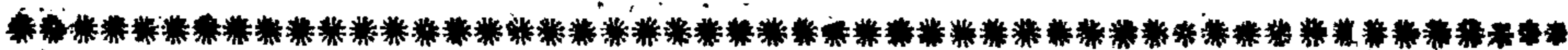




ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.



Cap. liv.

An Act for continuing and amending Two Acts of His late Majesty, for repairing the Roads from *Gander Lane*, in the County of *Derby*, to *Sheffield*, in the County of *York*, and from *Mosbrough Green*, to *Clown*, both in the said County of *Derby*; and also for widening and altering certain Parts of the said Roads, and making and maintaining certain Branches of Road communicating therewith.

[7th May 1821.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from Gander Lane*, 19 G. 3. c. 99. in the County of *Derby*, to *Sheffield*, in the *West Riding* of the County of *York*; and also the Road branching out of the said Road, at or near *Mosbrough Green*, in the said County of *Derby*, to *Clown*, in the same County: And whereas another Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty, intituled *An Act to continue for* 39 G. 3. c. 35. *Twenty-one Years*, and from thence to the End of the then next Session of *Parliament*, the Term, and to alter and enlarge the Powers of an Act, passed in the Nineteenth Year of the Reign of His present Majesty, for repairing and widening the Roads from *Gander Lane*, in the County of *Derby*, to *Sheffield*, in the County of *York*, and from *Mosbrough Green* to *Clown*,
[Local.] 19 I both

both in the said County of Derby: And whereas the Trustees appointed in and by virtue of the said Acts have proceeded to put the same in Execution, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Money still remains due, together with a considerable Arrear of Interest; and the said Roads cannot be effectually amended, improved, and kept in Repair, and the Money so borrowed repaid, unless the said Acts, which are near expiring, be continued for a further Term; and it is expedient that some of the Powers and Provisions therein respectively contained should be repealed or altered, and some further Powers and Authorities granted, for more effectually repairing and improving the said Roads: And whereas the making and maintaining of a Branch of Road from the Turnpike Road at or near the Hospital in *Sheffield Park*, in the Parish of *Sheffield* aforesaid, again to join the same Turnpike Road at or near the *Intack*, in the Parish of *Handsworth*, in the said County of *York*, and another Branch from the same Turnpike Road, at *Mosbrough Moor Side*, near the Tollbar there, to *Eckington Little Moor*, both in the said County of *Derby*; and also the diverting, widening, and altering certain other Parts of the said Roads, in the Parishes of *Beighton* and *Eckington*, in the said County of *Derby*, and the repairing and maintaining all such new Roads in manner herein-after provided or mentioned, would be of public Utility: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Nineteenth and Thirty-ninth Years of the Reign of His said late Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, and now in force (except so far as any of them are hereby varied, altered, or repealed, or are repugnant to or otherwise provided for by any of the Clauses or Provisions contained in this Act), shall be and continue in full Force, and shall be applied and put in Execution by the Trustees appointed and to be appointed in and by virtue of this Act, during the Term herein-after mentioned, for amending, widening, altering, diverting, improving, and keeping in Repair the said several Roads comprized in the said recited Acts; and for making, widening, altering, diverting, improving, and keeping in Repair the several Branches or additional Roads herein described or referred to, in as full and ample a Manner, and as effectually to all Intents and Purposes, as if the same Authorities, Powers, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things in the said recited Acts respectively contained and now in force (except as aforesaid), were herein particularly repeated and re-enacted, and were expressly extended to the several Branches, additional Roads, and Parts of Roads hereby authorized to be made, as well as to the said Roads comprized in the said recited Acts; and that this Act, and the Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, and which shall or may hereafter be borrowed or become due on the Credit of the said recited Acts and this Act, or any of them, and all Interest due or to become due for the same respectively.

The former Acts continued.

Plans and Books of Reference.

II. And whereas several Maps or Plans, describing the Lines of the said Branches, additional Roads, and Parts of Roads, intended to be made

by virtue of this Act, and the Lands through which the same are proposed to be carried, together with Books or Schedules of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerks of the Peace for the West Riding of the said County of *York*, and for the said County of *Derby*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the Time being of the same Riding and County, to the End that all Persons may at all or any seasonable Times have Liberty to inspect and peruse the same respectively, and to take Copies thereof or Extracts therefrom, paying to the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

III. And be it further enacted, That it shall be lawful for the said Trustees, or for such Person or Persons as they shall employ for that Purpose, and they are hereby fully authorized and empowered, to set and stake out, and to form, make, and complete the said Branches, additional Roads, and Parts of Roads, herein-before described or referred to, with all necessary Arches and Bridges in or upon the same, or on the Side or Sides thereof, in, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for the same, and also in, upon, through, or over any private Lands or Grounds, first making Satisfaction to all Persons interested in such private Lands, Grounds, and Hereditaments, in manner herein-after directed; and for the Purposes aforesaid it shall be lawful for the said Trustees, their Surveyor or Surveyors, Officers, Servants, and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the said Lands, through which and whereupon the said Branches, additional Roads, and Parts of Roads, or any of them, are or is intended to pass, or the Lands and Grounds adjoining thereto, and to cut and make such Drains, Gutters, Arches, and Tunnels, in or upon the said Lands adjoining or near such Branches, additional Roads, and Parts of Roads, or any of them, as shall be by them thought necessary and proper for draining the Water from such Branches, additional Roads, and Parts of Roads respectively, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given, and making Satisfaction as herein-after is mentioned for all the Damages which shall be sustained by the Owners and Occupiers of, and other Persons interested in such Lands respectively, by the Execution of all or any of the Powers by this Act given and created.

