



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. xci.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from *Huddersfield* to *Penistone*, in the County of *York*. [14th June 1819.]

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-eighth Year of the Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of an Act passed in 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 Road from Huddersfield to Penistone*: And whereas by the said recited Act of the Seventeenth Year of the Reign of His present Majesty, the said Roads were divided into Three distinct and separate Districts, and the Road from *Huddersfield* to *Penistone* was thereby declared to be, and directed to be called *The Second District of Road*: And whereas considerable Sums of Money, borrowed on the Credit of the said recited Acts, and charged on the Tolls arising upon the said Second District of Road, still remain due and owing, and such Sums of Money cannot

[Local.]

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cannot

Recited Acts
continued.

cannot be repaid, nor can the said Second District of 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 Second District of Road, 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 Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained and now in force, so far as the same relate to the said Second 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 are hereby further continued, and together with the present Act, shall be executed for and during the Term herein-after 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 and Tolls 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 Second 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 Second District of Road.

Appoint-
ment of new
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the West Riding of the County of York, the Honourable *John Lumley Savile* Clerk, *Sir John Lister Kaye* Baronet, *John Armitage* of *Kirklees Hall*, *Robert Afflict* Clerk, *George Armitage*, *Thomas Atkinson*, *Charles Atkinson*, *Robert Rockley*, *North Battye*, *Richard Battye*, *William Walker Battye*, *Joseph Beaumont*, *John Beaumont*, *John Booth* of *Penistone*, *James Booth* the Elder, *Benjamin Cocker*, *Joshua Crosland*, *John Firth* the Younger of *Highflatts*, *John Hardy*, *William Horncastle*, *Thomas Hudson*, *John Lister Kaye*, *George Lister Kaye*, *John Nicholl*, *John Parkin*, *William Parkin*, *Edward Taylor Roberts*, *Jonathan William Roberts*, *George Senior*, *John Spencer Stanhope*, *Edward Collingwood Stanhope*, *William Stephenson*, *Nathaniel Sykes*, *Tedbar Tinker*, *John Tinker* the Younger of *Carr*, *James Tolson*, *Edmund Walker*, *Joseph Walker*, *Samuel William Walker*, *William Buttle Walker*, *Samuel Firth Walker*, *George Whitehead*, *Samuel Wood* of *Dalton*, and *John Wood*, shall be and they are hereby joined with and added to the Trustees appointed in or by virtue of the said recited Acts, or either of them, for the said Second District of Road, to be Trustees for carrying this Act and the said recited Acts, so far as respects the said Second District of Road, into Execution; and the said Trustees herein nominated, being respectively duly qualified as herein-after mentioned, and their Successors respectively to be elected, and being respectively duly qualified as herein-after mentioned, 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 Second 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 for carrying this Act and the said recited Acts, so far as respects the said Second District of Road, into Execution, 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 the said recited Acts or this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for carrying this Act and the said recited Acts, so far as respects the said Second District of Road, into Execution, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, 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.

Power to
appoint
additional
Trustees.

IV. 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 enacts, that no Person shall be capable of acting as a Trustee in the Execution of the Act, unless he shall (at the Time of acting) be seised or possessed in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or shall have Personal Estate of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds, shall be and the same is hereby repealed.

Repeal of
former Qua-
lification of
Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act or the said recited Acts, with respect to the said Second District of Road, unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate of the Value of Three thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Five or more of the said Trustees, an Oath or Affirmation in the following Form of Words, and which Oath or Affirmation the said Trustees, or any or either of them, at any of their Meetings to be holden in pursuance of this Act, are or is hereby authorized to administer;

Qualification
of Trustees.

I do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm,] That I truly and *bonâ fide* am, in my own Right [*or*, in the Right of my Wife], in the actual Possession and Enjoyment [*or*, Receipt of the Rents and Profits] of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or*, am Heir Apparent of who to the best of my Knowledge is seised of a Real Estate of Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or am possessed of or entitled to a Personal Estate of the Value of Three thousand Pounds [*as the Case may be*].

