



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

\*\*\*\*\*

## *Cap. 21.*

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, and in the Eighteenth Year of the Reign of His present Majesty King *George* the Third, for repairing and widening the Road leading from the East Side of *Barnsley Common* in the County of *York*, to the Middle of *Grange Moor*, and from thence to *White Cross*, and also the Road from the Guide Post in *Barugh*, to a Rivulet called *Barugh Brook*, and from thence for Two hundred Yards over and beyond the same Rivulet or Brook, into the Township of *Cawthorne* in the said County. [15th April 1802.]

[*Loc. & Per.*]

4 D

WHEREAS

32 Geo. 2.

18 Geo. 3.

Money due  
on the Credit  
of Tolls.Terms and  
Powers of  
former Acts  
enlarged.

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing and widening the Road leading from the East Side of Barnsley Common in the County of York, to the Middle of Grange Moor, and from thence to White Cross, and also the Road from the Guide Post in Barugh, to a Rivulet called Barugh Brook, and from thence for Two hundred Yards over and beyond the same Rivulet or Brook, into the Township of Cawthorne in the said County,* whereby certain Tolls and Powers were granted for amending, widening, and keeping in Repair the said Roads: And whereas an Act was passed in the Eighteenth Year of the Reign of His present Majesty, for continuing the Term and altering and enlarging the Powers of the said Act: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, and have, for that Purpose, borrowed a considerable Sum of Money; which is still due and owing upon the Credit of the Tolls thereby granted, and cannot be paid off, nor can the said Roads be effectually amended and kept in Repair, unless the Term of the said Acts is continued, and some of the Powers and Provisions thereof altered and enlarged, and the Tolls increased: 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, and all and every the several Authorities, Powers, Provisions, Clauses, Penalties, Regulations, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties, and also except such as are hereby varied, altered, or repealed), shall be and are hereby further continued, for and during the 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, Amendments, and Alterations herein contained, and which shall commence and take Effect from the passing of this Act; and this Act, and the additional Term and the Tolls hereby granted, shall be, and is and are hereby declared to be, subject and liable to the Payment of all Monies now due, or that shall hereafter become due, on the Credit of the said former Acts and this Act, and of all Interest due and to grow due thereon respectively.

Additional  
Trustees.

II. And be it further enacted, That *Thomas Richard Beaumont, John Bond, William Brown Clerk, Richard Beatson, Joseph Beckett, John Bingley, Charles Bowns, John Bell, John Bayldon of Carlton, Robert Bayley, Jonas Clarke, Henry Clarke, James Cockshutt, John Carr, John Clarke of New Laiths, Jeremiah Dixon Clerk, Richard Dearman, Hugh Dancer, Elibu Dickinson Tanner, William Elmburst, Francis Offley Edmunds, Robert Ellerby Clerk, William Elmsfall, John Firth, William Garlick, William Garlick the younger, Richard Greaves, John Goodair Clerk, Richard Gill of Swithen, Richard Gill of Notton, James Hindle, Roger Hodgson Clerk, John Hardy, Thomas Hardy, John Lonsdale Clerk, John Lindley, Charles Long, James Milnes, John Milnes, Richard Milnes, William Milnes, John Micklethwait, John Moor, Charles Marshall, John Naylor, Samuel Oxley Doctor of Physic, William Parker, John Pickering of Redbrough, John Pickles*

*Pickles Clerk, Richard Pickering, John Pickering the younger, Richard Perkins, John Perkins, William Raylton Clerk, James Rhodes, William Rayner, Sir Edward Smith Baronet, Walter Spencer Stanhope, John Smith Clerk, Joseph Sharw, Daniel Smalpage, William Shakleton, Charles Stringer, John Scholefield, Joshua Scholefield, John Tinker, Samuel Thorp, Edward Taylor, the Honourable James Archibald Stuart Wortley, Godfrey Wentworth Wentworth, William Wood Clerk, Thomas West, Thomas Wordsworth, Thomas Walker, John Woollin, William Whittaker, Elias Wright, and Walter Vavasour,* shall be and are hereby added to and joined with the Trustees appointed in or by virtue of the said former Acts or either of them, for putting the said Acts and this Act in Execution; and the Trustees hereby nominated, and their Successors, being qualified according to the Directions of the said first recited Act, are hereby empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by or elected in pursuance of the said former Acts or either of them.

