



ANNO QUINQUAGESIMO

GEORGI III. REGIS.

Cap. 96.

An Act for continuing the Term and enlarging the Powers of Two Acts of the Eighth and Twenty-eighth Years of His present Majesty, so far as the same relate to the Road from the Township of *Huddersfield*, in the West Riding of the County of *York*, to *Woodhead*, in the County Palatine of *Chester*, and from thence to a Bridge over the River *Mersey*, called *Enterclough Bridge*, on the Confines of the County of *Derby*.

[18th May 1810.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His present Majesty, intituled, *An Act for diverting, altering, widening, repairing and amending the Road from Huddersfield, in the West Riding of the County of York, to Woodhead, in the County Palatine of Chester, and from thence to a Bridge over the River Mersey, called Enterclough Bridge, on the Confines of the County of Derby*: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled *An Act for continuing and amending an Act of the Eighth Year of His present Majesty, so far as the same relates to the Road from the Township of Huddersfield in the West Riding of the County of York, to Woodhead, in the County Palatine of Chester, and from thence to a Bridge over the River Mersey, called Enterclough Bridge, on the Confines of the County of Derby*: And whereas considerable Sums of Money have been borrowed and are now

[Loc. & Per.]

Act continu-
ed.

due and owing upon the Credit of the said Acts, which Money cannot be repaid, and the said Road properly amended, improved, diverted and kept in Repair, unless the Term of the said Acts be continued, and some of the Powers and Provisions thereof altered and enlarged, and the Tolls increased; May it thereof 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, Provisions, Penalties, Matters and Things therein contained (except such Parts thereof as are hereby varied and altered, and such as relate to Exemptions from Stamp Duties) shall be and remain in full force, and be executed for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purposes, as if the said Acts, Clauses, Powers and Provisions therein respectively contained, 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 which shall commence and take effect from the passing of this Act; and that this Act and the additional Term, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the said recited Acts, or either of them, 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.

Trustees ap-
pointed.

II. And be it further enacted, That *Joseph Armitage, George Armitage the Younger, Joseph Green Armytage, Benjamin Green Armytage, James Green Armytage, William Green Armytage, James Armytage, Thomas Armitstead, William Armitage, Benjamin Haigh Allen, John Allen, Richard Ashworth, Walter Beaumont, William Walker Battye, John Booth, William Booth, Joseph Barber, Timothy Bentley, John Brook of Huddersfield, Joshua Barber, James Brook, John Battye, Daniel Crossland Battye, Richard Clay, James Cowgill, John Dyson, William Dobson, Francis Downing, John Dickinson, Thomas Drausfield, James Dyson, John Dobson the Younger, Elibu Dickinson Clothier, Edward Dickinson, John Firth, Joseph Firth, Thomas Firth of Huddersfield, Robert Firth the Younger, Christopher Green, Anthony Green, James Green, Joshua Green, William Horsfall of Marsden, Abraham Horsfall the Younger, John Horsfall the Younger, Mark Horsfall, John Hawxby, Edward Hawksby the Younger, William Hirst, George Hobson, Jonas Hobson, William Hincliffe, Joshua Hincliffe, Abraham Firth Macaulay, Thomas Marshall, Matthew Moorhouse, Thomas Moorhouse, George Moorhouse, Joshua Moorhouse, Henry Nelson, William Priestley, Edward Priestley, Joseph Pickford, William Percenal Pickford, Joseph Radcliffe, John Ramsden, William Ramsden, William Town Radcliffe, Henry Ramsden, Joseph Roberts, Walter Williams Stables, the Reverend John Sunderland, the Reverend Robert Smith Clerk, John Sutcliffe the Younger, William Stocks, Samuel Stocks, Joseph Scott, Thomas Shaw, John Walker the Younger, John Whitacre the Younger, Joseph Walker, Samuel Walker, and John Woodhead, (being qualified according to the Directions of the said first recited Act) shall be and are hereby joined with and added to the Trustees appointed in or by virtue of the said recited Acts, or either of them, and shall, in all respects whatsoever, have the like Powers and Authorities*

Authorities to act in the Execution of the said recited Acts and 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 all Acts and Proceedings of any Person or Persons who hath or have acted, or who shall act as a Trustee or Trustees in the Execution of this or the said recited Acts, although not duly qualified previous to his or their being convicted of such Offence, shall be as valid and effectual as if such Person or Persons had been so qualified.

