



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xxxiii.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty for repairing the Road from *Halifax* to *Sheffield* in the West Riding of the County of *York*, so far as relates to the First District of the said Road from *Halifax* to *Huddersfield*. [8th May 1818.]

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 whereas another Act was passed in the Thirty-third Year of the Reign of His said present Majesty, intituled *An Act for continuing the Term, and altering and enlarging the Powers, of an Act of Parliament of the Seventeenth Year of His present Majesty, 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, so far as relates to the First District of the Roads mentioned in the said Act*: And whereas by the said first recited Act the said Road was divided into Three Districts, and the Road from *Halifax* to *Huddersfield* was thereby declared to be the First District of Road: And whereas considerable Sums of Money have been borrowed, and are now due and owing, on account of the said First District of Road, upon the Credit of the said Acts; which Money cannot be repaid, nor can the said Road be properly amended and kept in Repair, unless the Term of the said Acts be extended, and some of the Powers and Provisions thereof be altered, amended, and enlarged, with respect to the said First District of Road: May

[Local.]

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Part of recited Act further continued.

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, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained and now in force, so far as the same relate to the said First District of Road (except such Parts thereof as are repealed, varied or altered,) shall be, continue, and remain in full Force and Effect; and the same is and are hereby further continued, and, together with the present Act, shall be executed for and during the Term hereinafter mentioned, in as full and ample a Manner 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 additional Term hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Acts, or either of them, on account of the said First District of Road, or hereafter to be borrowed on the Credit of the said recited Acts and this Act, and of all Interest due or to grow due for the same with respect to the said First District of Road.

New Trustees appointed.

II. And be it further enacted, That the Honourable *John Lumley Savile* Clerk, *Sir Joseph Radcliffe* Baronet, *Sir Thomas Horton* Baronet, Clerk, *George Armytage* of Kirklees Hall, *George Armytage* of Lightcliffe, *Joseph Armytage*, *Gervase Alexander*, *William Alexander*, *John Alexander*, *John Ashworth*, *Edmund Ashworth*, *Thomas Atkinson*, *Charles Atkinson*, *Philip Howard Ashworth*, *Robert Abbott*, *John Abbott*, *William Adam*, *Thomas Adam*, *John Beaumont*, *Thomas Burton* Clerk, *Rawdon Briggs* the younger, *William Briggs*, *Henry Briggs*, *Timothy Bates*, *Thomas Boothroyd* the elder, *Thomas Boothroyd* the younger, *Peter Bold*, *Thomas Bradley*, *William Bradley*, *Sharp Brown*, *William Butter*, *Charles Cartledge*, *John William Cadney*, *John Clay*, *John Cockroft*, *William Davy*, *John Dearden*, *Francis Drake*, *John Dyson* of Willowfield, *Jeremiah Dyson*, *William Earnshaw*, *Henry Lees Edwards*, *John Edwards* of Northowram, *John Edwards* of Halifax, *John Edwards* the younger, *George Edwards*, *Thomas Edwards*, *Thomas Emmet*, *Edward Emmet*, *Robert Emmet* the younger, *James Farrer*, *Samuel Farrer*, *Thomas Fearnside*, *Samuel Freeman*, *Benjamin Freeman*, *John Garlick*, *William Garlick*, *John Graham*, *Thomas Greenwood*, *James Greenwood*, *William Haigh*, *George Haigh* the elder, *John Haigh* of Mount, *Richard Haigh*, *John Haigh* Woolstapler, *John Haigh* the younger, *Samuel Hall*, *John Hirst* the younger, *William Hoyland*, *Thomas Holmes*, *Peter Kenyon Holden*, *Samuel Ibbotson*, *John Ibbotson*, *George Kershaw*, *Thomas Kershaw*, *Riley Kitson*, *Samuel Knight* Clerk, *William Knight*, *William Mitchell* the elder, *William Mitchell* the younger, *James Milne*, *James Moore*, *William Moore*, *Richard Moulson*, *George Naylor*, *James Edward Norris*, *Frederick Norris*, *Robert Paley*, *Charles Pitchforth*, *Solomon Pitchforth*, *Charles Pitchforth* the younger, *George Pollard* the elder, *George Pollard* the younger, *Thomas Pollitt*, *William Henry Rawson*, *Jeremiah Rawson*, *Thomas Samuel Rawson*, *Francis Rawson*, *John Rawson* the younger, *Robert Ramsbottom*, *John Ramsden*, *John Richardson*, *Richard Walker Rushforth*, *Henry Rushforth*, *Christopher Saltmarsh*, *Watson Samuel Scatcherd*.