III. And whereas the Tolls in and by the said recited Acts authorized to be taken have been found insufficient, be it therefore enacted, That the same shall be and are hereby repealed, and instead thereof, the following Tolls shall be demanded and taken, *videlicet*;

Former Tolls repealed and new Ones granted.

For every Coach, Chariot, Landau, Berlin, Phæton, Chaise, Curricule, Hearse, Calash, or Chaise-Marine, drawn by Six Horses or other Beasts, the Sum of Five Shillings and Four-pence; and drawn by Four Horses or other Beasts, the Sum of Four Shillings; and drawn by Two Horses or other Beasts, the Sum of Two Shillings; and for every Chaise or Chair drawn by Two Horses or other Beasts, the Sum of Two Shillings; and drawn by One Horse or other Beast, the Sum of One Shilling:

For every Waggon, Wain, Cart, or other Carriage, drawn by One Horse or other Beast of Draught, or by Two Oxen and no more, the Sum of Eight-pence:

And when and as often as any Waggon, Wain, Cart, or other Carriage, having Wheels of less Breadth than Six Inches, shall be drawn by more than One Horse or other Beast of Draught, or by more than Two Oxen, then for every Horse or other Beast of Draught and Pair of Oxen so respectively drawing therein, the Sum of One Shilling:

And when and so often as any Waggon, Wain, Cart, or other Carriage, having Wheels of the Breadth of Six Inches or more, shall be drawn by more than One Horse or other Beast of Draught, or by more than Two Oxen, then for every Horse or other Beast of Draught and Pair of Oxen so respectively drawing, the Sum of Eight-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three-pence:

For every Pair of Mill Stones, if drawn in Pairs, the Sum of Four Shillings:

For every single Mill Stone or Block of Stone, drawn by Five or more Horses or Beasts of Draught, the Sum of Three Shilling and Four-pence:

For

For every Drove of Oxen or Neat Cattle, the Sum of Two Shillings and One Penny by the Score, and so in Proportion for any greater or less Number; and

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of One Shilling and Three-pence by the Score, and so in Proportion for any greater or less Number.

Which said several Tolls herein-before mentioned shall be vested in the said Trustees; and the same and every Part thereof shall and may be demanded, collected, taken, lessened, levied, recovered, applied, and disposed of, in the same Manner, in all Respects, and by the same Ways and Means, as the Tolls granted by the said former Acts are therein directed to be demanded, collected, taken, lessened, levied, recovered, applied, and disposed of.

Volunteer  
Cavalry ex-  
empted, when  
going to train  
or exercise.

IV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Horses of any Volunteer Corps or Cavalry, going to or returning from any Place or Places, where they shall be commanded to assemble for the Purpose of Training or Exercise.

Power to  
divert Roads,  
etc.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby fully empowered, from Time to Time, to widen, divert, turn, vary, and alter the Course or Path of any Part or Parts of the said Roads, through any Common or Waste Ground, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, in such and the same Manner, and by and with the same Powers and Provisions, as are given and granted in and by the said first recited Act, for the Purchase or Recompence to be paid and made for Lands and Hereditaments taken and made Use of for the Purpose therein mentioned, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain, by the making, widening, diverting, turning, varying, or altering the Course or Path of any Part or Parts of the said Roads through such private Lands and Hereditaments.

Application  
of Compen-  
sation Money  
when amount-  
ing to 200*l*.

VI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, 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 said Acts and 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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, 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 Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

VII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 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 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 herein-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 (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 any 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.

Application when the Compensation Money is less than 200 *l.* and more than 20 *l.*

VIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to

Application where the Money is less than 20 *l.*

[*Loc. & Per.*]

4 E

the

the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Trustees may call Special Meetings, giving Notice.

IX. And be it further enacted, That if it shall at any Time be thought necessary by the said Trustees that there should be an earlier Day for Meeting, for transacting any Business respecting the said Roads, than the Day appointed by the last Adjournment of the Trustees, the Clerk to the said Trustees, by an Order in Writing, signed by Five or more of them for that Purpose, mentioning the Time, Place, and Purpose of the Meeting, shall forthwith affix a Notice of such Meeting upon all the Turnpikes then standing upon the said Roads, and shall also publish the same in some Newspaper printed and circulated in the Neighbourhood thereof, Six Days at the least before such Meeting; and the Proceedings of the Trustees at all such Meetings which shall be had in consequence thereof, shall be as valid and effectual in the Law as they would have been in case such Meetings had been held by Adjournment.