IV. Provided nevertheless, and it is hereby further enacted, That the said Trustees shall not proceed to the Execution of the Powers hereby given to them for making the said Branches or additional Roads herein-before mentioned, or any of them, without the Consent in Writing of the Mortgagees or Persons entitled for the Time being to Three-fourth Parts in Value of the Principal Monies secured on Mortgage of the Tolls payable by virtue of the said recited Acts, or either of them, nor without the Consent in Writing of the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, so far only as such Powers extend to the making of any Branch or Road or additional Roads through or over any of the Lands or Grounds belonging to the King's

Power to
make the
new Branches
of Road.

Consent of
Mortgagees
and Commis-
sioners of His
Majesty's
Woods, &c.
necessary.

most

most Excellent Majesty, in the Manor or Parish of *Eckington*; nor without the Consent in Writing of the most Noble *Bernard Edward* Duke of *Norfolk*, his Heirs, Successors, or Assigns, so far only as such Powers extend to the making of any Branches of Road or additional Roads through the Land of the said Duke, in the Township of *Sheffield* aforesaid; nor without the Consent in Writing of the Right Honourable Earl *Manvers*, his Heirs, Successors, or Assigns, so far only as such Powers extend to the making of any Branch of Road or additional Road through the Land of the said Earl, in the Township of *Beighton*, in the Direction of *High Lane*; any thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

Deviations
not to exceed
certain
Limits.

V. And be it further enacted, That the said Trustees in making the said new Branches and additional Roads, described in the said Maps or Plans, or any of them, or any Part thereof, under the Powers of this Act, shall not deviate more than One hundred Yards of Three Feet each from the respective Lines 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 Grounds such Deviations shall be made; and that the said Trustees in diverting or altering any Parts of the Roads comprized in the said recited Acts, otherwise than as is described in the said Maps or Plans, shall not deviate more than One hundred Yards from the present Lines or Courses of such Roads, without the Consent in Writing of such respective Owners as aforesaid, of the Lands through which such Deviations shall be made.

Misnomers
in the Books
of Reference.

VI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Branches or additional Roads hereby authorized to be made, into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same are respectively set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons, or of his, her, or their Tenant or Tenants, may happen to be erroneously stated or omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the Riding or County wherein such Lands are situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Inadvertence or Mistake.

Proceedings
of Trustees
not regularly
appointed de-
clared valid,
and the Trus-
tees indem-
nified.

VII. And whereas some Persons may have acted as Trustees in the Execution of the said recited Acts or one of them, without having been regularly appointed such Trustees; and Doubts may arise whether the Proceedings of the Trustees had at Meetings where such Persons have been present and acted as Trustees, are strictly legal; for obviating all such Doubts, be it further enacted and declared, That all Proceedings of the Trustees in the Execution of the said recited Acts or either of them, at Meetings where any Person or Persons hath or have acted as a Trustee or Trustees without having been regularly appointed, shall be as good and effectual in the Law as if such Person had been duly appointed.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *York* and *Derby*, or either of them, the Right Honourable *Charles Henry Howard* commonly called Earl of *Surrey*,
the