Scatcherd, George Shaw, Thomas Sladin, Joseph Smith, George Smith, James Stansfeld, Samuel Stead, John Staveley, Thomas Sutcliffe of Ovenden, John Swallow, William Taylor, William Barns Thompson, Frederick Thompson, Isaac Thwaite, John Walker the younger of Crow Nest, John Walker of Mearclough Bottom, John Watkinson the younger, Henry Watkinson, Christopher Ward, William Waterhouse the younger, Samuel Waterhouse, William Wainhouse of Halifax, William Wilmot Clerk, Benjamin Haigh Allen, John Allinson, Alexander Alexander, Joseph Atkinson, John Dobson, Godfrey Berry, John Battye, John Fisher, Joseph Walker, James Crosland, James Brook, Rowland Houghton, Thomas Lockwood, James Roberts, William Greenwood, John Sutcliffe the younger, Thomas Haxby, William Stocks, William Stocks the younger, Samuel Clay, John Booth, William Wigney, William Pontey, Frederick Hudson, Shakespeare Sykes, John Winterbottom, and John Whiteley, shall be and are hereby joined with and added to the Trustees appointed for the said First District of Road, in or by virtue of the said recited Acts or either of them; and the said Trustees and their Successors, being qualified according to the Directions of the said last-recited Act, shall in all respects whatsoever have the like Powers and Authorities to act in the Execution of the said recited Acts, so far as the same relate to the said First District of Road, and of this Act, 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 it shall be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified as hereinafter mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act and the said recited Acts, as if they had been herein named and appointed.

Power to appoint additional Trustees.

IV. And be it further enacted, That all Acts and Proceedings of any Person or Persons who hath or have acted as Trustee or Trustees for the said First District of Road in the Execution of the said recited Acts, or who shall act as such Trustee or Trustees in the Execution of the said recited Acts and this Act, without being duly qualified, shall (if done previous to his or their being convicted of such Offence) be as valid and effectual as if such Person or Persons had been duly qualified.

Acts of unqualified Trustees before Conviction valid.

V. And be it further enacted, That all Actions, Suits, Prosecutions, Informations, Appeals, and other Proceedings whatsoever, to be had, taken, prosecuted or defended by or against the said Trustees for executing the said recited Acts and this Act with respect to the said First District of Road, shall be had, taken, prosecuted or defended in the Name of their Clerk for the Time being; and that no Action, Suit, Prosecution, Information, Appeal, or other Proceedings to be so had, taken, prosecuted or defended, shall abate or be discontinued by the Death or Removal of any such Clerk; but that the Clerk to the said Trustees for the Time being shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant or Respondent, in any such Action, Suit, Prosecution, Information, Appeal or other Proceedings, as the Case may be: Provided always, that every such Clerk in whose Name any such Action, Suit, Prosecution,

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

secution, Information, Appeal or other Proceedings shall be so had, taken, prosecuted, continued or defended, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act or the said recited Acts, all such Costs, Charge, Damages and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information, Appeal or other Proceedings, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Defendant, Informant, Appellant or Respondent.

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

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been, or who by virtue of the said recited Acts or either of them, or of this Act, may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act and the said recited Acts, or to continue or appoint the Person who has been or may be appointed their Treasurer by virtue of the said recited Acts or either of them, or of this Act, 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 or this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, 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 Impar lance, shall be allowed.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

VII. 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 this Act to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said First District of Road, and of the several Articles, Matters and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees, or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied in manner provided by the said recited Act of the Seventeenth Year of the Reign of His present Majesty.

Penalty for Refusal of Inspection, &c.

Tickets to be printed.

VIII. And be it further enacted, That upon Payment of any of the Tolls by the said recited Acts authorized to be taken on the said First District of Road, 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

such Payment; which Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Tickets shall free.

IX. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages belonging to Their Majesties or any of the Royal Family, or any Horses or Carriages attending Their Majesties, or any of the Royal Family.

Exempting
the Royal
Family from
Toll.

X. And be it further enacted, That no Toll shall be demanded or taken for any Horses, Cattle, or Carriages of whatsoever 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, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers, or Militia or Local Militiamen, on their March or on Duty; nor for any Horses, Cattle, or Carriages 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 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, 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 returning empty from having been so employed; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, (provided that such Persons 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); nor from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or other usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall die and be buried in any of the Townships or Places in which the said First District of Road lies; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *York*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, or Straw, or Corn in the Straw only, not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty

General
Exemptions
from Toll.

[Local.]

