ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 48.

An Act for enlarging the Term and Powers of Four several Acts, passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, and in the First, Eighteenth, and Thirty-seventh Years of the Reign of His present Majesty, for repairing the Road from *Leeds* to *Sheffield*, in the County of *York*, so far as the same relate to the Road from *Wakefield* to *Sheffield*, and for diverting a Part of the said Road. [15th *April* 1813.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from* Leeds *to* Sheffield, *in the County of* York: And whereas an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual an Act passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, intituled* 'An Act for repairing the Road 'from Leeds *to* Sheffield, *in the County of* York:' And whereas the said Road from *Leeds* to *Sheffield*, was by the said last recited Act divided into Two several Districts or Divisions, one from *Leeds* to *Wakefield*, and the other from *Wakefield* to *Sheffield*: And whereas an Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled *An Act for*

3 G. 2. c. 63.

1 G. 3. c. 33.

18 G. 3. c. 105.

for enlarging the Term and Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty, for repairing the Road from Leeds *to* Sheffield, *in the County of* York, *so far as the same relates to the Road from* Wakefield *to* Sheffield, *and also One other Act made in the First Year of the Reign of His present Majesty, for amending and rendering more effectual the said Act*: And whereas by the said last recited Act, separate Trustees were appointed for repairing, amending, and keeping in Repair the said District of Road which lies between *Wakefield* and *Sheffield*, and for putting in Execution all and every the Powers and Authorities in the now reciting Act, and the said Two former Acts contained, respecting the said District of Road from *Wakefield* to *Sheffield*: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled
37 G. 3. c. 159. *An Act for enlarging the Term and Powers of Three several Acts passed in the Thirty-first Year of the Reign of His late Majesty, and in the First and Eighteenth Years of the Reign of His present Majesty, for repairing the Road from* Leeds *to* Sheffield, *in the County of* York, *so far as the same relate to the Road from* Wakefield *to* Sheffield: And whereas a considerable Sum of Money has been borrowed and is now owing upon the Credit of the Tolls by the said Acts authorized to be taken upon the said Road from *Wakefield* to *Sheffield*, which cannot be repaid, and the said Road properly amended, improved, diverted and kept in Repair, unless the Term in the said Acts be continued, and the Powers and Provisions thereof altered and enlarged, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

Former Acts continued. the Authority of the same, That the said recited Acts, so far as the same relate to the said Road from *Wakefield* to *Sheffield*, and the several Clauses, Powers, Authorities, Provisions, Penalties, Matters, and Things therein contained, (except such as are by this Act varied, altered, or repealed, and also such as relate to Exemptions from Stamp Duties), shall be and remain in full Force and Effect for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the said recited Acts, and the Powers, Clauses, and Provisions therein respectively contained, were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Provisions, Alterations, and Amendments in this Act contained; and that this Act and the Term and Powers hereby granted, shall be, and they are hereby made subject and liable to the Payment of all Monies now due and owing upon the Credit, or on account of the said recited Acts, or any of them, so far as the same relate to the said Road from *Wakefield* to *Sheffield*, and of such Sum or Sums of Money as shall hereafter 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 respectively.

New Trustees appointed. II. And be it further enacted, That the Right Honourable *Charles William Wentworth Fitzwilliam* commonly called *Viscount Milton*, *Sir Francis Lindley Wood* Baronet, *Joseph Allen*, *George Allott*, *John Allott*, *Robert Allott*, *John Stainiforth Beckett*, *Wentworth Beaumont*, *William Beaumont*, *William Binks* junior, *John Birks*, *John Booth* M. D. *Thomas Booth*, *Joseph Badger*, *George Badger*, *John Browne*, *Peter Brownell*, *Benjamin Burdekin*, *William Bingley*, *John Francis Carr*, *Robert Carr*, *John Carver*, Chambers, *John Clarke*, *Joseph Clarke*, *Robert Couldwell Clarke*, *Samuel Cooper*, *Stuart Corbett* Clerk, *Richard Crookes*, *John*

