



ANNO QUINQUAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. xvi.

An Act for enlarging the Term and Powers of several Acts of the Seventeenth and Thirty-seventh Years of His present Majesty, for repairing the Road from *Halifax* to *Sheffield*, in the West Riding of the County of *York*, so far as relate to the Road from *Penistone* to *Sheffield*. [23d May 1817.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from the Town of Halifax in the West Riding of the County of York, to the Town of Sheffield in the same Riding*, and which said Road was by the said Act made Three several Districts; and such Part thereof as lies between *Penistone* in the said County and *Sheffield* was to be and be called the Third District, and certain Trustees were thereby appointed for the Care and Management of such Part of the Road as lies within the said Third District, with Power to collect Tolls, and to apply the same towards amending the Road within the said District: And whereas another Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Seventeenth Year of the Reign of His present Majesty, for repairing the Road from Halifax to Sheffield, in the West Riding of the County of York, so far as the same relate to the Road from Penistone to Sheffield*: And whereas a considerable Sum of Money has been borrowed and is now owing upon the Credit of the Tolls by the said Acts authorized to be collected upon or within the said Third District of Road,

17G.3.c.106.

37G.3.c.160.

[Local]

4 T

which

Former Acts
continued.

which cannot be repaid, and the said Third District of Road kept in good Repair, unless the Term and Powers of the Two several herein-before recited Acts, so far as the same relate to the said Third District of Road, be continued, altered, and enlarged: 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, so far as the same relate to the said Third District of Road, and the several Clauses, Powers, Authorities, Provisions, Penalties, Matters, and Things therein contained, which immediately preceding the Time of passing this Act were in force (except such as are varied, altered, or repealed), shall be and remain in full Force and Effect, and have Continuance from the Expiration of the present Term of the said Two recited Acts, for and during the further Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Provisions, Alterations, and Amendments in this Act contained; and that this Act and the Term and Powers hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies now due and owing upon the Credit or on account of the said recited Acts, and of such other Sums of Money as shall hereafter be borrowed upon the Credit thereof and of this Act, so far as the same relate to the said Third District of Road, and of all Interest due and to grow due thereon respectively.

New Trust-
tees.

II. And be it further enacted, That the Right Honourable *Charles William Wentworth Fitzwilliam* commonly called Viscount *Milton*, the Right Honourable *Henry Howard* commonly called Earl of *Surrey*, *John Addy*, *William Aldam*, *Thomas Aldam*, *John Aldam*, *Edward Armitage*, *Joseph Allen*, *Charles Armitage*, *William Andrews* (Grocer), *Thomas Allen*, *Benjamin Haigh Allen*, *William Battie*, *George Bennett*, *Edward Brook*, *William Bingley*, *James Bland*, *John Bedford*, *Benjamin Boomer*, *George Boomer*, *Joseph Burdekin senior*, *Joseph Burdekin junior*, *Peter Brownell*, *Verdon Brittain*, *Joseph Standeforth Beckett*, *Macdonald Bosville*, *Jonas Beaumont*, *James Burbeary*, *Benjamin Burbeary*, *Ralph Blakelock*, *William Birks*, *John Birks*, *Edward Loftus Bishop*, the Reverend *Stewart Corbett*, Doctor of Divinity, *Stuart Corbett junior*, *Michael Camm*, *Jonas Clarke*, *William Cockbill*, *Benjamin Colley*, *Samuel Carver*, *Richard Dickinson*, *John Dyson*, *Edward Dickinson*, *John Denton junior*, *George Denton*, *Daniel Doncaster*, *John Eadon*, *George Eadon*, *George Eadon junior*, *Offley Edmunds*, *Thomas Eyre* (Old Chapel), *George Eyre*, *Thomas Eyre* (Sheffield), *Samuel Fenton*, *George Flower*, *John Foster*, *John Fowler*, *Robert Fisher*, *George Greaves*, *Joseph Edward Greaves*, *Henry Marwood Greaves*, *John Greaves* (of Page Hall), *John Greaves* (of Ranah), *Robert Gainsford*, *John Green*, *John Hault*, *John Hounsfild*, *Daniel Holy*, *John Hague*, *George Hellewell*, *Samuel Hadfield* (Carlcoats), *James Hargreaves*, *Samuel Hadfield* (Sheffield), *Joseph Hadfield*, *John Housman*, *Thomas Harrison*, *Rowland Hodgson*, *Thomas Howard*, *William Howard*, *David Haslehurst*, *George Hawksworth* (Druggist), *William Hutton*, *William Hargrave*, *John Johnson* (Grocer), *Robert Jobson*, *Sir Charles Kent* Baronet, *James Kirkby*, the Reverend *John Lowe* (Clerk), *Samuel Lucas*, *Henry Longden*, *David Mallinson*, *William Marsden*, *Gamaliel Milner junior*, *John Milner*, *Robert Pemberton Milnes*, *Matthew Machin*, *George Machin*, *William Newman*,