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from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Land, unless the Carriage bearing such Plough, Harrow, or other Implement of Husbandry, be also laden with some other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture, or going to be or returning from being shod or farried; or for any Horse, Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage used or employed for the Purpose only of 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials for making and repairing the said Road, or any other Highway or public Road within any Parish, Township, Hamlet, or Place in which any Part of the said First District of Road lies, or for building or rebuilding, enlarging or repairing any present or future Bridge or Bridges on the said Road; and if any Person 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 for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied, in manner by the said recited Act of the Seventeenth Year of the Reign of His present Majesty provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Carriages for His Majesty's Service not to be weighed.

XI. Provided always, 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, while so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart or other Carriage, or of its 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, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Limiting the Number of Tolls payable for passing and repassing Once through all the Gates on the Road.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to demand or take more than One full Toll in the whole for or in respect of the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart or other Carriage, Horse, Mule or Ass, Drove of Oxen or other Neat Cattle, Calves, Sheep, Lambs or Swine for passing and repassing Once on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) through all the Turnpike Gates which are or shall be erected between the *Salterheble* Gate and the *Huddersfield* Gate, now standing or being near the Two Extremities of the said First District of Road; at which said Two Gates the Tolls shall

continue

continue payable according to the Provisions of the said recited Act of the Thirty-third Year of the Reign of His present Majesty, for or in respect of such Horses, Carriages, and Cattle as are not particularly exempted from Toll by this Act; any Thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the said Riding, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer) and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and also assess the Charges of such Distress, Keeping and Sale, and also of the Attendance of any Person or Persons for that Purpose on such Justice, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, (which Warrant every such Justice is hereby empowered to issue,) and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes concerning Tolls to be settled by a Justice.

XIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Acts and of this present Act, upon the said First District of Road, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall be lawful for any Justice of the Peace for the said Riding, upon Application made to him by the said Trustees or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or other Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons or Person acting by or under their Authority, Possession thereof; and that thereupon

For taking Possession of Toll Houses when Lessees of Tolls neglect to fulfil their Contracts.

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it shall be lawful for the said Trustees or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants or Agreements on the Lessee's Part), as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees or any Five or more of them in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

For prevent-
ing Toll Col-
lectors from
misbehaving,
&c.

XV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the Tolls on the said First District of Road, or appointed or to be appointed either under the said recited Acts or this Act, or by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll Gate on the said First District of Road, shall and he is hereby required, on each and every Day previous to his entering on Duty for the Collection of the said Tolls, 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, each of the Letters of such Name or Names to be at least Two Inches in Length, and of 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 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 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 a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate or Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, apportioned, and applied in manner by the said first-recited Act provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in the same Manner as such last-mentioned Penalty.

Penalty on
obstructing
Collectors.

XVI. And be it further enacted, That from and after the passing of this Act no Person shall encroach upon the said First District of Road by making or causing to be made any Dwelling-house, Building, Wall, Fence, Hedge, or Ditch within Eighteen Feet of the Centre of the said Road; and it shall and may be lawful to and for the said Trustees or any Five or more of them, to cause such Dwelling-houses, Buildings, Walls, Fences, Hedges, and Ditches which shall or may hereafter be so erected, built, or made, to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any Justice or Justices of the Peace for the said West Riding, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling-houses, Buildings, Walls, Fences and Hedges, as of filling up such Ditches as aforesaid, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

For prevent-
ing Encroach-
ments.

XVII. And be it further enacted, That no Gate of any Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be Thirty Feet at least from the Centre of any such Part of the said Road; and the Occupier or Occupiers of every Park, Paddock, Field or Inclosure, having any Gate opening outwards, contrary to the Meaning of this Act, shall within Fourteen Days after Notice to him, her or them given, either personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that the same shall not open outwards or swing towards the said Road, whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in default thereof the Surveyor of the said Road is hereby authorized to cause such Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the said Riding, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate; and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Gates to open
inwards.

XVIII. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said First District of Road, or shall cause any Damage to be done to the Footway or Causeway adjoining to the said Road, or shall cause any Damage to be done to any Hedges, Fences, Breast Walls, Posts, Rails, or Paling set up along the Side of or upon such Footway, or shall in or upon any Part of the same Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, finge, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, House, Building, Butcher's Shop, or Shambles into the said Road, or burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash or scald,

For prevent-
ing Nuisances.

[Local.]

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any Cask or Casks in any Part or Parts of the said Road, or in any exposed Situations near thereto, or shall hew, saw or cut, or cause to be hewn, sawn or cut, any Stone, Wood or Timber, or shall shoe, farry, or bleed any Horse, Mule or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge or other Carriage, or on any of the Horses drawing the same, upon any Part of the said Road; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than wholly upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon wheeled Carriages to drag on any Part of the said Road to the Prejudice thereof respectively; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart or other Carriage, shall not keep his Carriage on the Left or near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other such Carriage under his Care; or if any Person shall make or assist to make any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent or Firework whatsoever; or play at Football on any Part or Parts of the said Road; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage in, upon, or on the Side of any Part of the said Road, longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance or Interruption of Persons travelling and passing thereon, or shall lay or place on the Walls or Fences of the said Road, or on the Sides of the said Road, for any Purpose whatever, any Wool, Woollen Cloth, Warp, or Linen, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Repealing
Powers of
former Acts
respecting
the getting
of Materials.