‘So help me GOD.’

[*or*, being a Quaker, omit the Words, ‘So help me GOD.’]

VI. Pro-

Trustees interested, or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

VI. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act) shall be capable of acting as a Trustee in the Execution of this Act, in any Case where he shall be personally interested, nor whilst he holds any Place or Employment of Profit under the said Trustees, or this Act; and that no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be interested or concerned in any Contract under this Act, or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Acts of unqualified Trustees before Conviction valid.

VII. 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 Second District of Road, in the Execution of the said recited Acts, or who shall act as such Trustee or Trustees in the Execution of this Act and the said recited Acts, 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 at the Time of so acting been duly qualified.

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

VIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing relating to the Execution of this Act and the said recited Acts, with respect to the said Second District of Road, in the Name or Names of their Clerk or Clerks for the Time being; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal or Resignation of any such Clerk or Clerks, or of either of them, nor by the Act of any such Clerk or Clerks without the Consent of the said Trustees, or any Five or more of them, but the Clerk or Clerks to the said Trustees for the Time being, in whose Name or Names any Action or Suit shall be so brought, shall always be deemed the Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Suit, as the Case may be; and that any such Action or Suit may be continued in the Name or Names of such Clerk or Clerks, as if he or they, or either of them, had not died or been removed, or had not resigned, or such Action or Suit discontinued by him or them, or either of them; and every such Clerk and Clerks shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act or the said recited Acts, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such Action or Suit he shall pay, bear, sustain, expend or be put unto, or become chargeable with or liable for, or be entitled to, by reason of his being so made Plaintiff or Plaintiffs, Defendant or Defendants.

IX. Pro-

IX. 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 any 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 any of them, or to continue or appoint the Person who has been or may be appointed their Treasurer, by virtue of the said recited Acts or any 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 any of them, 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, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered 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.

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

X. 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 enacts, that all Officers and Persons accounting as therein mentioned, shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, and also so much thereof as empowers any One of the said Trustees to administer such Oath, and also so much thereof as enacts, that if any such Officer or Person shall refuse to verify the Articles of any such Account upon Oath, he shall be subject to the Punishment therein mentioned, shall be and the same is hereby repealed.

Repealing so much of former Act as requires Officers to verify their Accounts on Oath.

XI. 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 or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Second 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 reasonable Times be open to the Inspection of the said Trustees, and 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 or Clerks shall refuse to permit the said Trustees or such Creditors, or any or either of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks 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.

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

Penalty for Refusal of Inspection.

XII. 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 enacts, that

Repealing Part of former Act respect-

[Local.]

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nothing

ing Turnpike
Gates.

nothing therein contained shall empower or be construed to empower the said Trustees to erect any Turnpike Gate or take any Toll between the South-east End of *Ingbirchworth Lane* and the Cloth Hall in *Penistone Town*, or upon the intended Branch between *Kirkburton Dene* and *Shelley*, or between *Shorehead* in *Huddersfield* and the North End of *Leake Lane*, shall be and the same is hereby repealed.

Toll Gates
may be
erected.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to erect or cause to be erected such and so many Turnpikes or Toll Gates, in, upon, or across any Parts of the said Second District of Road, as they shall think fit, and also across any Lanes or Ways leading into the same, and also to erect and provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Turnpike Gate, and may also inclose from the said Road a convenient Garden Spot to each such Toll House (not exceeding One-eighth of an Acre for each Toll House), and may also from Time to Time remove, alter, or discontinue the same, or any of them, as they the said Trustees, or any Five or more of them, shall from Time to Time think fit; and all such Toll Houses and Premises, and all the Materials thereof, and the Appurtenances, shall be and are hereby vested in the said Trustees, or any Five or more of them: Provided always, that no Toll Gate shall be erected, and that no Toll shall be taken between *Woodsome Mill* and the South End of *Leake Lane*, and that no Side Gate or Toll Gate shall be erected across the Road leading from the South End of *Leake Lane* aforesaid to *Rowley*.

Former Tolls
repealed, and
fresh ones
granted.