the Right Honourable *Wentworth Wentworth Fitzwilliam* commonly called Lord Viscount *Milton*, the Right Honourable *George Henry Cavendish* commonly called Lord *George Henry Cavendish*, Sir *George Sitwell* Baronet, *William Aldam*, *John Aldam*, *Francis Rokeby Appleby*, *Thomas Appleby*, *Charles Appleby*, *John Appleby*, the Reverend *William Alderson* Clerk, the Reverend *Jonathan Alderson* Clerk, *Job Allen*, the Reverend *William Bagshaw* Clerk, *Joseph Bower*, *John Battie*, *Thomas Bowden*, *Henry Bowden*, *George Bowden*, *John Bruno Bowden*, *William Bramley*, *Paul Bright*, *George Booth*, *Peter Pegge Burnell*, the Reverend *Alexander Crawford Bromehead* Clerk, *Jonathan Broomhead*, *John Broomhead*, *Ebenezer Brooks*, *Robert Brightmore*, *John Butcher*, *William Boothby*, *Joseph Butler*, *Richard Bayley*, *William Birks*, *Joseph Butler junior*, *Thomas Butler*, *William Butler*, *George Butler*, *Edward Blount*, *Thomas Creswick*, *James Creswick*, *Edward Creswick*, the Reverend *John Carver* Clerk, *Robert Clark*, *James Camm*, *Joshua Cawton*, *William Cavendish*, *George Henry Compton Cavendish*, *Peter Cadman*, *James Deakin*, *Thomas Deakin*, *George Deakin*, *John Dickinson*, *Thomas Duesbury*, the Reverend *Joseph Dixon* Clerk, *Matthew Downes*, *John Ellis*, *Matthew Ellis*, *Charles Elliott*, *George Elliott*, *Jonathan Ellis*, *Vincent Henry Eyre*, *Michael Ellison*, *Thomas Fox*, *William Fox*, *John Fox*, *Francis Fenton*, *Thomas Fletcher*, *Richard Foster*, the Reverend *Francis Foxlow* Clerk, *William Fairbank*, *Edward Fox*, *John Furness*, *John Bernard Furness*, *Richard Girdler*, *Edward Girdler*, *John Greaves*, *John Green*, *George Bustard Greaves*, *George Greaves*, the Reverend *Francis Gisborne* Clerk, *Edmund Greaves*, *Thomas Garthwaite*, *Philip Gell*, *Robert Gainsford*, *Thomas Howard*, *John Hartop*, *William Hobson*, *John Heaton*, *Ralph Hodgkinson*, *John Hawkesley*, *John Hurt*, *Samuel Hallows Harmer*, *Thomas Holy*, *Thomas Beard Holy*, *Jonathan Hague*, *T. D. Hill*, *Joshua Hawksley*, *Daniel Holy*, *William Hutchinson*, the Reverend *Thomas Hill* Clerk, *Edward Humble*, *Rowland Hibbard*, *James Hunloke*, *Rowland Hodgson*, *Bartholomew Hounsfield*, *Joseph Ibberson*, *John Jennings*, *Richard Ibberson*, *John Inkersall*, *Gilbert Inkersall*, *Christopher Jones*, *John Jeeves*, *William Jarvis*, *Edward Jarvis*, *George Kelk*, *James Kirkby*, *Thomas Lowndes*, *Anthony St. Leger*, *Thomas Lax*, *Henry Longden*, *Gamaliel Milner*, *John Milner*, *John Mellor*, *John Mullings*, *John Morr e*, *Jonathan Marshall*, *Hugh Massy*, *Edward Miller Mundy*, *John Norborn*, *Robert Newton*, *John Newbould*, *Thomas Newbould*, *William Newbould*, *George Newbould*, *Thomas Newbould junior*, *Edward Nanson*, *Robert Owen*, *John Owtram*, *Hugh Parker*, *John Parker*, *Samuel Parker*, *John Pearson*, *Thomas Parker*, *William Potter*, *Edward Sacheverel*, *Chandos Pole*, *William Pearson*, *Thomas Pearson* Liquor Merchant, *Luke Palfreyman*, *William John Picken*, *Thomas Rawson*, *Samuel Roberts*, *Cornelius Heathcote Rodes*, *Andrew Raynes*, the Reverend *P. A. Reaston* Clerk, the Reverend *Cornelius Heathcote Reaston* Clerk, *James Rimington*, *Henry Rimington*, *Joseph Read*, *John Read*, the Reverend *Frederick Ricketts* Clerk, *Smith Rotherham*, *Ebenezer Rhodes*, *Samuel Smith*, *Samuel Staniforth*, *George Staniforth*, *John Staniforth*, *Mark Skelton*, *Mark Skelton junior*, *Joseph Dixon Skelton*, *Samuel Shaw*, *Samuel Shore*, *Samuel Shore junior*, *John Shore*, *William Shore*, *Offley Shore*, *Abraham Shaw*, *John Stephenson*, the Reverend *Thomas Stacy* Clerk, the Reverend *Jacob Scholes* Clerk, *Edward Schofield*, *William Staniforth* Surgeon, *Benjamin Sayle*, *Peter Spurr*, *William Stacy*, *Richard Stanley*, *Richard Swallow*, *William Skinner*, *William Slagg*, *Thomas Slagg*, *Richard Swallow junior*, *John Swallow*, *John Sorby*, *John Sorby junior*, *Edwin Sorby*, *James Sorby*, *Thomas Sorby*, *John Slagg*, *Joseph Slagg*, *John Shirt*, *John Turner*, *John Taylor*, *Benjamin Taylor*, *Robert Taylor*,

George Taylor, William Vickers, John Vickers, Harry Verelst, the Reverend Charles Verelst Clerk, the Reverend William Verelst Clerk, James Archibald Stuart Wortley, Joshua Wigfall, Joshua Wigfall junior, Jonathan Wilkinson, John Woolas, Benjamin Withers, Benjamin Withers junior, James Wheat, John Wheat, Samuel Wilson, Thomas Wright, Alexander Wright, Samuel Broomhead Ward, Samuel Broomhead Ward junior, Martin Wostenholme, Edward Wardle, William Wilson junior, Snuff Mills, William Wilson junior, Highfield, Robert Wilson, Robert Frederick Wilkinson, Frederick Wilkinson, John Watson, Thomas Watson, Samuel Walker, Bernard John Wake, Thomas Ward, Thomas Weldon, James Wilson, Thomas Asline Ward, William Younge M. D., the Reverend Thomas Younge Clerk, Samuel Younge, Charles Younge, William Younge, and George Younge; together with such other Persons not exceeding the Number of Ten, as the said Trustees, or any Five or more of them, shall at their first or any subsequent Meeting nominate in that Behalf (being qualified as herein-after mentioned), shall be and they are hereby appointed the Trustees for surveying, widening, amending, and keeping in Repair all the Roads comprized in the said recited Acts and this Act, or any of them, and for otherwise putting the same recited Acts and this Act in Execution.

Qualification
of Trustees.

IX. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Acts or this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons, having a Real Estate of the clear yearly Value of Two hundred Pounds, or shall have and be possessed of a Personal Estate of the Value of Four thousand Pounds above what shall be sufficient to pay all his just Debts, and unless every such Person shall take and subscribe the Oath, or being one of the People called *Quakers*, an Affirmation, in the Presence of Two or more of the Trustees for the Time being, who are hereby authorized to administer the same, in the Form following; (that is to say),

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm*] That I am
 ‘ in my own Right, or in the Right of my Wife, truly and *bonâ fide*
 ‘ seised of, or entitled to, and in the actual Possession or Receipt of the
 ‘ Rents and Profits of Freehold or Copyhold Lands, Tenements, or
 ‘ Hereditaments, of the clear yearly Value of One hundred Pounds above
 ‘ Reprizes; [*and, in case of an Heir Apparent*], I *A. B.* do swear [*or,*
 ‘ affirm], That I am Heir Apparent to *C. D.* who to the best of my Know-
 ‘ ledge and Belief is truly and *bonâ fide* seised of, or entitled to; and in
 ‘ the actual Possession or Receipt of the Rents and Profits of Freehold or
 ‘ Copyhold Lands, Tenements; or Hereditaments, of the clear yearly
 ‘ Value of Two hundred Pounds above Reprizes; [*and, in case of*
 ‘ Personal Estate, I *A. B.* do swear [*or, affirm*] That I truly and *bonâ fide*
 ‘ have and am possessed of Personal Estate of the Amount or Value of
 ‘ Four thousand Pounds over and above what shall be sufficient to pay all
 ‘ my just Debts; and that I will truly and faithfully execute the Powers
 ‘ and Trusts reposed in me by virtue of an Act passed in the Second Year
 ‘ of the Reign of His Majesty King George the Fourth, intituled [*here set*
 ‘ forth the Title of this Act]. So help me GOD.’