XIX. And be it further enacted, That so much of the said recited Act of the Seventeenth Year of the Reign of His present Majesty as empowers the Surveyors of the said Road, and such Persons as shall be employed by them or by the Trustees to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand or other Materials out of or from any Common or Waste Ground, River or Brook; and also so much of the said Act as empowers the Surveyor or other Persons as aforesaid, by Order of the Trustees, or any Five or more of them, to search for, cut, dig, gather, take, and carry away such Materials, as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons; and also so much of the said Act as empowers the Trustees to settle or adjudge the Amount of the Sum to be paid for Damages in getting such Materials, shall be and is hereby repealed, so far as relates to the said First District of Road.

XX. And

XX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said First District of Road, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials for making, amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any common River or Brook, in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place within the said Riding, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, leveling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the said Riding, or of the County or Place in which such Lands, Tenements, or Hereditaments shall lie or be situate (as the Case may be), to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, 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 Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for amending, altering, improving or repairing the said Road, shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for such Riding, County, or Place as aforesaid, as the Case may be, shall and may adjudge and determine to be reasonable; which Judgment or Order of such Justice or Justices shall be final and conclusive to all Parties: Provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of One Hundred Yards of any Bridge, Mill, Mill Weir or Dam, on any Account or Pretence whatsoever.

For getting
Materials to
repair the
Road.

XXI. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting 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 First District of Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupier, to appear before any Justice or Justices of the Peace acting in and for the said Riding, to shew Cause why such Materials shall not be had from such Land or Ground; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person or Persons to dig, gather,

Notice to be
given before
Materials
taken.

gather, get, take and carry away such Materials at such Time or Time as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his Agent had attended.

Statute
Labour.

Justices to
determine
Differences
touching
Statute
Work.

XXII. 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 Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said Riding, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk 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, Townships, or Places in which the said Road lies, 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, shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in 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 or Restrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do 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 by their Order, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or 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 Surveyor or Surveyors of the several Parishes, Townships, or Places, to be by him or them paid 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 other Penalties and Forfeitures are by the said recited Act of the Seventeenth Year of the Reign of His present Majesty directed to be recovered, levied, apportioned, and applied; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in

Writing

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 or 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 who shall be sent with any Team or Draught to work on 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 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, Townships 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 Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures are by the said recited Act of the Seventeenth Year of the Reign of His present Majesty directed to be recovered, levied, apportioned, and applied.

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of the said recited Acts or of this Act, for the Purposes of the said First District of Road, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, 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 there *ex parte* the Trustees for executing this Act and the said recited Acts, 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 Lands, Tenements, or Hereditaments, in the Purchase of the Land 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or 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 and with the

Application
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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, 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 or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High 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, and Hereditaments so to be purchased, in case such Purchase or Settlement was made.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be 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 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, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 this Act and the said recited Acts (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 therefrom may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

XXV. Provided always, 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act or the said recited Acts, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Lunacy or Infancy, then

Where less
than 200l.
and above
20l.

Where under
20l.

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.

XXVI. 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 this Act or the said recited Acts, for the Purposes aforesaid, 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 any Five or more of them; 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, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful 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 High 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, Controul, and Disposition of the said High 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 said 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 thereto, 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 Sum or Sums of Money into the Bank as aforesaid.

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery on Petition.

XXVII. 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, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of 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 have been 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 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,

In case of disputed Titles.

accordingly, unless it shall be made 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 may order reasonable Expences to be paid by the Trustees.

XXVIII. 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, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High 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 to the said Court shall seem reasonable, to be paid by the said Trustees or any Five or more of them out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Act how paid.

XXIX. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining this Act, together with lawful Interest from the Time of advancing the same until the Time of Payment, shall be paid and satisfied by the said Trustees; and that it shall be lawful for the said Trustees or any Five or more of them, and they are hereby required, to order and direct the Payment of the said Charges and Expences, with Interest as aforesaid, out of the first Monies that shall be collected, borrowed, or received by virtue of the said recited Acts and this Act, in preference to all other Payments and Disbursements whatsoever.

Act made Public.

XXX. 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.

Commencement and Continuance.

XXXI. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine; and the said Acts (subject to the Alterations, Variations, and Additions hereinbefore contained) and this Act, shall from thenceforth commence, continue, and be in force, and be executed, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.