man, Charles Oates, Thomas Parker (Brinsworth), Francis Parker (Brinsworth), William Payne, Henry Sidney Jackson Payne, Joseph Parkin, Thomas Parkin, John Eyre Pearson, John Porter, John Rimington, James Rimington, John Rowley, John Richardson (Pewill Hill), John Rolling, John Rodgers, Benjamin Rose, William Rowley, Vincent Smith, Joseph Dixon Skelton, Joshua Spooner, Hugh Spooner, Benjamin Broughton Stead, James Sykes, Whittington Sowter senior, Whittington Sowter junior, Malin Shepherd, William Staniforth junior, John Spencer Stanhope, John Shore junior, the Reverend Thomas Sutton Clerk, Richard Stanley, Thomas Sanderson, George Shepherd, William Smith junior, George Walker Smith, John Shirley, William Stenton, John Thorneley, Uriah Tinker, Edward Taylor, James Tennant, Joseph Tyas, Benjamin Vickers, James Archibald Stuart Wortley, Frederick Thomas Henry Wentworth, Vernon Wentworth, Jonathan Walker, Samuel Walker, Henry Walker, Joshua Walker, Benjamin Withers junior, John Wheat, John Stuart Wortley, Joshua Wood senior, Joshua Wood junior, John Wainwright, James Wainwright (Pille), Wright, Robert Woollen, Samuel Woodcock, George Woollen, David Ward, and Robert Wiley, together with Ten other Persons, to be named as Trustees at the First or any other Meeting to be held under this Act (being qualified according to the Directions of the said recited Acts), shall be and they are hereby joined with and added to the surviving and remaining Trustees appointed in or by virtue of the said recited Acts or either of them, and shall in all respects whatever have the like Powers and Authorities to act in the Execution of the said recited Acts and this Act, so far as respects the said Third District of Road, as if they had been appointed Trustees in or by virtue of the said recited Acts or either of them.

III. And be it further enacted, That the said Trustees or any Five or more of them shall meet together at the *Tontine Inn, Sheffield*, in the County of *York*, on the Third *Wednesday* next after the passing of this Act, or so soon after as conveniently may be, and proceed to the Execution of this Act, and shall then adjourn, and from Time to Time afterwards meet at and again adjourn to such Place upon or near the said Road as they the said Trustees or any Five or more of them shall think proper.

First Meeting
of the Trustees.

IV. Provided always, and be it further enacted, That no Trustee shall be capable of voting or acting in the future Election or Appointment of any Clerk or other Officer or Officers whom the said Trustees may think requisite to be employed in or about the Concerns of the said District of Road, unless such Trustee shall have acted as a Trustee at least once within Two Years preceding any such Election or Appointment.

No Trustee
to vote in the
Election of a
Clerk or
other Officer
who shall not
have acted
within Two
Years.

V. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed or continued 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 on some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White

For prevent-
ing Toll Col-
lectors from
taking undue
Tolls.