John Darwin, *William Dawſon*, *Benjamin Dealtry*, *John Denton*, *John Denton* junior, *James Dixon* Clerk, *John Dixon*, *John Ellis*, *William Elmhirſt*, *Robert Elmhirſt*, *Iſaac Fearor*, *Benjamin Fenton*, *Benjamin Gaſkill*, *Daniel Gaſkill*, *George Gould*, *George Greaves*, *Joſeph Greaves*, *Henry Greaves*, *John Greaves*, *John Greenwood*, *John Greenwood* junior, *Charles Carrol Greenwood*, *Joſeph Hall*, *George Hammond*, *John Hardy*, *Joſeph Hargreave*, *Thomas Harriſon*, *John Haxworth*, *John Pemberton Heywood*, *Rowland Hibberd*, *William Holiday*, *Charles Hodgſon*, *Rowland Hodgſon*, *Thomas Hodgſon*, *William Hodgſon*, *Thomas Howard*, *William Howard*, *Edward Jackſon*, *William Jackſon*, *Benjamin Johnſon*, *William Kendal*, *George Keir*, *Francis Kendray*, *Thomas Lowe*, *John Law*, *John Lowe* Clerk, *Samuel Lucas*, *David Mallinſon*, *Francis Maude*, *Hugh Mellor*, *Benjamin Micklethwaite*, *John Moore*, *Jeremiah Todd Naylor*, *William Naylor*, *William Newman*, *Newton*, *Adamſon Parker*, *Francis Parker*, *Thomas Parker*, *William Parker*, *Thomas Payne*, *Henry Pearſon* Clerk, *Samuel Peech*, *Andrew Peterſon*, *George Pitt* junior, *William Proctor*, *John Rawſon*, *William Rayner*, *Joſeph Read*, *John Richardſon*, *James Rimington*, *Thomas Riſhworth*, *Robert Rodgers*, *John Roper*, *Samuel Sharp*, *Samuel Sharp*, *John Spencer Stanhope*, *John Shaw*, *John Shore* junior, *William Shore*, *William Shore* junior, *John Shuttleworth*, *Joſeph Skelton*, *John Henry Smith*, *William Smithſon*, *Edward Steer*, *Joſeph Stocks*, *Thomas Sutton* Clerk, *John Taylor*, *John Taylor*, *Richard Thorpe*, *Walter Vavaſour*, *Henry Vernon*, *Benjamin Vickers*, *Bernard John Wake*, *Jonathan Walker*, *Charles Waterton*, *Frederick Thomas Henry Wentworth Vernon Wentworth*, *Henry Wheat*, *John Wheat*, *George Wilſon*, *Joſeph Wilſon*, *Thomas Wilſon*, *William Wilſon*, *William Wilſon*, *John Wood*, *James Archibald*, *Stuart Wortley*, *John Yeomans*, *George Younge*, and *William Younge*, (being qualified according to the Directions of the ſaid recited Acts and this Act,) ſhall be, and they are hereby joined with and added to the Truſtees appointed in or by virtue of the ſaid recited Acts or any of them, and ſhall in all Reſpects whatever have the like Powers and Authorities to act in the Execution of the ſaid recited Acts and this Act, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts, or any of them.

Election of New Truſtees.

III. And be it further enacted, That when and as often as any Truſtee nominated or appointed in or by virtue of the ſaid recited Acts, or this Act, or to be elected as hereinafter is mentioned, ſhall die, or by Writing under his Hand refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands to elect One other Perſon in the room of every Truſtee ſo dying or refuſing to act; but Notice of the Time and Place of every ſuch Election ſhall be given by the Clerk to the Truſtees by affixing the ſame in Writing on all the Turnpike Gates to be continued or erected by virtue of this Act, at leaſt Ten Days before every ſuch Meeting; and all and every Perſon or Perſons who ſhall be elected and appointed a Truſtee or Truſtees in Manner aforeſaid, is and are hereby veſted with the ſame Powers and Authorities for putting the ſaid recited Acts and this Act into Execution, as if he or they had been named a Truſtee or Truſtees in one of the ſaid Acts.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting or voting as a Truſtee for the Purpoſes of this Act, unleſs he ſhall be, in his own Right or in the Right of his Wife, in

in the actual Poſſeſſion and Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds; or ſhall be Heir Apparent to ſome Perſon or Perſons having an Eſtate of the yearly Value of Three hundred Pounds, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate to the Amount of Two thouſand Pounds; or a Real and Perſonal Eſtate together, of the Value of Two thouſand Pounds.