XIV. And be it further enacted, That the several Tolls granted or made payable by the said recited Acts, or either of them, on the said Second District of Road, shall, on the Fifth Day of *July* next, cease, determine, and be no longer paid or payable; and that instead thereof the several Tolls following shall and may be demanded and taken at each and every of the Turnpike Gates or Toll Houses which are or shall be erected in, upon, or across the said Second District of Road, or on the Side or Sides thereof, by such Person or Persons as the said Trustees, or any Five or more of them, shall appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Turnpike Gate or Turnpike Gates, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night; (that is to say),

For every Horse or other Beast, drawing any Coach, Landau, Chaise, Berlin, Hearse, Chariot, Chair, Curricule, or Chaise Marine, the Sum of Sixpence at the First Bar through which any such Carriage shall have to pass, and the Sum of Three-pence at the Second Bar, (on a Ticket being produced denoting Payment of Toll at One Gate before); and the Sum of Three-pence at the Third Bar (on a Ticket being produced denoting Payment at Two Gates before):

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart or Carriage, the Sum of Nine-pence at the First Bar through which any such Carriage shall have to pass; the Sum of Four-pence Halfpenny at the Second Bar, (on a Ticket being produced denoting Payment of Toll at One Gate before); and the Sum of Four-pence Halfpenny at the Third Bar, (on a Ticket being produced denoting Payment of Toll at Two Gates before):

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny at the First Bar through which any such Horse, Mule, or Ass shall have to pass; the Sum of One Penny at the Second Bar, (on a Ticket being produced denoting Payment of Toll at One Gate before); and the Sum of One Penny Halfpenny at the Third Bar, (on a Ticket being produced denoting Payment of Toll at Two Gates before):

For every Drove of Oxen, or other Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number, at the First Bar only through which such Oxen or Cattle shall have to pass: And,

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number, at the First Bar only through which such Calves, Sheep, Lambs, or Swine shall have to pass.

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the said Trustees, upon the Trusts and for the Purposes of this Act and the said recited Acts, so far as the same relates to the said Second District of Road; and the same and every of them, and every Part thereof, shall and may be apportioned, collected, recovered, levied, varied, altered, compounded for, leased, assigned, paid, applied and disposed of, in such and the same Manner, and by such Ways and Means, as the Tolls granted by the said recited Acts, or either of them, upon the said Second District of Road are thereby directed or authorized to be collected, recovered, levied, varied, altered, compounded for, leased, assigned, paid, applied, and disposed of, but subject to the Regulations and Alterations in this Act contained.

XV. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof, or of the Horses drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed, as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to an Abatement of One-fourth Part of the Tolls hereby granted, and to the Privileges and Exemptions granted by the said Act.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3. c. 119.

XVI. And be it further enacted, That upon Payment of any of the Tolls by this Act authorized to be taken on the said Second 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 Payment, which Notes or Tickets shall be provided by the said Trustees or their Lessees, 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 Ticket shall free.

Tickets to be printed.

XVII. And be it further enacted, That so much of the said recited Act of the Seventeenth Year of the Reign of His present Majesty, and of the said recited Act of the Thirty-eighth Year of the Reign of His present Majesty, as grants or allows any Exemption from the Payment of Tolls, shall

Repealing Exemptions of former Act.

shall be and the same is hereby declared to be repealed, so far as relates to the said Second District of Road.

General -
Exemptions
from Toll.

XVIII. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family; nor 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 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 the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing 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 officiate or returning from officiating at his proper 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 residing in any Parish, Township, or Place through which the said Second District of Road, or any Part thereof, doth or shall lead, going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, in the same Parish, Township or Place, or going to or returning from the Funeral of any Person who shall die and be buried in any such same Parish, Township, or Place; 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, and not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, 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 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 Things used therein,