Letters

Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said 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 the Powers of this Act or the said recited Acts, or 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 any ways 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 a Ticket denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment (all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of such Toll), or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every 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.

Directing
what Number
of Tolls shall
be taken in
one Day.

VI. Provided always, and be it further enacted, That no more than Three full Tolls shall be demanded or taken in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same Horses, Beasts, Cattle, and Carriages, for passing through all the Turnpikes or Toll Gates erected upon the said District of Road.

Tickets to be
delivered.

VII. And be it further enacted, That upon the Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Tickets shall free, or which ought under the Provisions of this Act to be passed free, for One Payment of Toll.

For settling
Disputes con-
cerning Tolls.

VIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), till the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by One or more Justice or Justices of the Peace for the County, Town, or Place in which the Cause of the Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party

Party as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal, or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

IX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed; which Book shall be kept by the Treasurer or Clerk, in order that any of the said Trustees, or any Creditor or Creditors on the said Tolls, may at all seasonable Times have Access thereto, and take Copies or Extracts therefrom, without paying any Thing for the same; and in case the said Treasurer or Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Accounts of the Trust to be open to the Inspection of Creditors.

X. And be it further enacted, That the said Trustees may sue and be sued, and also prosecute, for or concerning any Thing to be done by virtue or in pursuance of the said recited Acts or this Act, in the Name either of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by Direction of or against the said Trustees, by virtue of the said recited Acts or this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by any Act of such Clerk or Treasurer, without the Consent of the said Trustees or any Five or more of them at any Meeting to be held in pursuance of this Act, but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff, Prosecutor, or Defendant, as the Case may be, in every such Action or Suit: Provided always, that every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of the said recited Acts or this Act, shall be fully reimbursed and paid out of the first Money to arise by virtue of the said recited Acts and this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, or Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with or liable to by reason of his being so made Plaintiff, Prosecutor, or Defendant as aforesaid.

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

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or to continue 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 for executing the said recited Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer,

Office of Clerk and Treasurer not to be held by one Person.

[Local.]

4 U

or

or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts or this Act, 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 in any of His Majesty's 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.

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

XII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or any of them, or the Recovery of any of the Penalties by the said recited Acts or this Act to be levied, or to the Execution of any of the Powers of the said recited Acts or this Act, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be deemed incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being appointed to collect the said Tolls.

Exemptions.

XIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Passage of any Cattle or Carriage which shall be going unladen or empty for, or that shall be used only in conveying, or returning unladen or empty after having been used only in conveying Stones, Gravel, or other Materials for repairing any Part of the said District of Road, or any other Road in the Parishes, Townships, or Places respectively through which the same leads, or for any Hay, Corn in the Straw, or Straw not sold or disposed of, or going to be sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, or Yards of the respective Inhabitants or Occupiers of Land within any such Parishes, Townships, or Places, being the Growth and Produce of Land held and occupied by the respective Inhabitants or Occupiers within some such respective Parish, Township, or Place, or any Dung, Mould, Manure, Lime for Manure, Compost for manuring of Lands or Gardens, or for any Ploughs, Harrows, or other Implements of Husbandry, or Things used therein, belonging to any such Inhabitants or Occupiers; nor shall any Toll be taken for any Horses or other Beasts or any Carriage conveying any Person or Persons residing in any Parish, Township, or Place in which the said Road lies, to or from their proper Parochial Church or Chapel, or other Place of Religious Worship, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for attending the Funeral of any Person who shall die and be buried in any such Parish, Township, or Place; or the Minister of any such Parish, Township, or Place, going to visit the Sick, or baptize any Child, or upon other his Parochial or Ministerial Duty; or for any Corn, Grain, or Grist carrying to or from any Corn Mill, or for any Cloth or Woollen Goods carrying to or from any Fulling Mill or Scouring Mill, or for any Horses, Cattle, or Carriage returning unladen after having carried any such Corn, Grain, Grist, Cloth, or Woollen Goods, such Corn or Grain being for private Use only, and not for Sale; nor shall any Toll be demanded or taken, between the First Day of *May* and the Twenty-ninth Day of *September* in any Year, for any Waggon or other Carriage with Wheels of the Breadth of Nine Inches, loaded with Grinding Stones for the Manufacture of Cutlery Ware in *Hallamshire*, for the Use of the Manufacturers therein only; nor for any Horse, Cattle, Beast, or Carriage going no more than Two hundred Yards upon