That Acts of Trustees not qualified shall be valid.

IV. And whereas the several Tolls authorized to be taken on the said Road, by the said recited Acts, are insufficient to pay the Interest due and owing thereon, and to divert, amend, widen and keep the said Road in good Repair, and for executing the several other Purposes of the said Acts and this Act: Be it therefore further enacted, That from and after the Fourteenth Day of *May* One thousand eight hundred and ten, the Tolls payable in and by the said recited Acts, shall cease, determine and be no longer paid; and that instead thereof the respective Tolls following shall be demanded and taken, at all or any of the Gates or Turnpikes, which are or shall be erected in, upon or on the Sides of, or across the said Road, before any Horse, Cattle or Carriage shall be permitted to pass through the same: (that is to say)

For discontinuing the present Tolls and granting new ones.

For every Horse, Mare, Gelding, Mule, Ass or other Beast drawing any Coach, Chariot, Berlin, Landau, Hearse, Chaise, Chair, Curricule, Calash or other Carriage, the Sum of Two Shillings and Sixpence. Tolls.

And for every Pair or Yoke of Oxen, and for every Horse, Mare, Gelding, Mule, Ass or other Beast drawing any Waggon, Wain, Cart or other Carriage, the Fellies of the Wheels thereof being of the Breadth or Gauge of Six Inches or upwards, the Sum of One Shilling.

And for every Pair or Yoke of Oxen, and for every Horse, Mare, Gelding, Mule, Ass or other Beast drawing any Waggon, Wain, Cart or other Carriage, the Fellies of the Wheels thereof being of less than the Breadth or Gauge of Six Inches, the Sum of Two Shillings.

For every Horse, Mule or Ass, laden or unladen, and not drawing, the Sum of Sixpence.

For every Drove of Oxen or other Neat Cattle, the Sum of Two Shillings and Sixpence per Score, and so in proportion for any less Number; and for every Drove of Calves, Sheep, Swine or Lambs, the Sum of Ten-pence per Score, and so in proportion for any less Number.

Which said several Tolls are hereby vested in the said Trustees, and the said Tolls and every Part thereof, shall and may be demanded, collected, recovered, applied and disposed of, in such Manner, and for such Uses, Intents and Purposes as are or is directed by the said recited Acts or either of them, with respect to the Tolls thereby authorized to be taken, but subject nevertheless to the Provisions or Directions of this Act.

V. And

Bar to be
discontinued.

V. And be it further enacted, That the Turnpike Gate, now erected on that Part of this Road as lies between *Enterclough Bridge*, and the Turnpike Road leading from *Manchester* to *Salter's Brook*, in the County of *Chester*, shall be removed and discontinued; and that it shall not be lawful for the Trustees of this Road, at any Time during the Continuance of the Term hereby granted to erect any other Turnpike Gate, Bar, or Chain, nor take any Toll upon that Part of the said Road, situate between the South Side of *Enterclough Bridge*, and the said Turnpike Road, leading from *Manchester* to *Salter's Brook* aforesaid.

Exemptions
from Toll.