First Meeting of Truſtees.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *White Bear* Inn, *Barnſley*, in the County of *York*, on the Third *Wedneſday* next after the Day on which this Act ſhall receive the Royal Aſſent, or ſo ſoon after as conveniently may be, and proceed to the Execution of this Act, and ſhall then adjourn, and from Time to Time afterwards, meet at and again adjourn to ſuch Place upon the ſaid Road as they the ſaid Truſtees, or any Five or more of them, ſhall think proper.

No Truſtees to vote in the Election of a Clerk or other Officer, who have not acted within Two Years.

VI. Provided always, and be it further enacted, That no Truſtee ſhall be capable of voting or acting in the future Election or Appointment of any Clerk, or other Officer or Officers who the ſaid Truſtees may think requiſite to be employed in or about the Concerns of the ſaid Road from Time to Time, unleſs ſuch Truſtee ſhall have acted as a Truſtee at leaſt once within Two Years preceding any ſuch Election or Appointment.

Truſtees to take Security.

VII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and from any other Officers appointed or to be appointed in purſuance of the ſaid recited Acts or this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees or any Five of them ſhall think proper.

For repealing the old Tolls, and granting new ones.

VIII. And whereas the ſeveral Tolls authorized to be taken on the ſaid Road from *Wakefield* to *Sheffield* by the ſaid recited Acts are inſufficient to pay the Intereſt of the Monies due and owing thereon, and to divert, amend, widen, and keep the ſaid Road in good Repair, and to execute the ſeveral other Purpoſes of the ſaid recited Acts and this Act; be it therefore further enacted, That from and after the paſſing of this Act, the Tolls payable by the ſaid recited Acts upon the ſaid Road from *Wakefield* to *Sheffield* ſhall ceaſe, determine, and be no longer paid; and that inſtead thereof, the ſeveral Tolls following ſhall be demanded and taken at all or any of the Gates or Turnpikes which are or ſhall be erected in, upon, or on the Sides of, or acroſs the ſaid Road, before any Carriage, Horſe, Mule, Aſs, Cattle, or other Beaſt ſhall be permitted to paſs through the ſame; that is to ſay,

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Curricle, Hearſe, Calaſh, Chaiſe Marine, or other ſuch Carriage, drawn by Six Horſes or other Beaſts of Draught, the Sum of Three Shillings and Sixpence; and on every *Sunday* during the Continuance of this Act, the Sum of Four Shillings and Sixpence; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence, and

on

on every *Sunday* during the Continuance of this Act, the Sum of Three Shillings; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence; and on every *Sunday* during the Continuance of this Act, the Sum of One Shilling and Sixpence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence, and on every *Sunday* during the Continuance of this Act, the Sum of Nine-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny; and on every *Sunday* during the Continuance of this Act, the Sum of Two-pence:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Sixteen Inches, the Sum of Three-pence:

For every Horſe or other Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, the Sum of Four-pence Halfpenny:

For every Horſe or other Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Sixpence:

For every Horſe or other Beaſt of Draught, if more than One, drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth than Six Inches, the Sum of Eight-pence; and if only One ſuch Horſe or other Beaſt of Draught, the Sum of Four-pence Halfpenny:

For every Pair of Mill Stones, if drawn in Pairs, and for every Single Mill Stone or Block of Stone, or Piece of Timber drawn by Five Horſes or other Beaſts of Draught, the Sum of Two Shillings and Six-pence; and if drawn by more than Five Horſes or other Beaſts, the further Sum of One Shilling for each ſuch Horſe or Beaſt exceeding that Number, in Addition to the ſaid Two Shillings and Sixpence:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any leſs Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any leſs Number.