the said Road; nor for any Horses or Cattle going to or returning from Water or Pasture, or going to or returning from being shod or farried, belonging to the Inhabitants of such Parishes, Townships, or Places; or for any Horses or other Beasts, or any Carriage of what Description soever, employed in conveying from one Part of the Kingdom to another the Mails of Letters or Expresses made up under the Authority or Direction of His Majesty's Postmaster General or his Deputy or Deputies; or for Horses or other Cattle, Carts or Waggons, travelling with Vagrants sent by legal Passes; or for any Horses or Carriages belonging to Officers or Soldiers on their March or upon Duty; or for any Horse, Cattle, or Carriage which shall be employed in the Carriage or Conveyance of the Arms or Baggage of any such Officers and Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, or Person on Horseback going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin and be concluded; and that no Tolls shall be demanded or taken for any Horse furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence the Sum of Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XIV. 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, or 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 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 any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts, contained to the contrary notwithstanding.

XV. Provided always, and be it further enacted, That the said Trustees, in altering or improving any Part of the said Road under the Powers of the said Road to

Carriages conveying Military Stores not to be subject to Penalties for Overweight.

No Alteration of the present Road to

deviate more than One hundred Yards without Consent.

said recited Acts, shall not deviate more than One hundred Yards from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Application of Compensation when amounting to 200l.

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said first-recited Act particularly mentioned, such Money 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 *ex parte* the Trustees for executing the herein-before recited Acts or 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 and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or 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, Tenements, 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, Tenements, or 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 or 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 said 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 said Lands, Tenements, or Hereditaments by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200l. and exceeds 20l.

XVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, 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 such

such 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; and 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.

Application where the Money is less than 20l.

XIX. 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 any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Trustees, or in case such 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, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, 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 said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 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,

Directions in case of not making out Titles.

[Local.]

4 X

and

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 or 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 as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XX. 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 High Court of Chancery, in pursuance of the said recited Acts or 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 of the said recited Acts or this Act, 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 such Lands, Tenements, and 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 have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such 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.

Court of
Chancery
may order
Trustees to
pay Ex-
pences

XXI. 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 the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute
Work.

XXII. Provided always, and be it further enacted, That 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 District of Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said West Riding of the County of *York*, and they are hereby empowered and required (upon Application made to them

for that Purpose by the said Trustees, or by their Clerk, Treasurer, or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said District of Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish 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; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish 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 is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road 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 Road as the said Trustees 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 appear to be subject and liable to the 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 said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by 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 Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors 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 and liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work upon the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off 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

such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said 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, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said District of Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in advance, on or before the Fifth Day of *April* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for repairing the Road.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather, get, take or carry away any Materials for repairing the said District of Road or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the reputed Owner or Agent of such Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Agent and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting in and for the said West Riding of the said County of *York*, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners and Occupiers, or any of them, or their or his Agents or Agent, shall not attend, or shall attend in pursuance to such Notice but shall not show sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, 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 such Owner or Occupier had attended; any Thing in the said recited Acts contained to the contrary hereof notwithstanding.

Satisfaction for Materials and Damages.

