholly made and completed, shall be and are hereby declared to be liable to the Repair of so much thereof as is or are now made or open to the Public, and also to the Repair of such other Part and Parts of the Roads comprised in this Act as shall from Time to Time be made or open to the Public, although the whole of the Roads by this Act authorized to be made is not now or shall not be at any Time hereafter made and completed.

enforced, although the whole Road be not completed.

XIX. And whereas it is by the said recited Act hereby repealed recited that a Map or Plan describing the Line of such Road, and the Lands, Hereditaments, and Premises through or over which the same was to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, had been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and the Book of Reference shall remain in the Custody of the Clerk of the Peace 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 or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making such Part of the Roads comprised in this Act as is not already made, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan 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.

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

Limiting Deviations from Plan.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make such Part of the said Roads comprised in this Act as is not already made into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two Justices of the Peace for the said Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

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

XXI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making such Part of the said Roads comprised in this Act as is not already made shall not extend or

Trustees restrained from pulling down Dwelling

Houses, &c. without the Consent of the Owner.

or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

Regulations as to making and maintaining Ditches, Drains, &c.

XXII. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) at the Expence of the said Trustees out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Roads, also at the Expence of the said Trustees out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Public Act.

XXIII. 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.

Commencement and Continuance of Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.