ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 28.

An Act to continue the Term, and alter and enlarge the Powers of Two Acts, paſſed in the Thirty-third Year of His late Majeſty, and in the Twenty-ſecond Year of His preſent Majeſty, for amending the Road from *Bawtry* to *Sheffield*, and from *Sheffield* to the South Side of *Wortley*, in the County of *York*, where it joins the Turnpike Road leading from *Rotherham* to *Manchester*, ſo far as the ſame relates to the Road from *Bawtry* aforeſaid to *Tinſley*, and through Part of the Town of *Tinſley* to the Place where the ſame joins the Road from *Rotherham* to *Sheffield*.

[3d *May* 1804.]

WHEREAS an Act was paſſed in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for amending and widening the Road from Bawtry to Sheffield, and from Sheffield to the South Side of Wortley, in the County of York, where it joins the Turnpike Road leading from Rotherham to Manchester*: And whereas an Act was paſſed in the Twenty-ſecond Year of the Reign of His preſent Majeſty, for enlarging the Term and Powers of 33 G. 3. 22 G. 3.

of the ſaid former Act, ſo far as the ſame relates to the ſaid Road leading from *Bawtry* aforeſaid to *Tinſley*, and through Part of the Town of *Tinſley* to the Place where the ſame joins the Road leading from *Rotherham* to *Sheffield*: And whereas the Truſtees appointed in and by virtue of the ſaid recited Acts have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit thereof, which are ſtill due and owing, and cannot be paid off, nor can the ſaid Roads be effectually amended, widened, improved, and kept in Repair, unleſs the Term of the ſaid Acts is continued, and the Powers and Proviſions thereof are altered and enlarged: May it therefore pleaſe Your Majeſty, That it may be enacted; And be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſ-

Acts further continued.

ſembled, and by the Authority of the ſame, That the ſaid recited Acts, ſo far as relates to that Part of the ſaid Road which leads from *Bawtry* aforeſaid to *Tinſley*, and through Part of *Tinſley* to the Place where the ſame joins the Road leading from *Rotherham* to *Sheffield*, and all and every the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things therein contained (except ſuch of them as relate to Exemptions from Stamp Duties) ſhall be and are hereby further continued for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions herein contained, and which ſhall commence and take Effect immediately upon the paſſing of this Act; and this Act, and the additional Term and the Tolls by the ſaid recited Acts granted, ſhall be ſubject and liable to the Payment of all the Money now due on the Credit or on account of the ſaid recited Acts, or either of them, or which ſhall be borrowed on the Credit of the ſaid Acts and this Act, for the Uſe of the ſaid Road, and the Intereſt due and to grow due thereon.

Additional Truſtees.

II. And be it further enacted, That *William Alderſon* Clerk, *John Alderſon*, *Henry Bower*, *Roger Baſkett*, *Samuel Barker*, *John Barker*, *John Brown*, *William Beale*, *John Beale*, *Thomas Dawſon Bowker*, *William Stow Clarke*, *John Downes* Clerk, *Robert Evans* Clerk, *John Savile Foljambe*, *John Fawcett* Clerk, *Thomas Fiſher*, *Robert Graham*, *Abraham Cyrus Gordon*, *William Hodges* Clerk, *John Holt* Clerk, *William Holland* Clerk, *John Healey*, *William Hett*, *William Hyde*, *John Johnſon*, the Honourable *George William Monckton*, *Henry Francis Melliſh*, *William Marſden*, *Robert Dawſon Otter*, *Francis Raynes* the younger, *Richard Sharpe*, *George Stovin*, *Hugh Salvin* Clerk, *William Sampſon*, *Thomas Short* the younger, *Richard Taylor*, and *John Wright*, of *Clifton*, ſhall be added to and joined with the Truſtees appointed for putting the ſaid recited Acts in Execution; and that the ſaid Truſtees, by and in purſuance of this Act, or of the ſaid former Acts appointed or to be elected and qualified, ſhall be, and they are hereby nominated and appointed Truſtees for repairing, amending, and keeping in Repair, that Part of the Road in this Act and the ſaid recited Acts mentioned, which leads from *Bawtry* aforeſaid to *Tinſley*, and through Part of *Tinſley* to the ſaid Road leading from *Rotherham* to *Sheffield*, and for putting in Execution all and every the Powers and Authorities in this and the ſaid former Acts contained reſpecting ſuch Part of the ſaid Road as aforeſaid.

III. And

III. And be it further enacted, That none of the Tolls granted by the said recited Acts shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses, 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, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; 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 on the Lands of the Owners thereof; or for any Waggons, Wains, Carts, Carriages, or Horses, 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, Sullage, Compost, or Manures, employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shoed; 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 on 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 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 Horses, Cattle, or Carriages, of whatever 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 back from conveying the same; or for any Horses, Carts, or Waggons, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horses, Carts, or Waggons, employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act.

General Exemptions.

IV. 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 for the Purposes of the said recited Acts or of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the first recited Act particularly mentioned, such Money shall, in case the same shall

Application of Compensation Money where exceeding £. 200.

ſhall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other 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 and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the 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, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation Money does not exceed £.200. and above £.20.

V. 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 exceed the Sum of Twenty Pounds, then and in 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 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 hereinafter directed, or otherwiſe the ſame ſhall be paid (at the like Option) to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing

under

under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in Manner hereinbefore directed, as far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

VI. 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 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 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 £. 20.

VII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid 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 shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands 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, so awarded 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, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court, 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, or to order Distribution thereof, in 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, 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.

Money allowed for Lands, &c. purchased, how to be charged and tendered, &c.

VIII. 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 the said recited Acts or this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Posses-

sion of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands 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 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 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 or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Company.

IX. 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 or Hereditaments to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said Acts, or so much of such Expences as the 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.

For paying the Expences of the Act.

X. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the Trustees for putting the said recited Acts and this Act into Execution, or any Five or more of them, out of any Money which hath arisen by virtue of the said Act, or out of the first Money which shall arise by virtue thereof and of this Act.

Declaring the Act Public.

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

Fixing the Term of this Act.

XII. And be it further enacted, that the Term granted and continued by the said recited Acts of the Thirty-third Year of the Reign of his late Majesty, and the Twenty-second Year of the Reign of His said present Majesty, shall upon the passing hereof cease and determine, and that the said Acts and this Act shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1804.