therein, belonging to any such Inhabitants or Occupiers, or any Dung, Mould, Manure, or Compost (save and except Lime) for manuring or improving Lands or Gardens, or any Corn, Grain, or Grist carrying to or from any Corn Mill for private Use, and not for Sale; 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 Gravel, Furze, Heath, Sand, Stones, or other Materials for making and repairing the said Second District of Road, or any other Highway or public Road within any Parish, Township, or Place in which any Part of the said Second District of Road lies; or for building or rebuilding, enlarging, or repairing any present or future public Bridge or Bridges on the said Second District of Road; nor (between the First Day of *May* and the Twenty-ninth Day of *September* in any Year) for any Horse or Beast drawing any Waggon or other Carriage, with Wheels of the Breadth of Nine Inches, loaded with Grinding Stones for the Manufacture of Cutlery Ware in *Hallamshire*, for the Use of the Manufacturers therein only; nor for any Horse, Cattle, Beast, or Carriage, going no more than One hundred Yards upon the said Second District of 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, 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.

XIX. 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, or other Cattle 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.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XX. Provided always, and be it further enacted, That none of the Tolls hereby granted shall be demanded of or payable by any Inhabitants or others occupying Lands or Hereditaments in the Township of *Lepton*, for or in respect of any Horses, Beasts, or Carriages, or for any Oxen or other Neat Cattle, Calves, Sheep, Lambs, or Swine, at any Gate which

Exemption for Inhabitants of the Township of *Lepton*.

[*Local.*]

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may

may be erected by virtue of this Act, between the North End of *Leake Lane* and the Junction (in case such Junction shall be made) with the *Wakefield* and *Ansterlands Road* on the *Cownes Bank* by the said Trustees.

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

XXI. Provided always, and be it further enacted, That no Person shall be liable to pay Toll more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for or in respect of the same Horse or Horses, Beasts, Cattle, or Carriages, for passing and repassing any Number of Times through any Turnpike or Gate erected or to be erected on the said Second District of Road; and that no Person shall be liable to pay Toll at more than Three of the Turnpikes or Gates erected or to be erected on the said Second District of Road, and in the Proportions herein-before particularly mentioned, for or in respect of the same Horse or Horses, Beasts or Carriages, in any One Day, to be computed as aforesaid; but that all such Horses, Beasts, and Carriages, for or in respect whereof Toll shall have been paid at any such Three Gates in One Day as aforesaid, and also all Oxen, Cattle, Calves, Sheep, Lambs, or Swine, in respect whereof Toll shall have been paid at any One Gate in One Day as aforesaid, shall be entitled to pass and repass Toll-free on the same Day through the same Turnpikes or Gates, and through all other Turnpikes or Gates on the said Second District of Road, such Person or Persons respectively producing a Note or Ticket denoting that the Toll hath been so paid, and naming and specifying the several Gates freed by such Payment, which Note or Ticket the Collector or Collectors is and are hereby required to give *gratis* on the Receipt of such Toll; provided also, that the Payment of Toll at One of the Gates or Bars called the *Ingbirchworth Lane Bar*, and the *Ingbirchworth Bar*, shall clear the other of the said Bars, and that the Payment of Toll at One of the Gates or Bars called the *Dogley Lane Bar*, and the *Kirkburton Dene Bar*, shall clear the other of the said last-mentioned Bars, and that the Payment of Toll at any Side Gate, or at any Turnpike set across any Lane or Way by virtue of the said recited Acts or this Act, upon the said Second District of Road, shall not extend to a Double Charge, in case of passing through any other Gate or Gates erected or to be erected on the said Second District of Road.

Power to reduce Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be held from Time to Time for that Purpose, and they are hereby empowered, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees at any such Meeting shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight; and that such reduced Tolls shall and may be collected and levied, and applied in such and the same Manner, as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful to reduce the said Tolls, without the Consent of Five-sixths in Value of the Creditors on the said Tolls; and that no such Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty-one Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all

Tolls not to be reduced without the Consent of Five-sixths of the Creditors.

the Turnpikes or Toll Gates which shall then be erected on the said Roads.

XXIII. 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 County, Riding, or Place where the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witnesses 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 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.