No Order of Trustees revoked but at a Meeting held for that Purpose.

X. And be it further enacted, That no Order made by the Trustees for the said Roads, or any of them, at any of their Meetings, shall be revoked or altered, unless at some Meeting to be held for that Purpose, (of which Notice shall be affixed upon all the Toll Gates erected upon the said Roads, and also given by Advertisement in some Newspaper printed or circulated in the Neighbourhood of the said Roads, at least Six Days before such Meeting, signifying the Occasion thereof), and unless a greater Number of Trustees shall attend at such Meeting, to revoke and alter such Order, than were present when the same was made, and such Number never being less than Nine.

Penalty on Persons dragging Timber or Stone, &c.

XI. And be it further enacted, That from and after the passing of this Act, if any Person shall hale or draw or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon Wheel Carriage to drag upon any Part of the said Roads, to the Prejudice thereof respectively; and if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or other Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of Persons travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, to be levied and recovered as any other Penalties or Forfeitures are directed by this Act to be levied and recovered; and any Collector, Surveyor, or other Officer appointed to put the said former Acts and this Act into Execution, or any other Person seeing such

Offence

Offence committed, and the Offender refusing to declare his or her Name and Place of Abode, may, and is hereby empowered by virtue of this Act, and without any Warrant, to seize such Offender, and to convey him or her before some Justice of the Peace for the said West Riding of the County of York, who is hereby authorized and required to hear and determine the Matter of such Offence in a summary Way, and to make such Order therein as to such Justice shall seem proper.

XII. And whereas Offences may be committed against the said former Acts and this Act, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such 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 take him, her, or them, before any Justice of the Peace of the County, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Sessions to be holden within and for the West Riding of the County of York, to answer the said Complaint; and the Justices present at such Petty Sessions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way.

For securing  
transient Of-  
fenders.

XIII. And be it further enacted, That all the Penalties, Forfeitures, and Fines inflicted or authorized to be imposed by virtue of the said recited Acts and this Act, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, or any One Justice of the Peace of the County or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be from Time to Time paid, Half to the Informer, and Half to any Five or more of the said Trustees, or to their Treasurer or Clerk, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties how  
to be levied.

XIV. And

No Preference  
to be given to  
former Credi-  
tors.

XIV. And be it further enacted, That all Persons who have heretofore advanced or lent any Sum or Sums of Money upon the Credit of the Tolls authorized to be collected upon the said Roads, or who shall at any Time hereafter advance or lend any Sum or Sums of Money upon the Credit thereof, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors in equal Degree one with another, and shall have no Preference with respect to the Priority of advancing any such Sum or Sums of Money; and that in case any Creditor or Creditors shall, by Ejectment or any other Course of Law, recover or get Possession of any of the Turnpikes or Toll Gates erected or to be erected upon the said Roads, he and they shall be deemed to hold the same in Trust, in the First Place, for the keeping the said Roads in Repair, and then for the Benefit of himself, themselves, and all other the Creditors or Mortgagees in respect of the said Roads in equal Degree, and shall account for and pay all Money which he and they shall so receive amongst all the said Creditors or Mortgagees, in Proportion to the Sum or Sums of Money advanced on the Credit of the said Roads.

Trustees may  
call in and  
cancel former  
Mortgages.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if they shall see it reasonable or convenient, call in and cancel all or any of the present Mortgages of the Tolls of the said Roads, now standing out and made by virtue of the said former Acts or either of them, and give and execute a fresh Mortgage or fresh Mortgages in lieu thereof respectively; which said Mortgage or Mortgages to be made for securing any Sum or Sums of Money to be hereafter borrowed on the Credit thereof, shall be made and transferred in Manner as by the said former Acts is directed concerning Mortgages.

For paying  
Expences of  
this Act.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, out of the Monies which have arisen or shall arise by virtue of the said former Acts and this Act, pay and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, in Preference to any other Payment whatsoever.

Publick Act.

XVII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such, by all Justices and other Persons whomsoever, without specially pleading the same.

Term of the  
Act.

XVIII. And be it further enacted, That the Term granted and continued by the said recited Acts, shall, upon the passing hereof, cease and determine; and that the said Acts and this Act shall from thenceforth 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.