VI. And be it further enacted, That all and every other Exemption and Exemptions from the several Tolls and Duties granted by the said recited Acts, or either of them, shall cease and be no longer allowed, and that in lieu thereof the several Exemptions from Tolls herein after mentioned shall be allowed: (that is to say) That no Tolls shall be demanded or taken for any Horse, Cattle or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Brick, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road lies; or Hay, Straw or Corn in the Straw only, not sold or disposed of, but passing to be laid up, or placed in the Out-houses or the Lands of the Owners; or for any Horse, Cattle or Beast employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows or Implements of Husbandry, or any Mould, Dung, Compost or Manure (Lime excepted) employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (Lime as aforesaid excepted); nor for any Horse, Cattle or Beast employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Cloth or other Woollen Stuff to or from any Fulling Mill; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his or her proper parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on a *Sunday* or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; 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

ployed 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 Horse, Cart, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *York* and *Chester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded: And that no Toll shall be taken for any Horse, Mare, or Gelding furnished by or for any Persons Belonging to any Corps of Yeomanry, or Volunteer Corps, 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 the 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 claim and take Benefit of the Exemptions by this Act granted, not being entitled to the same, every such Person so offending and being thereof convicted, upon the Confession of the Party concerned, or on the Oath of one or more Witness or Witnesses, before one or more Justice or Justices of the Peace of and for the West Riding of the County of *York* or County of *Chester* (which Oath or Oaths such Justice or Justices is and are hereby empowered to administer) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety thereof shall go to the Informer or Informers, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, and the other Moiety shall be paid to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

VII. 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 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 of 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 Act or the said recited Acts contained, to the contrary thereof notwithstanding.

Owners or Drivers of Waggons in the Service of His Majesty, not subject to Penalties for overweight.

VIII. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in anywise concerning the said Tolls, or the receiving thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be deemed to be incompetent to give Evidence to any such Dispute, Suit or Litigation, by reason of his, her or their being appointed to collect such Tolls or any of them.

Bar-Keepers competent Witnesses.

Trustees empowered to take certain Gardens for widening Road.

IX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any other Person or Persons acting by or under their Order or Authority, in the widening the said Road from *Lockwood* to *Engine Bridge*, in the Parish of *Almondbury* in the said County of *York*, to cut through, take and make use of so much and such part of the Garden, the Property of *Joseph Brook*, situate in the Township of *Lockwood*, in the Parish of *Almondbury* aforesaid, now in the Occupation of *James Sykes*, and also so much of another Garden, in the Township of *Lockwood* aforesaid, belonging to *Benjamin Ingham*, *Joshua Ingham* and *John Haigh*, now in the Occupation of *James Dyson*, and also so much of another Garden in the Township of *Lockwood* aforesaid, belonging to *Benjamin Ingham*, *Mary Wheelhouse*, *Elizabeth Thyer* Spinster, *Gamaliel Milner* and *Mary* his Wife, *Elizabeth Paskley* Spinster, *Joseph Bradley*, *Martha Bradley*, *John Bradley*, *Francis Hebden*, *Walter Hebden*, *Ann Hebden*, *Mary Hebden*, and *John Haigh*, now in the Occupation of *Alice Taylor*, as they shall deem necessary.

Tolls may be taken in different Portions.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order and direct the Tolls hereby granted to be taken and received in different Portions, at such and so many Gates and Turnpikes which are or shall be erected upon the said Road, as they shall think proper, and from Time to Time to vary the same Portions at their Discretion.

For preventing Annoyances,

XI. 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 Wheel-barrow, on any Footway or Causeway adjoining to this Road, or shall cause any Damage to be done to such Footway or Causeway, or to any Hedges, Fences, Breast Walls, Posts, Rails, or Paling, set up along the Side, 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, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb or other Cattle, or cause or permit any Blood to run from any Slaughterhouse, 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 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, Mare or Gelding, 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 Carriage, to drag on any Part of the said Road to the Prejudice thereof respectively; or if any Occupier of any Close of Land, or of any Court, Garden or Yard adjoining the said Road, shall not hang the Gate and Gates communi-
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cating with the said Road, and such Close, Court, Garden or Yard so as to open inwards; 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 Cople 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 in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let-off any Gun, Pistol, Cracker, or throw any Squib, Rocket, Serpent or Fire-work whatsoever 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 Forty Shillings.