And if any Person not being so qualified, or being disqualified by Bankruptcy, Insolvency, or otherwise, to act as a Trustee, or not having taken and subscribed such Oath as aforesaid, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act.

X. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Acts and this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Acts and this Act, or receiving Interest thereout for the same, shall be on that account deemed unqualified to act as a Trustee in the Execution of the said Acts and this Act.

Trustees holding Places of Profit not to act.

XI. Provided always, and be it further enacted, That all Acts which shall have been done by any Person acting as a Trustee, although he shall not be duly qualified to act in the Execution of this Act, shall, previous to his being convicted of such Offence, be as valid and effectual as if such Person had been duly qualified to act in the Execution of this Act.

Acts of unqualified Trustees before Conviction valid.

XII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue or in pursuance of the said recited Acts and this Act, in the Name of any One of such Trustees, or of their Clerk for the Time being; and that no Action or Suit brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of any such Trustee, or of their Clerk, shall abate or be discontinued by the Death or Removal of any such Trustee or Clerk, or by the Act of any such Trustee or Clerk, without the Consent in Writing of the said Trustees, or any Five or more of them, but that any One of the said Trustees, or the Clerk for the Time being to the said Trustees, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that every such Trustee or Clerk, in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in the Name of their Clerk.

XIII. And

First Meeting of the Trustees.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may meet at the *White Hart Inn*, in *Eckington*, in the said County of *Derby*, upon the *Monday* Three Weeks next after the passing of this Act, and shall then adjourn themselves to the same or any other Place on or near the said Roads, and to such Time as the said Trustees then present, or any Five or more of them, shall appoint, and so from Time to Time as the said Trustees, or any Five or more of them, shall think proper, for putting the said former Acts and this Act into Execution: Provided always, that the said Trustees shall at all their Meetings defray their own Expences.

Accounts of Receipts and Disbursements to be open to Inspection of Trustees and Creditors.

XIV. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time and at all Times during the Continuance of the said recited Acts and this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Clerks of the said Trustees, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money respectively received, paid, laid out and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees and every of them, and to the several Creditors on the Tolls granted by the said recited Acts and this Act, or any of them, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from any of the said Books, without paying any thing for the same; and in case any such Clerk or Clerks shall refuse to permit, or shall not permit any of such Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, every Clerk so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Repeal of Power to require Officers to account on Oath.

XV. And be it further enacted, That so much of the said recited Act of the Nineteenth Year of His said late Majesty, as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Persons to account upon Oath, and subjects them to any Penalty for refusing to verify their Accounts upon Oath, and as authorizes any Person to administer any such Oath, shall be and the same is hereby repealed and made void.

Same Person not to be Clerk and Treasurer.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the said recited Acts and this Act, or any of them, or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or any of them; or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of the said recited Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts

Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

XVII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole of the Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give or deliver a Ticket denoting the Payment of the Toll, and naming and specifying the Gate or Gates freed by such Payment, or upon the legal Toll being paid, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Person or Persons travelling upon the said Roads, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

Toll Collectors to put up their Names.

XVIII. And be it further enacted, That the several Tolls granted and made payable by virtue of the said recited Acts of the Nineteenth and Thirty-ninth Years of the Reign of His said late Majesty King *George* the Third, or either of them, on the said Roads, shall continue and be payable until the Expiration of Seven Days next after the passing of this Act, and shall from thenceforth cease, determine, and be no longer paid or payable; and that instead thereof the following Tolls, or such Portion thereof, and at such Gate or Gates as the said Trustees, or any Five or more of them, shall from Time to Time see fit, subject to the Restrictions in this Behalf contained in the said recited Acts, or either of them, shall be demanded and taken at any of the Turnpikes or Toll Gates erected or to be erected upon the said Roads, or on the Sides thereof, before any Horse, Beast, or other Cattle, or any Coach, Waggon, or other Carriage, upon which any

Repealing former Tolls and granting new ones.

[Local.]

19 L

Toll

Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

For every Horse or other Beast drawing any Coach, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, Gig, Chair, or Taxed Cart, or any other Carriage on Springs, the Sum of Three-pence:

For every Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, drawn by Six Horses or other Beasts, the Sum of One Shilling and Sixpence; but if the Wheels shall run in a Track, the Breadth of which shall either be under Four Feet Five Inches, or above Five Feet Eight Inches, and the Axletree, Bushes, and Wheels of such Carriages are made perfectly cylindrical, the Sum of One Shilling:

For every such Waggon, Wain, Cart, or Carriage as aforesaid, drawn by Five Horses or other Beasts, the Sum of One Shilling and Three-pence; but if the Wheels run in either of the before-mentioned Tracks, and the Axletree, Bushes, and Wheels are made in manner aforesaid, then the Sum of Ten-pence:

For every such Waggon, Wain, Cart, or Carriage as aforesaid, drawn by Four Horses or other Beasts, the Sum of One Shilling; but if the Wheels run in either of the before-mentioned Tracks, and the Axletree, Bushes, and Wheels are made in manner aforesaid, then the Sum of Eight-pence:

For every such Waggon, Wain, Cart, or Carriage as aforesaid, drawn by Three Horses or other Beasts, the Sum of Nine-pence; but if the Wheels run in either of the before-mentioned Tracks, and the Axletree, Bushes, and Wheels are made in manner aforesaid, then the Sum of Sixpence:

For every such Waggon, Wain, Cart, or Carriage as aforesaid, drawn by Two Horses or other Beasts, the Sum of Sixpence; but if the Wheels run in either of the before-mentioned Tracks, and the Axletree, Bushes, and Wheels are made in manner aforesaid, then the Sum of Four-pence:

For every such Waggon, Wain, Cart, or Carriage as aforesaid, drawn by One Horse or other Beast, the Sum of Three-pence; but if the Wheels run in either of the before-mentioned Tracks, and the Axletree, Bushes, and Wheels are made in manner aforesaid, then the Sum of One Penny Halfpenny:

For every Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and having the Wheels to run in a Track, the Breadth of which shall be either under Four Feet Five Inches, or above Five Feet Eight Inches, and having the Axletree, Bushes, and Wheels made perfectly cylindrical, drawn by Six Horses or other Beasts, the Sum of One Shilling and Sixpence:

For every such Waggon, Wain, Cart, or Carriage, as last aforesaid, drawn by Five Horses or other Beasts, the Sum of One Shilling and Three-pence:

For every such Waggon, Wain, Cart, or Carriage, as last aforesaid, drawn by Four Horses or other Beasts, the Sum of One Shilling:

For every such Waggon, Wain, Cart, or Carriage, as last aforesaid, drawn by Three Horses or other Beasts, the Sum of Nine-pence:

For every such Waggon, Wain, Cart, or Carriage, as last aforesaid, drawn by Two Horses or other Beasts, the Sum of Sixpence :

For every such Waggon, Wain, Cart, or Carriage, as last aforesaid, drawn by One Horse or other Beast, the Sum of Two-pence :

For every Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, or being of that Breadth, and not having the Wheels to run in either of the before-mentioned Tracks, and the Axletree, Bushes, and Wheels made in manner aforesaid, drawn by Four Horses or other Beasts, the Sum of One Shilling and Sixpence ; drawn by Three Horses or other Beasts, the Sum of One Shilling and One Penny Halfpenny ; drawn by Two Horses or other Beasts, the Sum of Nine-pence ; and drawn by One Horse or other Beast, the Sum of Four-pence Halfpenny :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, the Sum of Three-pence ; but if the Wheels of any such Waggon, Wain, Cart, or Carriage, as last aforesaid, shall run in a Track, the Breadth of which shall be either under Four Feet Five Inches, or above Five Feet Eight Inches, and the Axletree, Bushes, and Wheels of such Carriage are made perfectly cylindrical, then for every Horse or other Beast drawing the same, the Sum of One Penny Halfpenny :

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number ; and for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

Provided always, that neither a less nor greater Toll than Three-pence shall be demanded, received, or taken at the Bar or Gate erected at the South Entrance into *Sheffield Park*, for every Waggon, Wain, Cart, or other Carriage, drawn by One Horse only, and employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, any Coals or Cokes, other than and except such as shall or may be got within or from under the Lands and Grounds formerly Parcel of *Gleadles* and *Woodthorpe* Commons ; any thing in this Act contained to the contrary notwithstanding.

Which said respective Tolls shall be demanded and taken before any Horse or other Beast, Coach, Waggon, Wain, Cart, or other Carriage whatsoever, or Drove of Oxen, Cows, or other Neat Cattle, Calves, Swine, Sheep, or Lambs, shall be permitted to pass through any Turnpike or Toll Gate, Bar, or Chain, erected or to be erected upon the said Roads by virtue of this Act, or upon or across any Lane or Way leading into the same ; and upon Payment of any of the said Tolls the Collector or Receiver shall, and he is hereby directed, if required, to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment ; and on such Ticket shall be named and specified the several Gates freed by such Payment.

XIX. Provided always, and be it enacted, That nothing in the said recited Acts or this Act contained shall extend to empower the said Trustees, Limiting the Number of Tolls to be taken.

Trustees, or any Person or Persons appointed or to be appointed by them, to take the said Tolls more than Twice upon the said Road between *Gander Lane* and *Sheffield*, or more than Three Times between *Clown* and *Sheffield*, for the Passage of the same Horse, Beast, Cattle, or Carriage, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, or to take the said Tolls more than Once at the same Gate for the Passage of the same Horse, Beast, Cattle, or Carriage, in the same Day, to be computed as aforesaid.

Exemptions
by 55 G. 3.
c. 119. not to
be affected.

XX. Provided always, and be it further enacted, That all Waggon, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Toll not to
be taken at
Gates erect-
ed nearer
than Two
Miles from
each other.

XXI. Provided also, and be it further enacted, That nothing in the said recited Acts and this Act, or any of them contained, shall extend to empower the said Trustees to receive or take Toll at any Two Turnpikes or Toll Gates erected or to be erected in or upon the said Roads, or any Part thereof, at a less Distance from each other than Two Miles.

Tolls vested
in Trustees.

