



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. cxxvii.

An Act for more effectually repairing the Road from *Halifax* to *Sheffield*, in the West Riding of the County of *York*, so far as relates to the Third District of the said Road, and for diverting and altering the said District of Road.

[26th May 1826.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Third, 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 which same Road was by the said Act made Three several Districts, and such Part thereof as lies between *Penistone* in the said County and *Sheffield* was to be called the Third District, and certain Trustees were thereby appointed for the Care and Management of such Part of the Road as lies within the said Third District, with Power to collect Tolls and to apply the same towards amending the Road within the said District: And whereas another Act was passed in the Thirty-seventh Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Seventeenth Year of the Reign of His present Majesty, for repairing the Road from Halifax to Sheffield in the West Riding of the County of York, so far as the same relate to the Road from Penistone to Sheffield*: And whereas another Act

17G.3.c.105.

37G.3.c.160.

[Local.]

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was

57 G. 3. c. 16. was passed in the Fifty-seventh Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of several Acts of the Seventeenth and Thirty-seventh Years of His present Majesty, for repairing the Road from Halifax to Sheffield in the West Riding of the County of York, so far as relate to the Road from Penistone to Sheffield*: And whereas the Trustees appointed by or in pursuance of the said Acts for the said Third District of Road have made great Progress in the Repair of that District of Road, and have for that Purpose borrowed several Sums of Money upon the Credit of the Tolls, which still remain due and owing: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King

3 G. 4. c. 126. *George the Fourth, intituled An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas

4 G. 4. c. 95. an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas certain Parts of the said Third District of Road, in the Parishes of *Ecclesfield, Tankersley, and Silkstone*, are extremely hilly and inconvenient, and it would afford very great Accommodation to the Public if the Course of the said District of Road in those Parts were diverted and altered: And whereas it would be more convenient if the said Acts of the Seventeenth, Thirty-seventh, and Fifty-seventh Years of the Reign of His said late Majesty King *George the Third*, so far as the same respectively relate to the said District of Road, were repealed, and further, better, and more effectual Powers granted for more effectually repairing, altering, widening, diverting, and otherwise improving the said present Line of the said Third District of Road; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 from and after the Third *Wednesday* next after the passing of this Act, the said recited Acts, respectively passed in the Seventeenth, Thirty-seventh, and Fifty-seventh Years of the Reign of His said late Majesty King *George the Third*, shall be and the same are hereby repealed, so far as the same relate to the said Road leading from *Penistone to Sheffield*, being the Third District of Road therein mentioned; and this Act shall from thenceforth commence and take effect instead thereof, and shall, together with the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, be put in execution for and during the Term hereinafter mentioned, as well for the Purpose of more effectually repairing, widening, altering, diverting, and from Time to Time improving and keeping in repair the said Third District of Road, as also for making and maintaining the Alteration of the Line of the said District of Road, to commence near *Wadsley Bridge*, and from thence to pass

by,

Recited Acts of 17, 37, and 57 G. 3. repealed, so far as they relate to the Third District of Road, and this Act to take effect instead thereof.

by, through, or near to *Parson Cross School, Nether Houses, Woodseats, Hallwood*, and thence Eastwardly of *Horner House*, all in the Parishes of *Ecclesfield and Tankersley*, and to join again the present Road between *Stone Bridge Sike and Wortley* in the Township of *Wortley* in the said Parish of *Tankersley*; and for maintaining and making another Diversion of the said District of Road, to commence at or near to the present Toll Gate at *Thurgoland* in the Parish of *Silkstone*, and from thence to pass Westwardly of *Roper House* in the said Parish of *Silkstone*, and to join again the present Road at or near *Thurgoland Bridge* in the same Parish.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied or altered or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of recited Acts of 3, 4, and 5 G. 4. extended to this Act.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken upon the said Third District of Road by the said Acts of the Seventeenth, Thirty-seventh, and Fifty-seventh Years of the Reign of His said late Majesty King *George* the Third, hereby repealed, so far as relates to the said Third District of Road, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Acts and of this Act, or of any of them, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said Acts so hereby repealed, and this Act, or to any other Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

New Term and Tolls liable to pay Debts, &c.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said Acts of the Seventeenth, Thirty-seventh, and Fifty-seventh Years of the Reign of His said late Majesty King *George* the Third, so hereby repealed,

Bonds, &c. under former Acts to be good under this Act.

or

or any of them, so far as relate to the said Third District of Road therein mentioned, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Roads included in this Act; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Acts hereby repealed, so far as the same relate to the said Third District of Road therein mentioned, to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Books, &c.
relative to
former Acts
to be deli-
vered to the
Trustees
under this
Act.

V. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Third District of Road, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said District of Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, are required to pay or account for the same.

Books used
under former
Acts to be
Evidence.

VI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts so hereby repealed as aforesaid, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been so repealed.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of York, together with the Right Honourable *Charles William Wentworth Fitzwilliam* commonly called Viscount *Milton*, the Right Honourable *Henry Charles Howard* commonly called Earl of *Surrey*, *John Addey*, *William Aldam*, *Thomas Aldam*, *John Aldam*, *Joseph Allen*, *William Andrews* (Grocer), *Thomas Allen*, *Benjamin Haigh Allen*, *William Alsop*, *John Alsop*, *William Barker*, *Edward Barker*, *Samuel Bailey*, *William Battie* (Cooper), *Thomas Newman Bardwell*, *George Bennet*, *Edward Brook*, *William Bingley*, *Charles William Bingley*, *James Timothy Bland*, *John Bedford*, *Thomas Blake*, *George Boomer*, *Ebenezer Brookes*, *Peter Brounell*, *Verdon Brittain*, *Joseph Beckett*, *John Staniforth Beckett*, *Jonas Beaumont*, *John Beaumont*, *John Birks* (*Heming Field*), *John Birks* (*Water Hall*), *John Booth* (*Thurlstone*), *John Booth* (*Penistone*), *Josiah Blackwell*, *Ralph Blakelock*, *James Burbeary*, *Benjamin Burbeary*, *John Butcher*, *Richard Bailey*, *Joseph Hill Brailsford*, G C Brown M. D., *William Beckitt* (of
Rough