XII. And whereas great Inconveniencies have arisen from erecting and making Dwelling-houses, Buildings, Walls, Fences, Hedges and Ditches too near the Sides of the said Turnpike Road; For Remedy whereof be it enacted, That from and after the passing of this Act, no Person shall encroach upon the said Road, by making or causing to be made any Dwelling house, Building, Wall, Fence, Hedge or Ditch, within Fifteen Feet of the Centre of the said Road; and it shall and may be lawful to and for the said Trustees, or any Two or more of the, to cause such Dwelling-houses, Buildings, Walls, Fences, Hedges and Ditches 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 One or more Justice or Justices of the Peace, for the West Riding of *Yorkshire*, or the County of *Chester*, 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 En-
croachments
by Buildings
Ditches, &c.

XIII. Provided always, and be it 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 to and for any Two or more Justices of the Peace for the said West Riding of the County of *York* and County of *Chester*,
and

Justices to
determine
Differences
touching
Statute
Work.

and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Treasurer, Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part and Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Townships, Hamlets, Districts or Places in which the said Road lieth; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees, or to 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, Township 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, Township, Hamlet, District 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 Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and 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 in 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 also shall and may 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 they 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 or this Act 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, by any Surveyor of 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, or 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 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
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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.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Two or more of them, to compound and agree with any Person or Persons, Bodies Politick, or Corporate, for the Statute Work to be by them done on the said 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, Townships, Hamlets, Districts or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees or any Five or more of them shall think reasonable, in lieu of the whole or 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, Township or Place, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township or Place shall not be permitted to compound for that Year.

Trustees
may com-
pound for
Statute
Work.

XV. And be it further enacted, That all Penalties and Forfeitures, hereby or by the said recited Acts, or either of them, inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein or therein otherwise directed, shall upon Proof of the Offences respectively, before any One Justice of the Peace for the County, Riding or Place wherein the Offence shall have been committed, or any one Justice of the Peace for the County, Riding 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 credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), 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 and Forfeitures, 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 One Moiety of such Penalties and Forfeitures, when recovered, shall (if not otherwise directed to be applied) be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act: 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 such Justice, and he is hereby required by Warrant or Warrants, under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or

Penalties.

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House

House of Correction for the County, Riding or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalty and Forfeiture, and all reasonable Charges, shall be sooner paid and satisfied.

For securing
transient
Offenders.

XVI. And whereas Offences may be committed against this or 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 Collectors, Surveyors or other Officers 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 take him, her or them before any Justice of the Peace for the County, Riding or District near to the Place where the Offence or Offences shall have been committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of 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 County, Riding or District in which such Offence or Offences shall have been committed, 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, 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 the Justices at such Sessions as aforesaid, 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 County, Riding or District, 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.

XVII. And be it further enacted, That any Assignment or Transfer, to be made in pursuance of the said recited Acts or this Act, shall be in the Words or to the Effect following; (*videlicet*)

Form of
Assignment.

BY virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled, [*insert the Title of this Act*] We _____ of the Trustees acting in the Execution of the said Act, in consideration of the Sum of _____ to the Treasurer of the said Road in Hand, paid by _____ do grant, bargain, sell and demise unto the said _____ Executors, Administrators and Assigns, such Proportion of the Tolls arising within the said Road, and of the Turnpikes and Toll-houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum, advanced or to be advanced on the Credit thereof, or charged upon the Term of this Act, to be had and holden for and during the Continuance of the said Act, unless the said Sum of _____ with lawful Interest shall be sooner repaid and satisfied. Given under our Hands and Seals this _____ Day _____ in the _____ Year of our Lord _____

And Copies of all such Mortgages and Assignments shall be entered in a Book, to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published and circulated in the West Riding of the County of *York* and County of *Chester*, and also upon the Turnpikes or Toll-gates which shall be then standing upon the said Road, at least Twenty-one Days before the borrowing thereof: And all Mortgages or Assignments which shall be made as aforesaid, shall be good, valid and effectual to all Intents and Purposes; and all Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest or Benefit in and to the said Security, and the Principal and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing or Writings under his, her or their Hand and Seal, or Hands and Seals, in the Presence of One credible Witness, which Transfer shall be in the Words or to the Effect following:

