ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xxxix.

An Act for more effectually amending and improving the Roads from *Buckstones* by *Barkisland School* to the *Rochdale* and *Elland* Turnpike Road, near the Town of *Elland*, and from *Sykehouse* to the Highway leading from *Barkisland* to *Stainland*, all in the West Riding of the County of *York*. [11th *June* 1838.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually making, amending,* 7 & 8 G. 4. c. 70.
and improving the Road from Buckstones *to* Barkisland School *at the Highway leading from* Ripponden *to* Stainland; *and for making and maintaining an Extension of the said Road to join the* Halifax *and* Huddersfield *Turnpike Road at the South End of* Elland Bridge, *and a Branch therefrom, all in the West Riding of the County of* York: And whereas considerable Sums of Money have been advanced or borrowed and expended by the Trustees in making, amending, and improving the Roads comprised in the said Act, which Sums remain due and owing, with considerable Arrears of Interest for the same,

and the Monies arising from the Tolls granted by the said recited Act are insufficient for discharging the same, and maintaining the said Roads in repair: And whereas the said Roads might be more effectually amended and improved, and the Debts of the Trust might be more speedily discharged or reduced, if the present Tolls were increased or altered, and if such Tolls were also authorized to be collected and to be laid out on such Part of the Roads comprised in the said recited Act as lies between the Rivulet or Brook called *Brow Bridge Beck* and the *Rochdale* and *Elland* Turnpike Road as well as on other Parts of the said Roads, and if the Powers and Provisions of the said Act were altered, amended, and enlarged: And whereas the Purposes aforesaid might be more conveniently effected if the said recited Act were repealed, and if other Powers and Provisions were granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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That upon the Day of the Commencement of this Act the said recited Act shall be and the same is hereby declared to be repealed.

Recited Act repealed.

Repeal of Act 7 & 8 G. 4. not to revive a former Act thereby repealed.

II. Provided always, and be it further enacted, That the Repeal by this Act of the said recited Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth shall not extend to revive an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing and maintaining the Road from* Huddersfield *in the West Riding of the County of* York *to* New Hey *in the Parish of* Rochdale *in the County of* Lancaster, *with a Branch to* Toothill Lane *in the said Riding, and for making a new Road from* Buckstones *to the Highway leading from* Ripponden *to* Stainland *at or near to* Barkisland School, the Term whereof is yet unexpired, and which was repealed by the said first-mentioned Act, but the said Act of the Sixth Year of the Reign of King *George* the Fourth shall, so far as the same relates to the *Barkisland* and *Saddleworth* District of Road therein described, remain and be and is hereby declared to be repealed.

This Act to be put in execution for repairing the Roads herein described.

III. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned for maintaining and keeping in repair the Road leading from *Buckstones* in the Township of *Marsden* in the Parish of *Huddersfield* to or near *Barkisland School* in the Township of *Barkisland*, and thence to *Rochdale* and *Elland* Turnpike Road near the Town of *Elland;* and also the Road leading from or from near to a Place on the Line of the aforesaid Road called *Sykehouse* in the Township of *Elland-cum-Greetland* into the public Highway leading from the Town of *Barkisland* to the Town of *Stainland*.

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

IV. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit or on account of the said recited Act, or upon the Credit or on account of any former Act, for repairing so much of the said Roads

as was called the *Barkisland* and *Saddleworth* District comprised in such former Act partly repealed by the said recited Act, and of all Interest due and to grow due for the same, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected; and all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Act shall be liable to the Payment thereof to the Trustees appointed or to be appointed by virtue of this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities duly and according to Law made to or by or entered into or given by any Person or Persons to or with 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 were made to or by or entered into by such Person or Persons to or with the Trustees for executing this Act, and shall be accordingly available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Bargains, Contracts, Agreements, or Notices duly and according to Law 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 be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Act.

Trustees appointed.

V. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with *Henry Armitage*, *Edward Armitage*, *Joseph Armitage*, *William Armitage Archbell*, *John Archbell*, *Lewis Alexander*, *Edward Nelson Alexander*, *Samuel Haigh Ainley*, *John Allison*, *John Barber*, *John Beaumont*, *James Brook*, *Joseph Brook*, *Thomas Brook*, *John Broadbent*, *William Broadbent*, *James Bates*, *Musgrave Brisco*, *Joseph Butterworth*, *William Baxter*, *George Binns*, *John Clay*, *Joseph Travis Clay*, *John Crossley*, *John Carter*, *George Crowther*, *Joseph Charlesworth*, *Joshua Charlesworth*, *George Crabtree*, *Thomas Dinsley*, *John Dyson*, *Joseph Dowse*, *James Dyson*, *Joshua Dyson*, *William Dyson*, *Thomas Dyson*, *Ely Thomas Dyson*, *Richard Dickinson*, *Joseph Dyson*, *James Eastwood*, *Joseph Fryer*, *William Fryer*, *Thomas Fryer*, *Robert Fryer*, *Charles Fryer*, *Henry Fryer*, *John Falcon*, *Thomas Firth*, *Joseph Firth*, *John Farrar*, *Joshua Farrar*, *James Crosland Fenton*, *Richard Fawcett*, *John Firth*, *Samuel Freeman*, *Samuel Goldthorpe*, *Samuel Goldthorpe* the younger, *Henry Goldthorpe*, *George Goldthorpe*, *James Goldthorpe*, *John Hamerton*, *William Hirst*, *Michael Hoyle*, *Thomas Haigh*, *James Haigh*, *John Harpin*, *Benjamin Holroyd*, *John Holroyd*, *J. K. Holden*, *Samuel Hodgson*, *John Harrison*, *Robert Stansfeld Holroyd*, *John Hadwen*, *John Hadwen* junior, *Thomas Wilson Hadwen*, *Sidney Hadwen*, *Joseph Jackson*, *Edwin Ward Jackson*, *George Jessop*, *Frederick Robert Jones*, *Joseph Kaye*, *Thomas Kilner*, *John*,

John Lancaster, Samuel Leppington, John Lockwood, Joshua Littlewood, Daniel Micklethwaite, James Micklethwaite, Thomas Marshall, Martin Manley, Joshua Moorhouse, Luke Marsden, William Moorhouse, Benjamin Mellor, John Milnes, Miles Netherwood, Benjamin Outram, Richard Oastler, William Priestley, John Priestley, Walker Priestley, Charles Pitchforth, Abraham Pitchforth, Solomon Pitchforth, Thomas Perkington, Sir *John Ramsden* Baronet, *John Ramsden,* Sir *Joseph Radcliffe* Baronet, *John Radcliffe, John Rawson, Edward Rawson, John Ridehalgh, John Roberts, Joseph Rushforth, Richard Walker Rushforth, Henry Rushforth, John Rhodes, William Stocks* the younger, *Michael Stocks, William Staniland, William Stephenson Samuel Stephenson, Joseph Scott, Jonathan Schofield, George Senior, Edmund Shaw, Walter William Stables, Henry Stables, George Shaw, Dyson Joseph Shaw, Samuel Stead, John Stott, John Stott* the younger, *William Stead, Joseph Stott, Thomas Thornhill, Samuel Taylor, Isaac Taylor, John Tinker, John Walker, Benjamin Walker, Samuel Harper Walker, Ely Walker, Samuel Briggs Walker, Samuel Walker* of *Huddersfield, Samuel Walker* of *Stainland, John Walker* of *Stainland, James Walker, Thomas Walker, John Kenworthy Walker, Henry William Walker, Thomas Edmondson Walker, John Whitacre, John Wheelwright, John Wilkinson Wheelwright, William Wilkinson, Jeremiah Whiteley, John Wood, John Wood* of *Dalton, William Widdop, John Wilson, Benjamin Wilson, Ely Wimpenny, Benjamin 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 maintaining and keeping in repair the said Roads, and otherwise putting this Act into execution; and the said Roads shall be called the *Elland* and *Saddleworth* Roads.

Power to appoint additional Trustees.

VI. 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 be holden in pursuance of this Act, 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.

VII. And be it further enacted, That the Trustees for executing this Act shall meet together at the *Saville's Arms* Inn in *Elland* aforesaid, or at some other convenient Place in the Neighbourhood of the said Roads, on *Monday* next after the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time thereafter adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

Power to erect Toll Gates, Turn-

VIII. And be it further enacted, That all and every the several and respective Toll Gates or Turnpikes and Toll Houses now standing

ing and being in or upon or across or on the Sides of the said Roads, or either of them, 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 to order and cause to be erected, set up, and built, upon, in, or across the said Roads by this Act directed or authorized to be repaired and amended, or any Part thereof, 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, Chain or Chains, or 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, Turnpike, Side Bar, Chain, or 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 from Time to Time to take down and remove, or to order and cause to be taken down and removed, or to alter or discontinue the same, or any or either of them, or any Part thereof respectively, as they the said Trustees shall think proper and direct or appoint.

pikes, Side Bars, &c.