XXII. And be it further enacted, That the said respective Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the said Tolls or any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors, or any of them respectively, or any other Person or Persons whom they respectively shall take to their Assistance therein, to distrain any Horse or Cattle, Beast or Carriage, upon which any of the said Tolls are by this Act imposed, or any of the Lading, Bridle, Harness, or Accoutrements thereof respectively (but no such Bridle shall be seized or distrained without the Horse), or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Collector or Collectors so distraining shall and may at his or their Election either detain and keep the Horse, Cattle, Beast, Carriage, Goods and Chattels, or other Article so distrained, until such Tolls, with the reasonable Charges of such Distress and of detaining and keeping the same, shall be paid; or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods and Chattels, or other Articles so distrained; and out of the Money which shall arise by such Sale, pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which

For com-
pelling Pay-
ment of Tolls.

which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

XXIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to sell such Distress, or detain the same, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of Tolls due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall be ascertained by a Justice of the Peace for the County, Riding, or District wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine into the said Matter upon Oath of the Parties, or any Witness or Witnesses, and determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Non-payment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Disputes as to Tolls to be settled by a Justice.

XXIV. And be it further enacted, That the said Trustees may and are hereby authorized and empowered from Time to Time, when and as often as they shall think proper, to lessen or reduce all or any of the said Tolls hereby granted (except as aforesaid), and to raise the same again, so as they do not exceed the Tolls by this Act granted; and so as every Reduction thereof be made with the Consent of the several Persons who shall then be entitled to Five-sixth Parts of the Money then due on Security of the said Tolls; but no such Reduction shall be made unless Twenty-one Days Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Roads, and by inserting such Notice in one or more of the Newspapers published in the said Counties of *York* and *Derby*.

Tolls may be lessened or altered.

XXV. Provided always, and be it further enacted, That all and every Occupiers and Occupier of Lands or Hereditaments situate or arising within the several Townships of *Killamarsh* and *Beighton*, or either of them, shall be, and they and he are and is hereby exempted and freed from the Payment of any Toll for Horses not drawing at the Side Gate at or near a certain Toll Bar situate upon the said Roads, called or known by the Name of the *Holbeck Bar*.

Exemption from Tolls to Occupiers of Land in Killamarsh and Beighton, at Holbeck Side Bar.

XXVI. And be it further enacted, That from and after the passing of this Act all the Exemptions from Toll granted and allowed by the said recited Acts or any of them, shall cease, and in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed; (that is to say), no Toll shall be demanded or taken for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning therefrom, or for any Corn, Grain, or Grist being carried to or from any Corn Mill, being in any of the Hamlets, Townships, or Places through which the said Roads or any Part thereof shall lead, or for any Horses, Cattle, or Carriages returning unladen, after having carried any such Corn, Grain, or Grist, such Corn, Grain, or Grist being for private Use

General Exemptions from Toll.

[Local.]

19 M

only,

only, and not for Sale; nor for any Horse or Horses or other Beasts or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or conveying on the same Day or the Day following) any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any Bridges thereon, or any of the Roads or Bridges in the Townships or Parishes in which any Part of the said Roads lie; or with Seed for seeding the Ground, or Hay, Turnips, Potatoes, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or conveying on the same Day) any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (Chalk, Lime, and Limestone only excepted) employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any one and the same Parish in which the said Roads lie; or for any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of Officers or Soldiers, or Militia, or Local Militiamen, on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying (having been employed only in carrying or conveying) the Arms or Baggage of any such Officers or Soldiers, or employed only in carrying or conveying, or returning empty from carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Wain, Waggon, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and ridden by him in going to or returning from any Place appointed for or on the Days of Exercise, Inspection, or Review; provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulation of such Corps at the Time of claiming the Exemption; or for the Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning

empty after having been so employed; or for any Horse or Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Tork* and *Derby*, on the Days or Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Horses or other Beasts of Burden going through the said Turnpike or Toll Gate at the Entrance of *Sheffield Park* aforesaid, to the Town of *Sheffield*, laden with Milk only, and returning from thence, having been so laden; nor shall any Toll be demanded or taken for any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches and upwards, or having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and in the latter Case, having the Wheels to run in a Track, the Breadth of which shall be either under Four Feet Five Inches or above Five Feet and Eight Inches, and the Axletree, Bushes, and Wheels thereof made perfectly cylindrical, employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, at any Time in the Year between the First Day of *April* and the First Day of *November* in each Year, Lime for the Purpose of Manure, to be used by any Person or Persons liable to the Performance of Statute Work in or upon the said Roads or any Part thereof, and to be consumed in or upon Land situate in some or one of the Townships in or through which the said Roads or some of them lie or pass; and if any Person or Persons shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act; and the same shall be levied and recovered in the same Manner as other Penalties and Forfeitures are by the said recited Acts and this Act, or any of them, empowered or directed to be levied and recovered.

XXVII. And whereas the said Road passes through the Lands and Grounds of the most Noble *Bernard Edward Duke of Norfolk* called *Sheffield Park*, for the Space of Three Miles or thereabouts, and no pecuniary Compensation has been paid by the Trustees of the said Road to the Owner of the said Park for the Use of such Road, for the several Terms in such respective Acts mentioned, on Condition that no Toll should be demanded or taken for the Passage of any Cattle or Carriage going through the Turnpike or Toll Gate at the Entrance of *Sheffield Park* aforesaid, employed only in carrying Coals got in the Waste Grounds of the Owner of the said *Sheffield Park* called *Gleadles* and *Woodthorpe Commons*, and such Condition was considered to be greatly to the Advantage of the said Road, by saving the Expenditure of a large Sum of Money for the Purchase of such Lands, and it is expedient that the same should be continued; be it therefore further enacted, That from and after the passing of this Act no Toll shall be demanded or taken for any Cattle or Carriage going through the said Turnpike or Toll Gate at the Entrance of *Sheffield Park* aforesaid, employed only in carrying Coals, got within or under the Lands and Grounds formerly Parcel of *Gleadles* and *Woodthorpe Commons*.