XXV. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby, to the Owners and Occupiers of such Lands, Fields, or Grounds where

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 making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the said West Riding of the County of *York*, on Application made to them for that Purpose, and Ten 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 such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

XXVI. And be it further enacted, That in case any Person or Persons shall at any Time during the Continuance of this Act lead, take, or carry away any Sand or Soil from off any Part of the said District of Road, without Leave in Writing of the Surveyor for the Time being for that Purpose first had and obtained, all and every Person or Persons so offending, and being thereof convicted by Confession of the Party, or on Oath of One credible Witness, before Five or more of the said Trustees, or before One or more Justice or Justices of the Peace of the said Riding, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding the Sum of Twenty Shillings, to be levied as aforesaid.

Penalty on Persons taking Sand or Soil from off the Road.

XXVII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard or other Place adjoining to any Part of the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road to be altered and made to open inward towards such Field or Ground, Yard or other Place, as they the said Trustees shall think proper.

Gates to Fields to open inwards.

XXVIII. 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, which are generally conducted by Boys, who (after having delivered their Milk) 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 thereby greatly annoy and molest Passengers along the said Road, 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 more easy Detection of Persons guilty of any of the Offences aforesaid, every Owner or Owners of any Horse, Mule, or Ass conveying Milk on the said Road in Barrels or Cans, shall have the Name or Names of the

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

[Local.]

42

Owner

Owner or Owners of such Horse, Mule, or Ass, in large legible Letters, fixed to or upon some conspicuous Part of the Packfaddle upon or to which the Barrells or Cans shall be attached, or upon the said Barrells or Cans themselves; and if any Person or Persons shall carry or convey or cause to be carried or conveyed Milk upon or along the said District of Road or any Part thereof upon Horses, Mules, or Asses, in Barrells or Cans as aforesaid, 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, the same to be levied, recovered, and applied as the Penalties imposed by the first herein-before recited Act are directed to be recovered, levied, and applied; and if any Person or Persons in Attendance upon any Horse, Mule, or Ass, laden with Milk, or returning Home after having been so laden, shall ride a Race or Races along the said Road, 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 Road, 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 aforesaid; 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.

Penalty on
Persons de-
pasturing
Cattle on the
Road.

XXIX. And whereas great Inconveniencies have arisen, and Travellers upon the said District of Road obstructed, by Horses and other Cattle being turned loose into and depasturing on the Sides of the said District of Road; for Remedy whereof be it enacted, That in case any Person or Persons shall at any Time or Times during the Continuance of this Act wilfully or knowingly turn loose into or upon the said District of Road any Horse, Mule, Ass, Sheep, Swine, or other Cattle, for the Purpose of depasturing on the Sides of the said Road, all and every such Person or Persons so offending, and being thereof convicted by the Confession of the Party, or on Oath of One or more credible Witness or Witnesses, before Five or more of the said Trustees, or before One or more Justice or Justices of the Peace of the said Riding, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding Forty Shillings, to be levied as aforesaid.

For securing
transient
Offenders.

XXX. And whereas Offences may be committed against this and the said recited Acts by Persons unknown to the Collectors, Surveyors, or other Officers employed by the said Trustees; be it therefore further enacted, That it shall be lawful for any One or more of the said Trustees, or their Clerk or Clerks, or the Collector, Surveyor, or other Officer respectively, or such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and who shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, or shall in Answer to such Demand give a false Name or Names, and take him, her, or them before any Justice of the Peace for the said West Riding of the County of York, in order to his, her, or their Conviction; and such Justice is hereby authorized and required to hear and determine the Matter of the Complaint in a summary Way; and upon

the Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by any other Justice or Justices for the said West Riding of the County of *York*, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction for the same Riding, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

XXXI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same from the passing thereof, shall be paid out of any Money now remaining in the Hands of the Treasurer to the said Trustees, or out of the first Money to arise by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever, except such Payments as shall be made from Time to Time for the necessary Repairs and Maintenance of the said District of Road. For paying
the Expences
of this Act.

XXXII. 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. Public Act.

XXXIII. And be it further enacted, That this Act shall commence and take effect upon the passing thereof; and that the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained), so far as the same relate to the said Third District of Road, shall continue in force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance
of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1817.