XXIV. And be it further enacted, That in case all or any of the said Tolls 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 County, Riding, or Place where the Toll House and Premises shall be situate, 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 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,

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

tions, 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.

An Action of Ejectment may be supported by One Mortgagee.

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

No Preference to be given to former Creditors.

XXVI. 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 taken upon the said Second District of Road, or who shall at any Time hereafter advance or lend any Sums of Money upon the Credit thereof, shall be Creditors in equal Degree one with another, in proportion to the several Sums of Money advanced by them respectively, and shall have no Preference with respect to the Priority of advancing any such Sum or Sums of Money.

Trustees may call in and cancel former Mortgages.

XXVII. 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 Second District of Road, now standing 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 such Manner as by the said recited Act is directed concerning Mortgages.

For preventing Toll Collectors from misbehaving, &c.

XXVIII. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the Tolls on the said Second 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 Second 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

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 recited Act of the Seventeenth Year of the Reign of His present Majesty 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.

XXIX. And whereas it is by the said recited Act of the Seventeenth Year of the Reign of His present Majesty enacted, that (for preventing all Doubts and Disputes respecting the Extent and Limits of the Highway or Road by the said Act intended to be repaired) the Second District of the said Road between *Huddersfield* and *Penistone* should extend from the Street called the *Beast Market* in *Huddersfield*, to the North-west Corner of the Market-house in *Penistone*: And whereas the said Second District of Road has not yet been completed nearer to *Huddersfield* than the North End of *Leake Lane*, where the same joins the present *Wakefield* and *Ansterlands* Turnpike Road: And whereas the Trustees for executing an Act passed in the Thirty-second Year of the Reign of King George the Second, intituled *An Act for repairing the Road from Wakefield to Ansterlands, in the West Riding of the County of York*; and an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act made in the Thirty-second Year of the Reign of His late Majesty King George the Second, for repairing the Road from Wakefield to Ansterlands, in the West Riding of the County of York*; and also an Act passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts made in the Thirty-second Year of His late Majesty King George the Second, and in the Eighteenth Year of the Reign of His present Majesty, for repairing*

Limiting the
Line of the
new Road.

32 G. 2. c. 48.

18 G. 3. c. 85.

40 G. 3. c. 18.

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the Road from Wakefield to Ansterlands, in the West Riding of the County of York; in order to avoid some steep Hills, are now making a Diversion, at a great Expence, of their said Road, from Mould Green in Dalton to Lepton Cross in the Township of Lepton, which is nearly completed; and when the same shall be so completed, that Part of the said present Wakefield and Ansterlands Turnpike Road, which the said Second District of Road so joins as aforesaid, will be discontinued, and be no longer repaired by the Trustees of the said Wakefield and Ansterlands Turnpike Road: And whereas, in case the Trustees for executing the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, and this Act, shall at any Time hereafter be desirous of continuing or extending (under the Powers and Provisions of the said recited Acts or this Act) the said Second District of Road nearer to Huddersfield than the North End of Leake Lane aforesaid, it will be expedient that such Continuation or Extension of Road shall be made along the Line herein-after mentioned: Be it therefore enacted, That in completing the said Road, or extending the same nearer to Huddersfield as aforesaid, under the Powers and Provisions of the said recited Acts of the Seventeenth and Thirty-eighth Years of the Reign of His present Majesty, or this Act, it shall not be lawful for the said Trustees to make the same in any other Line or Direction than the Line or Direction following; (that is to say) from the North End of Leake Lane in a Northerly Direction, on the West Side of a Rivulet called Fen Beck, otherwise Fenay Beck, through the several Townships of Almondbury and Dalton, to join the Diversion of the said Wakefield and Ansterlands Road at a Field called Cow Hey, now in the Occupation of William Pontey and Francis Pontey, in the Township of Dalton aforesaid; and that from and after the passing of this Act the said Second District of Road shall be considered and taken to cease and terminate at its Junction with the said Diversion of the Wakefield and Ansterlands Turnpike Road, in the Township of Dalton aforesaid; any thing in the said recited Acts or in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that the said Extension of the said Road from the North End of Leake Lane, to join the Wakefield and Ansterlands Road, in Manner aforesaid, shall not be made without the Consent of the Owners and Occupiers of the Lands and Tenements through which such Extension shall be intended to be made.