Exemption
as to Coals
got on Lands
of the Duke
of Norfolk.

XXVIII. And

Owners or Drivers of Waggons in the Service of His Majesty not subject to any Penalty for Overweight.

XXVIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to any such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Acts and this Act contained to the contrary notwithstanding.

Trustees may call in and cancel old Mortgages, and may grant new ones.

XXIX. And be it further enacted, That the said Trustees or any Seven or more of them may and shall, if thereunto required, receive in and cancel all or any Mortgages or Assignments now standing out, that were made by virtue of the said recited Acts or either of them, and give and execute another or others for the respective Sums therein mentioned, instead and in lieu thereof respectively.

An Action of Ejectment may be supported by one Mortgagee.

XXX. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls shall seek to obtain the Possession of the Tolls, Toll Gates, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises to obtain such Possession, but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of Compensation, if amounting to 200l.

XXXI. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used for the Purposes of the said recited Acts and this Act, of any Bodies Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life, or Tenant in Tail, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land
Tax,

Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in cases of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Monies, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 200l. and above 20l.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Here-

Where Compensation under 20l.

ditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Purchase
Money to be
paid into the
Bank of
England in
certain Cases.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of Lands or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt and Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of
disputed
Titles.

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such
Possession

Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order Expences to be paid by Trustees.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or their Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for making and repairing the said Roads, or any Bridges, Culverts, Walls, or Fences necessary thereto, out of and from any Commons and Waste Grounds, Common River, Brook, or Pit, in any Parishes, Townships, or Places, in which any Part of the Roads hereby directed to be repaired shall lie, or in any adjoining Parishes, Townships, or Places, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall also be lawful for the said Trustees, or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by Order of any Two or more Justices of the Peace for the County or District in which the Lands shall be situate, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private and inclosed Lands and Grounds of any Person or Persons in any Parishes, Townships, or Places in which any Part of the said Roads shall lie or be situate, or in any adjoining Parishes, Townships, or Places where the same may be had or found (such Lands or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or District in which the Lands shall be situate,

Surveyors empowered to get Materials for repairing Roads.

on

on Seven Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages.

Notice to be given to Occupiers of Land before Materials taken.

XXXVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any Stone or other Materials for making or repairing the said Roads, or any Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands and Grounds, until Ten Days previous Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall not attend pursuant to such Notice, or shall attend, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stones and Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Owner or Occupier or his Agent had attended.

Penalty on Persons damaging or injuring the Road, or committing Nuisances thereon.

XXXIX. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Footway upon or on the Side of or adjoining to the said Roads; or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Causeway or Footway; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stones, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the said Roads, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride upon the Shafts or any other Part of the said Carriage, without holding the Reins of the Horse or Horses; or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person or Persons shall turn loose, or permit or suffer any Beast or Swine to run loose, or stray or graze or depasture on the said Roads, or on the Side or Sides thereof; or if any Person, after having blocked or stopped any Carriage whatsoever in going up any Hill or rising Ground, shall leave, or permit or suffer to be or remain on the said Roads or any of them, the Stone or other Thing made use of in blocking or stopping of such Carriage; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or

Fireworks

Firework whatsoever, on any Part of the said Roads, or within the Distance of Eighty Feet of the Centre thereof; or play at Football or any other Game or Games whatsoever on any Part of the said Roads, to the Annoyance of any Passenger or Passengers; or shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Roads, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person or Persons, not being the Surveyor or Surveyors thereof, or authorized by him or them, shall lay any Timber, Stone, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or upon the Side or Sides thereof, between the Road and Fences erected or to be erected on the Side thereof; or shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads or the Sides thereof; or shall remove or carry away any Mud, Soil, or other Matter or Thing, which shall have been scraped and placed thereon or on the Sides thereof, under the Authority of the said Trustees, or such Surveyor or Surveyors, unless the same shall be done at such Times, and under such Regulations, as the said Trustees or their Surveyor shall direct; or if any Person or Persons shall plough or break up any of the Soil between the Road and such Fences as aforesaid, for the Purpose of making Compost or Manure; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

XL. And whereas considerable Quantities of Milk are conveyed to the Town of *Sheffield* and elsewhere, in Barrels or Tin Cans, upon Horses, Mules, or Asses, and in Carts or other Carriages, which are generally conducted by Boys, who frequently collect together and ride Races, or proceed at so quick a Pace as to make a great Noise, by the rattling of their empty Barrels or Cans, and they thereby greatly annoy and molest Passengers and Travellers on the Roads in the Vicinity of the said Town, and endanger the Lives and Limbs of such Passengers, and several Accidents have actually happened in consequence, near the said Town of *Sheffield*; be it therefore enacted, That for the easier Detection of Persons guilty of any of the Offences aforesaid, every Owner or Owners of any Horse, Mule, Ass, Cart, or Carriage, conveying Milk on the Roads by the said recited Acts and this Act authorized to be made, amended, and kept in Repair, shall have the Name or Names of the Owner or Owners of such Horse, Mule, Ass, or Carriage, in large legible Letters, fixed to or upon some conspicuous Part of the Pack Saddle upon or to which the Barrels or Cans shall be attached, or upon the said Barrels or Cans themselves, or upon some conspicuous Part of such Cart or Carriage; and if any Person or Persons shall carry or convey, or cause to be carried or conveyed by the Means aforesaid, Milk upon or along the said Roads, or any Part thereof, within the Distance of Six Miles from the Parish Church of *Sheffield*, without having the Name or Names of the Owner or Owners so affixed as aforesaid, the Owner or Owners of the same shall forfeit and pay any Sum not exceeding Forty Shillings; and if any Person or Persons in attendance upon any Horse, Mule, Ass, Cart, or Carriage, laden with Milk, or returning Home after having been so laden, shall ride a Race or Races along the said Roads, within the said Distance from the

For preventing Annoyances to Passengers by Milk Carriers, &c.