IX. And be it further enacted, That it shall be lawful for the Trustees for executing this Act absolutely to sell and dispose of any Toll House or Toll Houses now standing and being upon the Sides of the said Roads, or which may hereafter be erected upon the Sides of the said Roads, or any Part thereof, by virtue of this Act, together with the Ground whereon the same may stand, and all Outhouses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be considered by the said Trustees to be useless or unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid it shall be lawful for the said Trustees to convey the said Toll Houses, Gardens, and Premises to the Purchaser or Purchasers thereof; and upon Payment of the Purchase Money to the Treasurer for the Time being of the said Trustees, and upon and from and after the Execution of the Conveyance, such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trust and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such and the like Preference and Priority of purchasing the Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land as is by the Statute for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road.

Toll Houses becoming useless may be sold.

X. And be it further enacted, That the respective Sums or Tolls herein-after mentioned shall and may be demanded and taken at the several and respective Toll Gates or Turnpikes, or Side Gates or Side

Power to take Tolls.

Side Bars, or Chains, which are now standing or being, or which shall be continued, or which shall be erected by virtue of this Act, in, upon, across, or on the Sides of the said Roads, or any Part or Parts thereof, and for every Time of passing through any such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, subject to the Provisions herein-after contained; (that is to say,)

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

For every Horse, Mule, Ass, Ox, or other Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, where the Fellies of the Wheels are of a less Breadth than Four and a Half Inches, any Sum not exceeding the Sum of Ten-pence:

For every Horse, Mule, Ass, Ox, or other Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, where the Fellies of the Wheels are of the Breadth of Four and a Half Inches, and of less Breadth than Six Inches, any Sum not exceeding the Sum of Eight-pence:

For every Horse, Mule, Ass, Ox, or other Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, where the Fellies of the Wheels are of the Breadth of Six Inches or upwards, any Sum not exceeding the Sum of Six-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding the Sum of Three Halfpence:

For every Ox, Cow, or Neat Cattle, any Sum not exceeding the Sum of One Penny:

For every Calf, Sheep, Lamb, or Swine, any Sum not exceeding the Sum of One Halfpenny:

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 Three Shillings and Four-pence:

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

Which said respective Tolls or Sums of Money shall be demanded and taken before any Cattle or Carriage whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Limiting the Number of Payments to be demanded in One Day at the same Gate.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Collector or Collectors of the said Tolls, to demand or take such Tolls by virtue of this Act oftener at One and the same Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) than thrice, in respect of the same Horse, Beast,

Cattle, or Carriage, for passing and repassing through such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain; but in case Toll shall have been paid Three Times in any One Day (to be computed as aforesaid) in respect of any Horse, Beast, Cattle, or Carriage, such Horse, Beast, Cattle, or Carriage shall, on Notes or Tickets being produced denoting such Three Payments, be allowed to pass and repass Toll-free through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain at which such Three Payments shall have been so made, and also through all other Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains (if any) which the Notes or Tickets for such Payments shall free, at all Times during the Remainder of the same Day (to be computed as aforesaid).

No Toll to be paid for once repassing the same Gate.

XII. Provided always, and be it further enacted, That all and every the Horses, Beasts, and Cattle (except Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, or Stage Waggon, or other Stage Carriage herein-after specified) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on any Part of the said Roads, or on the Sides thereof, shall, upon a Note or Ticket denoting such Payment being produced, be permitted to return or pass once Toll-free on the same Day (to be computed as aforesaid) through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain at which such Payment shall have been made, in respect of each One Payment of Toll, and also through such other Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains (if any) as the Ticket for such Payment shall free.

Limiting the Number of Gates at which Tolls may be demanded.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Collector of the said Tolls, to demand or take such Tolls for or in respect of the same Horses, Beasts, or Cattle in any One Day (to be computed as aforesaid) at any greater Number of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains erected or placed or to be erected or placed along the whole Line of the said Roads than is herein-after mentioned, notwithstanding there may be a greater Number erected or placed thereon; (that is to say,) at no more than Three Toll Gates or Turnpikes, or Side Gates or Side Bars, or Chains, on the said Road from *Buckstones* to the *Rochdale* and *Elland* Turnpike Road, nor at more than One Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, on the said Road from *Sykehouse* to the *Barkisland* and *Stainland* Road, the Distance between each respective Place of Payment being at least Two Miles and a Half.