Four full Tolls per Day only to be taken.

IX. Provided always, and be it further enacted, That no more than Four full Tolls ſhall be demanded or taken for paſſing or repaſſing at any Time or Times in any One Day, to be computed from Twelve o'Clock at Night to Twelve o'Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriage, through all or any of the Gates or Turnpikes erected or to be erected acroſs the ſaid Road, or on the Sides of or acroſs any Lane or Way leading into the ſaid Road, between the Towns of *Wakefield* and *Sheffield*; nor ſhall any Perſon or Perſons be charged with the Payment of more than One full Toll in any One Day, to be computed as aforeſaid for paſſing or repaſſing through any One of ſuch Gates or Turnpikes; but all and every ſuch Perſon or Perſons, after having paid ſuch Toll or Tolls reſpectively as aforeſaid, ſhall, upon producing a Note or Ticket, Notes or Tickets, denoting ſuch Payments or Payment, afterwards paſs with ſuch Horſes, Cattle, Beaſts, or Carriage, Toll-free, during ſuch Day, upon the re-

ſpective Part or Parts of the ſaid Road wherein or in relation whereto ſuch Payments or Payment reſpectively ſhall have been made, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*, on the Receipt of ſuch Toll.

Exemptions from Toll.

X. And be it further enacted, That all and every Exemptions and Exemption from the ſeveral Tolls and Duties granted by the ſaid recited Acts or any of them, ſhall ceaſe and be no longer allowed, and that in Lieu thereof, the ſeveral Exemptions from Tolls herein-after mentioned ſhall be allowed; that is to ſay, that no Tolls ſhall be demanded or taken for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Brick, Timber, Wood, Gravel, or other Materials for repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Road lies; or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out Houſes, or on the Lands of the reſpective Owners; or for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, (Lime excepted), 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 farried, or for any Horſe, Cattle, Beaſt, or Carriage, when employed for the Purpoſe only of carrying Milk for the Uſe of the Inhabitants of any of the Pariſhes through which the ſaid Road leads; or from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip, tolerated by Law, on a *Sunday* or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Townſhips or Pariſhes; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Cattle, Beaſt, or Carriage, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſe, Cattle, or Beaſt attending any Soldiers upon the March or on Duty, or drawing any Carriage attending them, with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Cart, Cattle, or Beaſt employed in the Conveyance of Vagrants ſent by legal Paſſes or returning therefrom; or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the 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 that no Toll shall be taken for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Corps, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided such Person shall 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 as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner, claim and take Benefit of the Exemptions by this Act granted, not being entitled to the same, every such Person so offending and being thereof convicted, upon Confession of the Party concerned, or on the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the West Riding of the County of *York*, (which Oath or Oaths such Justice or Justices is and are hereby empowered to administer) shall, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety thereof to go to the Informer or Informers, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, and the other Moiety thereof to be paid to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

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

XI. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for 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, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Bar-keepers competent Witnesses.

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

XIII. And whereas it would be a great Accommodation to the Town and Neighbourhood of *Sheffield*, and of public Utility, if the said Road was turned or altered from a certain Part thereof, at or near the Top of a Lane called *Harvest Lane*, in the Township of *Brightside Bierlow*, in the Parish of *Sheffield* aforesaid, through certain Buildings the Property of his Grace the Duke of *Norfolk*, *Ralph Lomas*, *George Taylor*, and *Thomas Shaw*, and in the several Occupations of *Catharine Fallows*, *George Eyre*, *Joseph Jennet*, *William Dyson*, and *Charles Kent*, and a certain other Building of the said Duke of *Norfolk*, now in Ruins and unoccupied; also through certain Gardens, the Property of *Joseph Goulston*, *John*