Deviation not to exceed One hundred Yards from the present Road without Consent.

XXX. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Second District of Road, under the Powers of the said recited Acts and this Act, or any of them, shall not deviate more than One hundred Yards of Three Feet each from the present Line, or the Line above mentioned or described, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Houses, Gardens, &c. not to be injured.

XXXI. Provided always, and be it further enacted, That nothing in the said recited Acts or either of them, or in this Act contained, shall extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or in any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for
Trees,

Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

XXXII. Provided always, and be it further enacted, That if any Person or Persons whose Lands shall be necessary to be taken for the Purposes of the said recited Acts or this Act, shall by reason of Absence be prevented from treating with the said Trustees, then the Costs and Expences of summoning and maintaining the Jury and Witnesses, as mentioned in the said first recited Act, shall be borne and defrayed by the said Trustees, out of the Monies to arise by virtue of this Act.

In case of Absence of Parties, Expences of Jury, &c. to be borne by the Trustees.

XXXIII. 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 Second 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 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

Application of Compensation if amounting to 200l.

for

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.

Where less than 200l. and above 20l.

XXXIV. 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 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 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 herein-before 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.

When less than 20l.

XXXV. 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 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.

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

XXXVI. 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

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.

XXXVII. 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 and 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, 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.

XXXVIII. 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 so 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

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In case of disputed Titles.

Court may order reasonable Expences to be paid by the Trustees.

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.

Repealing Powers of former Acts respecting the getting of Materials.

XXXIX. 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 the same is hereby repealed, so far as relates to the Second District of Road.

For getting Materials to repair the Road.

XL. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Second 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, Township, or Place, in which any Part of the said Road shall lie and be situate, or in any adjoining Parish, 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, levelling 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 any 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; 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.

XLI. 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 Second 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 Owner or 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 Owner or 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 Owner or 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, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or 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 Owner or Occupier or his Agent had attended.

Notice to be given before Materials are taken.

XLII. 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 Second 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 the 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, kill, slaughter, finge, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or cause or permit or suffer any Sink or Drain from any House or other Building to run into or upon the said Road or the Footways thereof, or 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, 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 driving any Pigs or Swine

For preventing Nuisances.

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 shall turn any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned, or to be or remain upon the said Road to graze or depasture on the Sides 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 or any other Game or Games to the Annoyance of any Passenger or Passengers; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road, or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped, 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 in case the same shall not during such Time be drawn up or placed as near to the Side of the Road as conveniently may be, or shall lay any Piece of Timber, 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, 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.

For prevent-
ing Cattle
from straying.

XLIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Second District of Road, or any Part thereof, or by the Sides thereof, it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, in the common Pound of the Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees, or any Five or more of them, shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences

pences shall not be paid within Five Days after such impounding, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

XLIV. And be it further enacted, That from and after the passing of this Act no Person shall encroach upon the said Second District of 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 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 preventing Encroachments.

XLV. 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 Second District of 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 Forty 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 outward 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 the 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 County, Riding, or Place where the Gate shall be situate, 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; and such Penalty shall 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.

Gates to open inwards.

Repealing
Part of
17 G. 3.
respecting
Statute
Work.

XLVI. 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 enacts that no Statute Duty to be done by the Inhabitants of the Township of *Huddersfield*, upon the said Road, or any Part thereof, shall exceed in the whole One Day's Work yearly, shall be and the same is hereby repealed.

Statute
Labour.

XLVII. 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 Second District of 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 County, Riding, or Place in which the said Road or any Part thereof lies, 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 (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject 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 shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, 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 any of them 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 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 discharge 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 and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLVIII. 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 any Monies in their Hands, and 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.

For Payment
of the Ex-
pences of this
Act.

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

Public Act.

L. 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 herein-before 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.

Term and
Continuance
of the Act.

