

Dated 22<sup>nd</sup> February 1912

R.J.H. Mitchell Esq  
And  
Burnley Rural District Council.

**Agreement** for the taking over of a Ratione Tenurae Road in the Township of Barley

**Memorandum of Agreement** made the 22<sup>nd</sup> day of February 1912 BETWEEN the Burnley Rural district Council (hereinafter called the Council) of the one part and R.J. Howorth Mitchell Esquire of Spring Hill, Cloughfold, Waterfoot, Lancashire of the other part **Whereas** the said R.J. Howorth Mitchell Esqre, as the Owner and Hargreaves Thompson, Salt Pie Farm, Barley, Proctor Barritt, Foot House Gate, Barley and Edmond Robinson, Higher Laithe Barley as the Occupiers of lands in the Township of Barley in the said County are of some or one of them are or is liable ratione tenurae to repair certain highways in the said Townships or some or one of them within the Rural District of Burnley and more particularly shewn in the plan hereunto annexed and therein coloured Red. **And Whereas** the said highways or some of them being out of repair and the Council by virtue of the powers and authorities vested in it by the Highway Act 1835, the Highway Act 1862, the Highway Act 1864, the Public Health Act 1875 and the Local Government Act 1894, having requested the said R.J. Howorth Mitchell Esqre and his said tenants to put the same into a proper state of repair it has been agreed between the said parties hereto that the Council shall place the said highways in proper repair and for ever thereafter maintain the same at its own expense upon the terms and conditions hereinafter mentioned **Now these presents witness** that in consideration of the agreements on the part of the Council hereinafter contained the said R.J. Howorth Mitchell Esqre **Doth hereby agree** to pay the Council on the day of 189 the sum of One hundred + thirteen pounds nine shillings + eight pence (which for the purposes of this Agreement is estimated at £51:11:8 for the purpose of putting the said highways into a proper state of repair and at £61:18:0 for their future maintenance) in full discharge of all liability of the said R.J. Howorth Mitchell Esq. his heirs and assigns and his and their tenants to repair and maintain the said highways so repairable ratione tenurae as aforesaid **And** the Council **doth hereby agree** that in consideration of the Agreements on the part of the said R.J. Howorth Mitchell Esqre hereinbefore contained the council will at its own expense forthwith put into a proper state of repair and in a workmanlike manner the said highways so repairable ratione tenurae as aforesaid and for ever thereafter at the like expense maintain the same in good repair and put all the said highways into a proper state of repair and for ever thereafter maintain the same in good repair.

The Common Seal of the before mentioned Rural District Council of Burnley was hereto affixed by Longshaw, Chairman, in the presence of J.S Horner Clerk to the Council.

Signed, sealed and delivered by the said Robert John Howorth Mitchell in the presence of J. Howorth Massey, Closes Hall, Gisburne, Gentleman.

PLAN REFERRED TO.



SCALE 1/2500

*[Signature]*  
ENGINEER TO THE COMMISSION