John Watſon, the Truſtees of *William Birley's* Charity, *George Buſtard Greaves*, *George Bower*, *Ralph Lomas*, and *George Taylor*, and in the ſeveral Occupations of *Joſeph Coulſton*, *Thomas Bateman*, *William Memmett*, *William Aſkham*, *John Saxton*, *James Cowen*, *William Jennett* junior, *Cornelius Thompſon*, *Joſeph Walker*, *George Jennett*, *Joſeph Dyſon*, *James Eyre*, *Robert Foſter*, *George Burgan*, *Thomas Lowley*, *George Eyre*, *Joſeph Jennett*, *Thomas Foxcroft*, and *William Dyſon*; alſo through a certain Plantation the Property of the Deviſes in Truſt under the Will of *Samuel Kirby*, and in the Occupation of *Sarah Kirby* Widow, and alſo through certain Lands or Grounds the Property of His Grace the Duke of *Norfolk*, the Truſtees of *William Birley's* Charity, *Jonathan Marſhall*, *William Boothby*, *George Buſtard Greaves*, *Ralph Lomas*, *John Elvidge*, and *Hannah Marſhall*, *Samuel Woodcock*, *George Taylor*, *William Woodcock*, and *Thomas Shaw*, and in the ſeveral Occupations of *Catharine Fallows*, *Joſeph Coulſton*, *Jonathan Marſhall*, *Hall Overend*, *Samuel Harmar*, *George Burgan*, *George Eyre*, *Joſeph Jennett*, *John Mitchell*, *Martha Smith*, *John Haugh*, *George Thompſon*, *Thomas Foxcroft*, *William Dyſon*, *William Woodcock*, and *Charles Kent*, and a certain Piece of vacant Ground the Property of *James Nicholſon*, and alſo a certain Yard the Property of *George Taylor*, both untenanted, to join the preſent Road at or near the Bottom of *Bridgehouſes*, in the ſaid Townſhip of *Brightſide Bierlow* and Pariſh of *Sheffield*; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or for ſuch Perſons as they or any Five or more of them ſhall employ for that Purpoſe, and they are hereby fully authorized and empowered to enter into and upon the Lands, or Grounds, and Buildings of any Perſon or Perſons in or through which the ſaid Diverſion or new Piece of Road is intended to paſs, to ſet out, form, make, and complete the ſame, being in Length about Nine hundred Yards, and to cut and make ſuch Drains, Gutters, and Tunnels in or upon the Lands or Grounds adjoining or near to ſuch new Piece of Road, as ſhall be by them thought neceſſary or proper for draining the Water from ſuch Road, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers to them hereby granted, and making reaſonable Satisfaction to the Owners or Proprietors of and all Perſons intereſted in ſuch Lands, or Grounds, and Buildings, for all Damages which ſhall be ſuſtained by executing the Powers and Authorities hereby given; and for that Purpoſe, and for aſcertaining and fixing ſuch Damages, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract, and agree with the Owners or Proprietors of and Perſons intereſted in any ſuch Lands, or Grounds, and Buildings, for the Purchaſe thereof, or for the Loſs or Damages which ſuch Owners or Proprietors, and Perſons intereſted, or any of them, ſhall or may anywiſe ſuſtain by ſuch turning or altering of the ſaid Road, and which ſaid new Piece of Road ſhall be of the Breadth of Forty Feet.

Empowering Truſtees to make the new Piece of Road or Diverſion.

Plan and Book of Reference to remain with the Clerk of the Peace.

XIV. And whereas a Map or Plan deſcribing the Line of the ſaid new Piece of Road, and the Lands, or Grounds, and Buildings through which the ſame is to be carried, together with a Book of Reference containing Liſts of the Names of the Owners or reputed Owners, and Occupiers of ſuch Lands, or Grounds, and Buildings, have been depoſited at the Office of the Clerk of the Peace for the Weſt Riding of the County of *York*; be it therefore enacted, That the ſaid Map or Plan, and

and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said Trustees, in making the said new Piece of Road, may deviate not exceeding One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, provided the same does not extend to any House or other Building, or any Land or Ground set apart or used as a Garden, Orchard, Park, or planted Avenue to a House.

Trustees not to deviate beyond a certain Distance from the Line described in the Plan.