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

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods 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, Stage Waggon, or other Stage Carriage on account only of the Horses or Beasts drawing

drawing the same having been changed between any Gates freeing each other by Tickets.

Post Chaises, &c. to pay on every new Hiriug.

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

Certain Exemption not to be allowed unless Wheels of certain Width.

XVI. Provided always, and be it further enacted, That no Exemptions from any of the Tolls by this Act or by any other Act or Acts of Parliament granted shall be allowed for or in respect of any Horse, Mule, Ass, Ox, or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with any Mould, Dung, Lime, Lime Ashes, Marl, Bone Dust, Compost, or other Manure for improving or manuring Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, or Fodder for Cattle, or Corn in the Straw, Potatoes, or other Agricultural Produce, unless such Waggon, Wain, Cart, or other Carriage shall have Wheels of the Breadth of Four and a Half Inches or upwards, nor unless such Waggon, Wain, Cart, or other Carriage employed in leading or conveying any Materials for making or repairing any Highway shall be used for such Purpose between the First Day of *April* and the Thirty-first Day of *October*, both inclusive.

Application of Monies.

XVII. And be it further enacted, That out of the Tolls and other Monies collected or received under or by virtue of the said recited Act hereby repealed, or out of the Tolls and other Monies arising under or by virtue of this Act, the said Trustees shall in the first place pay and discharge the Cost, Charges, and Expences incurred in, about, and relating to the obtaining and passing of this Act; and then the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time of erecting or repairing Toll Gates, Toll Houses, Milestones, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act,) be applied in the first place, in keeping down the Interest of the Monies heretofore borrowed or advanced and now due on the Credit of the Tolls arising on the said Roads, and of the Monies to be hereafter borrowed or to grow due upon the Credit of the Tolls arising on the said Roads; and in the next place, in repairing, widening, improving, and maintaining the said Roads; and then in repaying the Principal Monies heretofore borrowed and due and owing as aforesaid, or to be hereafter borrowed, and all other necessary Costs, Charges, and Expences attending the same, in such Manner as the said Trustees shall from Time to Time appoint.

No Money to be laid out on the Branch Road unless Tolls be taken thereon.

XVIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Road authorized to be repaired by virtue of this Act, unless some Turnpike, Toll Gate, or Bar shall be erected or placed and continued upon

upon such Road or on the Side thereof, nor unless the Tolls hereby granted 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 Road than shall be collected thereat, or borrowed on the Credit of the Tolls collected thereon.

No Money to be expended in repairing Roads in any Town.

XIX. Provided also, 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 Act hereby repealed, or to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Roads in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Toll therein.

For granting Mortgages for Arrears of Interest.

XX. And be it further enacted, That in case any Person to whom any Arrears of Interest now are or shall at any Time hereafter be due on account of any Money advanced for making or repairing the said Roads, or for any Monies borrowed for the Purposes of the said recited Acts passed in the Sixth Year and in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, shall be desirous of taking a Mortgage of the Tolls by this Act granted in lieu of the immediate Payment of a Sum of Money for discharging such Arrears, and shall signify such Desire by Writing under his Hand to the Clerk to the said Trustees, then and in every such Case it shall be lawful for the said Trustees at any of their Meetings to demise and mortgage the Tolls by this Act granted or authorized to be collected upon the said Roads, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, as a Security to such Person for the Sum or Sums mentioned in such Mortgage and Interest thereon; and the said Trustees, or any Three or more of them, shall accordingly make and execute a Mortgage of the said Tolls, Turnpikes, and Toll Houses to any such Person, his or her Executors, Administrators, and Assigns; and the Sum of Money for which such Mortgage shall be given shall be considered as so much Money advanced to and for the Use of the said Trustees; and such Mortgage, or any Assignment or Transfer thereof, may be made in the Words, or as near thereto as may be convenient, and in such Manner as is directed by any Law or Statute relating to Turnpike Roads in *England*, and shall be subject to such Provisions and Regulations as any Demise or Mortgage or any Assignment or Transfer of any Demise or Mortgage of Tolls on Turnpike Roads in *England* is or shall be subject: Provided always, that on the Execution of every such Mortgage the Person to whom the same shall be made shall give a Discharge to the said Trustees for the Arrears of Interest for or in respect of which such Mortgage shall have been granted.

Public Act.

XXI. 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.

XXII. And be it further enacted, That this Act shall commence and take effect upon and from the First Day of *June* One thousand eight hundred and thirty-eight, and shall thenceforth continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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