“ I *A. B.* do transfer this Mortgage, (or a certain Mortgage, &c. as the Case may be.) and all the Principal and Interest now due thereon, unto _____ Executors, Administrators and Assigns.
 “ Witness my Hand and Seal the _____ Day _____ in
 “ the Year of our Lord _____

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial thereof, containing the Dates, Names of the Parties and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their respective Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*: And it shall not be in the Power of any Person, making such Assignment or Transfer, afterwards to make void, release or discharge the same Security, or any Monies thereon due or Part thereof: And all Persons to whom such Mortgages, Assignments or Transfer shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes and Toll-houses, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

XVIII. 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 and 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

Application
 of Compensation Money
 when amounting to
 20*l.*

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, 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 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 mean Time, and until such Purchase shall be made, the said Money shall by the 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 mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time, be paid by, Order of the said Court, to the Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments, so hereby directed to be purchased, in case such Settlement or Purchase were made.

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

XIX. 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 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, 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 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 and Interest arising thereon, may be applied in any Manner hereinbefore directed

directed, so far as the Case be applicable, without obtaining, or being required to obtain the Direction or Approbation of the Court of Chancery.

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

Application where the Money is less than 20l.

XXI. 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 and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case 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 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 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 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 thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is, and are hereby required to give a Receipt 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.

In case of not making out Titles.

If Persons cannot be found, Purchase Money to be paid into the Bank.

Subject to the Order of Court of Chancery on Motion or Petition.

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Divi-

Respecting disputed Titles.

dends 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 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 applied and disposed of 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 of
Chancery to
direct the
Payment of
Expences.

XXIII. 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, or Hereditaments, to be settled to the like Uses, in pursuance of 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.

No Order of
the Trustees
to be repealed,
unless at
a Special
Meeting, of
which

Days Notice
shall be
given

XXIV. And be it further enacted, That no Act, Order, Resolution, Determination or Proceeding of the Trustees, made and signed according to the Directions of the said recited Acts or this Act, shall afterwards be altered, revoked, repealed or set aside by any subsequent Act, Order, Resolution, Determination or Proceeding of the Trustees, unless at some special Meeting of the Trustees, to be held for that Purpose, of which Twenty-one Days Notice shall have been given by the Clerk to the said Trustees; in some Newspaper usually circulated in the Neighbourhood of *Huddersfield*; and also by Notice in Writing, affixed upon all the Toll-gates then erected on the said Road, at least Ten Days previous to such Meeting, every Notice specifying the Purpose of such Meeting; nor shall any such Alteration, Revocation or Repeal be made, unless a Majority of the Trustees, present at the Meeting, (such Meeting to consist of Nine at least) shall concur therein.

Trustees
may sue or
be sued in
their Clerk's
Name.

XXV. 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 this Act, in the Name or Names of their Clerk or Clerks 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 and this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, or by the Act of such Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them; but

but that the Clerk or Clerks, for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Prosecutor or Prosecutors, Defendant, or Defendants, as the Case may be, in every such Action: Provided always that every such Clerk or Clerks, in whose Name or Names any Action or Suit shall be commenced, prosecuted or defended, in pursuance of the said recited Acts and this Act, shall be fully re-imbursed and paid out of the Money to arise by virtue of the said recited Acts, and this Act, all such Costs, Charges, Damages and Expences, as by the event of, or in consequence of any such Action, Prosecution or Proceedings, he or they shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his or their being so made Plaintiff or Plaintiffs, Prosecutor or Prosecutors, Defendant or Defendants as aforesaid.

XXVI. And be it further enacted, That the Costs, Charges and Expences incident to, or attending the obtaining and passing of this Act, together with lawful Interest for the same, 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. For paying Expences of this Act.

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded. Publick Act.

XXVIII. And be it further enacted, That the said recited Acts (subject to the Alterations, Additions and Amendments in this Act contained) and this Act shall continue and be in force for and during the Residue now to come of the Term granted, and continued 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. The Term of the Act.

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