XV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said new Piece of Road into, through, across or over the Lands or Grounds, and Buildings, of any Person or Persons who is, or are, or may be Owner or Owners thereof, over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding of the County of *York*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make the Road through Lands although the Owners' Names are not in the Book of Reference.

XVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infant, Femes Covert, *Cestuique* Trust, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Grounds, Buildings or Hereditaments, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees, or any Five of them, all or any of such Lands, or Grounds, and Buildings, as Occasion shall be or require, and all Contracts, Sales, and Conveyances which shall be so made, shall without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, Buildings or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate,

Corporations and incapacitated Persons empowered to sell, &c.

On Refusal to sell a Jury to settle the Recompense.

Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, or Grounds, and Buildings, into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall by the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be hindered from treating, then and in every or any ſuch Caſe, the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oath of a Jury of Twelve indifferent Men of the ſaid County of *York*, (which Oath any One or more of the ſaid Truſtees are hereby empowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompenſe and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted, for or on account of turning any Part or Parts of ſuch Road into and through the ſaid Lands, or Grounds, and Buildings; and in order thereto, the ſaid Truſtees or any Five or more of them, are hereby empowered and required from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes, (which Oath any Five or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees, or any Five of them, ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage and Recompenſe, the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in the ſaid Lands or Grounds, Buildings or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, in Fee, or in Tail General or Special, Reverſion, or Remainder, or otherwiſe, their Heirs and Succeſſors as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Perſons whomſoever; and all and every ſuch Owners and Occupiers, and all and every Perſon and Perſons anywiſe intereſted in ſuch Lands, or Grounds, and Buildings, ſhall, upon Payment or Tender, of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *York*, thereby commanding and requiring him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff or his Deputy or Deputies is and are hereby required to empannel, ſummon and return ſuch Number accordingly; and out of the Perſons ſo empannelled, ſummoned, and returned, or out

Their Verdict to be final.

of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs, or Agents making Default in the Premiſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, refuſing to give, or not giving their Verdict, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons, who, being required to give Evidence before the ſaid Jury touching the Premiſes ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn and give Evidence; and from Time to Time to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, ſo that ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Perſons aforeſaid for any One Offence.

Sheriff, &c. to be fined on Neglect of Duty.

XVII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompenſe for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning of the Jury, as a Recompenſe or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid; then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees out of any Money ariſing or to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of ſuch Jury, as a Recompenſe or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Differences, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees, or any Five of them, ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the Weſt Riding of the ſaid County of *York*, not intereſted in the Matter in Queſtion, (who is hereby required to examine and ſettle the ſame,) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a

How Expences of Jury, &c. ſhall be paid.

Payment

Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the ſaid Truſtees by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided, that where by reaſon of Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees, touching the Matters aforeſaid, the whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

Special Compenſation to Joſeph Coulſton.

XVIII. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, or the Jury to be ſummoned by them as aforeſaid, ſhall in eſtimating the Damage which the ſaid *Joſeph Coulſton* may ſuſtain by the making of the ſaid intended Road, take into their Conſideration not only the Value of the Land as Nurſery Ground of the ſaid *Joſeph Coulſton*, to be laid into the ſaid Road, but alſo the Detriment, (if any) to the reſt of his Land, and the Expence of pulling down and rebuilding the ſaid *Joſeph Coulſton*'s Garden Wall in as good, ſubſtantial and effectual a Manner as the ſame now is; and ſhall likewiſe take into their Conſideration the Injury which the ſaid *Joſeph Coulſton* may ſuffer by the Deſtruction or Removal of the Fruit Trees growing on the ſaid Garden Wall, or on the Land to be taken for the ſaid Road.

Upon Payment of the Purchaſe Money, the Lands, &c. to be laid into the Road.

XIX. And be it further enacted, That every Sum of Money or Recompenſe to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or other Money ariſing by virtue of this Act, according to the Directions herein-after contained, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or upon depoſiting the ſame in the Bank of *England*, in the Manner herein-after directed, as the Caſe may be, for the Uſe of ſuch Parties or Perſons; and after Twenty Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Poſſeſſion of the Lands or Hereditaments, ſuch Lands or Hereditaments ſhall be laid into, and made Part of the Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe; and ſhall, to all Intents and Purpoſes, become and be deemed a Common Highway, and ſhall from thenceforth be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments.