Parish Church of *Sheffield*, or shall proceed at an improper Rate, or shall wilfully or by Negligence of his Duty endanger the Person or Property of any Passenger upon the said Roads, he shall, on being convicted of the same before One Justice of the Peace for the West Riding of the County of *York*, forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, and applied as herein-after directed, or the Offender or Offenders shall be committed to the House of Correction of the said Riding, for any Period of Time (in the Discretion of such Justice) not exceeding One Calendar Month.

To impound
Cattle found
wandering on
the Roads.

XLI. And be it further enacted, That if any Horse, Ass, Cattle, or Swine, shall be found wandering or depasturing upon or on the Sides of any Part of the said Roads (except upon Commons and where the Road is not fenced in on both Sides), the Owner of such Horse, Ass, Cattle, or Swine, shall respectively forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be recovered in such Manner as other Penalties are by this Act directed to be recovered and levied; and the Surveyor or Surveyors of the said Roads, or any other Person or Persons, is and are hereby authorized to cause such Horse, Ass, Cattle, or Swine, as shall be found wandering or depasturing upon the said Roads, or on the Sides thereof (except as aforesaid), to be impounded, until the Complaint against the Owner thereof can be heard before some One of His Majesty's Justices of the Peace acting for the County or Place wherein such Offence shall happen to be committed, or until the Owner of such Horse, Ass, Cattle, or Swine, shall pay the said Penalty; which said Penalty shall be applied towards repairing the said Roads, and to no other Purpose whatsoever; and in case such Penalty shall not be paid within Five Days, then such Justice shall and may order the Horse, Ass, Cattle, or Swine so impounded to be sold, and apply the Produce thereof towards discharging such Penalty, and the Costs, Charges, and Expences of such Sale, rendering the Overplus (if any) to the Owner of such Horse, Ass, Cattle, or Swine.

Gates to open
inwards.

XLII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, adjoining the said Roads, shall be made to open into or towards any Part of the said Roads, or suffered to continue so to open, except the hanging Post thereof shall be so far removed from the Centre of the said Roads, as that no Part of such Gate when open shall project over any Part of the said Roads, or any Footpath or Causeway belonging thereto; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed, so as to open and swing outward towards the said Road, contrary to the Meaning of this Act, shall not within Ten Days after Notice to him, her, or them given, either personally or in Writing from the Clerk or Surveyor of the said Road, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath or Causeway belonging thereto, the Clerk or Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made thereof to any Justice of the Peace acting in and for the said Riding, and Proof of such Neglect or Default, by the Oath of any credible Witness, pay to such Clerk or Surveyor such Sum as the said Justice shall direct, to defray the Expence of making the Alteration and

and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings.

XLIII. And be it further enacted, That so much of the said recited Acts Statute as relates to the Performance of Statute Work on the said Roads, shall be Work. and the same is hereby repealed; and that from and after the passing of this Act all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto within the respective Parishes, Townships, or Places through which the said Roads or any of them shall pass; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order, and also upon giving at least Ten Days previous Notice in Writing to the Surveyors of the Highways of each and every Parish, Township, or Place through which the said Roads pass, of such Application, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Seven Days after the serving of such Summons, of the Names of the several Persons, who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Roads within the said respective Parishes, Townships, or Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall be subject and liable to Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as such Justices shall direct, and in default of Payment thereof the same shall and may be recovered by
Distress

Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Five Days Notice in Writing given to or left for him, her, or them at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees; such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, and shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and all such Statute Work may be compounded for and the Composition Money recovered as in the said recited Acts is provided or mentioned in that Behalf.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

XLIV. And whereas Persons guilty of Offences may be transient Persons, unknown to the Collectors, Surveyors, or other Officers acting under the said Acts and this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, and other Officers respectively, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against the said Acts or this Act; and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Recovery of Penalties and Forfeitures, and Application thereof.

XLV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, which Oath such Justice is hereby authorized to administer, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending; by Warrant under the Hand and Seal of such Justice (which Warrant such Justice

Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by the said Acts or this Act, shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security; and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XLVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, with lawful Interest for any Money which shall be advanced on that account, shall be paid and discharged by the Trustees for putting the said recited Acts and this Act into Execution, or any Five or more of them, out of any Money which hath arisen by virtue of the said recited Acts, or out of the first Monies which shall arise by virtue of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same. Expences of this Act.

XLVII. Provided always, and be it further enacted, That this Act or any thing herein contained shall not operate or extend to take away, defeat, or prejudice the Right or Interest of the King's most Excellent Majesty, His Heirs or Successors, in or to any Mines of Coal, Lead Ore, Iron Ore, Metals, or any other Minerals whatsoever, in or under the Land or Ground over which the said Line of Road, or any Part thereof, shall extend; but that His Majesty, His Heirs and Successors, and His and their Lessees and Grantees, Agents, Servants, and Workmen, shall and may search for, work, dig, get, raise, and carry away all such Coal, Lead Ore, Iron Ore, Metals, and other Minerals, as freely and effectually to all Intents and Purposes whatsoever, as if this Act had not been passed. Saving the Rights of the King to Minerals.

[*Local.*]

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XLVIII. And

1714

1° & 2° GEORGII IV. *Cap. liv.*

Public Act.

XLVIII. 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, without being specially pleaded.

Term and
Continuance
of this Act.

XLIX. And be it further enacted, That this Act shall commence on the Day the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1821.