Application of Compenſation Money, when amounting to or exceeding 200l.

XX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Truſtees for executing the ſaid

ſaid recited Acts and this Act, to the Intent that ſuch Money ſhall be applied under the Direction, and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Parts 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 to the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement, ſhall be exiſting undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by the Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Cent.* Conſolidated, or Three Pounds *per Cent.* 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 the Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Settlement or Purchaſe were made.

Application when the Compenſation is leſs than 200l. and not leſs than 20l.

XXI. 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, belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed; or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid recited Acts and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends and Intereſt ariſing thereon, may be applied in Manner herein-

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

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

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

In case of not making out Titles;

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then, and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, describing them, subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

Respecting disputed Titles.

XXIV. 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, Tene-

ments, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Acts or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe; and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery to direct the Payment of Expences.

XXV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of the ſaid Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to the Repair of the Highways to repair this Road.

Highway Surveyors to bring in Liſts of ſuch Perſons.

XXVI. And be it further enacted, That all and every Perſon and Perſons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highway in the ſeveral Pariſhes, Townſhips, Hamlets, or Places through which the Road by this Act directed to be amended, made, improved, and kept in Repair, doth or ſhall paſs, ſhall be liable to the Repair of the ſaid Road, ſo to be amended, improved, and kept in Repair, and to perform their reſpective Work thereon in ſuch and the like Manner, in every Reſpect, as they are liable to the Repair of any other common Highway within ſuch Pariſh, Townſhip, Hamlet, or Place reſpectively; and that it ſhall be lawful for any Five or more of the ſaid Truſtees, to ſummon the Surveyors of the Highways for the reſpective Pariſhes, Townſhips, Hamlets, and Places wherein any Part of the Road by this Act intended to be amended, improved, and kept in Repair, doth or ſhall lie, to bring in Writing under their reſpective Hands, before the ſaid Truſtees, or any Five or more of them, upon Oath, according to the beſt of their Knowledge, within Ten Days after ſuch Summons, (which Oath ſuch Truſtees are hereby empowered to adminiſter, a Liſt of the Names) of all the Perſons who are liable to do Statute Work for that Year, with Teams or Draughts or otherwiſe, within ſuch Pariſhes, Townſhips, Hamlets, or Places reſpectively;

ſpectively; and ſhall in ſuch Liſt diſtinguiſh which of the ſaid Perſons keep, or by Law ſhall be deemed to keep a Team or Teams, and what Lands, Tenements, and Hereditaments; and of what annual Value they reſpectively occupy, and which of them are liable to do Statute Work as Labourers only, and which of them are liable to repair, *ratione tenuræ*, together with the reſpective Lengths of the Road thoſe Perſons ought to repair; and in caſe any of the Surveyors of the Highways for ſuch Pariſhes, Townſhips, Hamlets, or Places, ſhall refuſe or neglect to give in ſuch Liſts, on Oath as aforeſaid, to any Five or more of the ſaid Truſtees, or ſhall be guilty of any Fraud therein, or ſhall neglect or refuſe to ſummon ſuch Perſons to do their Statute Work as aforeſaid, every ſuch Surveyor ſhall, for every ſuch Neglect, Refuſal, or Fraud, forfeit any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings.

Penalties on Surveyors, &c. neglecting to deliver in proper Liſts.

For preventing Encroachments by Buildings, Ditches, &c.

XXVII. And whereas great Inconveniences have ariſen from erecting and making of Dwelling Houſes, Buildings, Walls, Fences, Hedges, and Ditches, too near the Sides of the ſaid Turnpike Road; for Remedy whereof, be it enacted, That from and after the paſſing of this Act, no Perſon ſhall encroach upon the ſaid Road, by making or cauſing to be made, any Dwelling Houſe, Building, Wall, Fence, Hedge, or Ditch, within Fifteen Feet of the Centre of the ſaid Road; and it ſhall and may be lawful to and for the ſaid Truſtees, or any Two or more of them, to cauſe ſuch Dwelling Houſes, Walls, Fences, Hedges, or Ditches to be taken down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the Weſt Riding of the County of *York*, 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.

Penalty on Perſons taking Sand or Soil from off the Road.

XXVIII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall at any Time during the Continuance of this Act, lead, take, or carry away any Sand or Soil, from off any Part of the ſaid Road, without Leave in Writing, of the Surveyor for the Time being, for that Purpoſe firſt had and obtained, all and every Perſon and Perſons ſo offending, and being thereof convicted by Confeſſion of the Party, or on Oath of One credible Witneſs before Five or more of the Truſtees, or before One or more Juſtice or Juſtices of the Peace of the ſaid Riding, ſhall, for every ſuch Offence, forfeit and pay unto the ſaid Truſtees, any Sum not exceeding the Sum of Five Pounds, to be levied as aforeſaid.

For ſecuring tranſient Offenders.

XXIX. And whereas Offences may be committed againſt this and the ſaid recited Acts, by Perſons unknown to the Collectors, Surveyors, or other Officers employed by the ſaid Truſtees; be it therefore further enacted, That it ſhall be lawful for any One or more of the ſaid Truſtees, or their Clerk or Clerks, or the Collector, Surveyor, or other Officer reſpectively, or ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them, before any

any Juſtice of the Peace for the County, Riding, or Diſtrict near to the Place where the Offence or Offences ſhall have been committed, in order to his, her, or their Conviction; and the Juſtices preſent at ſuch Petty Seſſions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint, in a ſummary Way; and upon the Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively, to commit him, her, or them to the Common Gaol, or Houſe of Correction for the ſame County, Riding, or Diſtrict, there to remain for any Time not exceeding Twenty-one Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

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

XXX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, and alſo proſecute for or concerning any Thing to be done by virtue or in purſuance of the ſaid recited Acts or this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by Direction of or againſt the ſaid Truſtees, by virtue of the ſaid recited Acts and this Act, in the Name or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, or by the Act of ſuch Clerk or Clerks without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk or Clerks for the Time being, to the ſaid Truſtees, ſhall be deemed to be Plaintiff or Plaintiffs, Proſecutor or Proſecutors, Defendant or Defendants, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Clerk or Clerks, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid recited Acts and this Act, ſhall be fully reimburſed and paid out of the Money to ariſe by virtue of the ſaid recited Acts and this Act, all ſuch Coſts, Charges, Damages, and Expenſes as by the Event of, or in conſequence of any ſuch Action, Proſecution, or Proceeding, he or they ſhall pay, bear, expend, or be put unto or become chargeable with, by reaſon of his or their being ſo made Plaintiff or Plaintiffs, Proſecutor or Proſecutors, Defendant or Defendants, as aforeſaid.

For compelling Payment of Subſcription Money.

XXXI. And be it further enacted, That the ſeveral Perſons who have ſubſcribed, or ſhall ſubſcribe to pay Money for or towards making or repairing the ſaid new Piece of Road, ſhall and they are hereby required to pay ſuch Money within ſuch Time, in ſuch Parts or Proportions, and to ſuch Perſons as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint; and in Default of ſuch Payment, ſuch Money ſhall be recovered by Action at Law, to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*.

For paying the Expences of this Act.

XXXII. And be it further enacted, That the Coſts, Charges, and Expences, incident to or attending the obtaining and paſſing of this Act, together with lawful Intereſt for the ſame, ſhall be paid out of any Money now remaining in the Hands of the Treaſurer, to the ſaid Truſtees, or out of the firſt Money to ariſe by virtue of the ſaid recited Acts and this Act.

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

Term of the Act. XXXIV. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall be and is hereby declared to be repealed, and that the ſaid recited Acts, (except ſo much thereof as is hereby varied, altered, or repealed) and this Act, ſhall commence on the Day of the paſſing of this Act, and ſhall continue and be in full Force and Effect for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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