Rough Birchworth), the Reverend *Stuart Corbett* Doctor of Divinity, *Stuart Corbett junior*, *Vincent Corbett*, *Peter Cadman*, *Michael Camm*, *William Cockhill*, *Thomas Cooper*, *Matthew Chambers*, *James Crawshaw*, *Thomas Creswick*, *James Creswick*, *Nathaniel Creswick*, *Joseph Coldwell*, *Benjamin Coldwell*, *Luke Thomas Crossley*, *John Dodgson Charlesworth*, *Joseph Charlesworth*, *Edward Cleathero*, *John Darwin*, *Morgan Davis*, *Elihu Dickinson*, *Richard Dickinson*, *John Dewsnap*, *Thomas Dewsnap*, *John Denton*, *John Denton junior*, *Thomas Dunn*, *John Eadon*, *George Eadon*, *George Eadon junior*, *Francis Offley Edmunds*, *Vincent Henry Eyre*, *Thomas Eyre*, *James Eyre*, *George Eyre*, *Askam Eyre*, *Michael Ellison*, *Henry Elgie*, *Robert Elmhirst*, *Lewis Fenton*, *John Fowler*, *Robert Fisher*, *William Fisher*, *Charles Fentem*, *John Firth (Old Chapel)*, *John Firth (Shepley Lane Head)*, *Joseph Firth*, *William Frith*, *Robert Gainsford*, *Joshua Gillatt*, *John Green*, *George Bustard Greaves*, *George Greaves*, *Joseph Edward Greaves*, *Henry Marwood Greaves*, *John Greaves (Page Hall)*, *John Greaves (Ranah)*, Reverend *Edward Goodwin*, *John Greaves (of Leeds)*, *John Hall*, *George Hall*, *David Haslehurst*, *George Hawksworth*, *Francis Hoole*, *John Hoult*, *Bartholomew Hounsfeld*, *George Hounsfeld*, *Thomas Holy*, *Daniel Holy*, *Thomas Beard Holy*, *John Hague*, *Joseph Parkin Hague*, *John Hardy M. D.*, *Samuel Hadfield (Carlcoates)*, *Rowland Hodgson*, *William Howard*, *John Hutchinson*, *William Hargreave*, *John Heppenstall*, *Philip Heppenstall*, *John Hustler*, *Benjamin Haigh*, *William Ingham*, *Robert Jobson*, *John Johnson (Grocer)*, *John Jubb*, *George Jervis*, *William Jeffcock*, *Joseph Johnson*, *Sir Charles Kent Baronet*, the Reverend *Nicholas Kirkby Clerk*, *James Kirkby*, *Arnold James Knight M. D.*, *Benjamin Leathly*, the Reverend *John Lowe Clerk*, the Reverend *John Lowe junior*, Clerk, the Reverend *James Lowe Clerk*, *Samuel Lucas*, *Henry Longden*, *David Malison*, *William Marsden*, *Jonathan Marshall*, *Gamaliel Milner*, *John Milner*, *Robert Pemberton Milnes*, *George Machen*, *John Machen*, *Samuel Mitchell*, *Thomas Mitchell*, *Enoch Moore*, *Francis Maude*, the Reverend *Francis Maude Clerk*, *Henry Moorwood*, *Samuel Newbold*, *William Newman*, *Edward Newman*, *Isaac Parker Newton*, *Thomas, Newton Samuel Owen*, *Hugh Parker*, *George Parker*, *Francis Parker*, *William Patten*, *William Payne*, *John Payne M. D.*, *Henry Sidney*, *Jackson Payne*, *Joseph Parkin*, *Thomas Parkin*, *Thomas Pearson*, *John Eyre Pearson*, *Thomas Pierson*, *John Pearson (Northorp)*, *Samuel Peech*, *John Porter*, *Thomas Porter*, *Lawrence Potts*, the Reverend *Thomas Preston Clerk*, the Reverend *Matthew Preston Clerk*, *William Pearson*, *Robert Rawson*, *Samuel Revell*, the Reverend *William Ryder Clerk*, the Reverend *Thomas Ryder Clerk*, *John Rider*, *George Rider*, *John Rider junior*, *James Rimington*, *John Rowley*, *John Richardson (Pewill Hill)*, *John Rolling*, *John Rodgers*, *Benjamin Rose*, *William Rowley*, *George Ridge*, *Samuel Roberts*, *Sir George Sitwell Baronet*, *Thomas Sanderson*, *William Henry Saunders*, *Benjamin Sayles*, *William Senior*, *Vincent Smith*, *Mark Skelton*, *Joseph Dixon Skelton*, *Joshua Spooner*, *Hugh Spooner*, *Benjamin Broughton Steade*, *Edward Valentine Steade*, *Whittington Sowter senior*, *Whittington Sowter junior*, *William Staniforth senior*, *John Spencer Stanhope*, *Philip Stanhope*, *Samuel Shore senior*, *Samuel Shore junior*, *John Shore junior*, *Offley Shore*, *John Shirley*, *Thomas Shirley*, *William Smith (Barns Hall)*, *William Smith junior*, *Thomas Smith Solicitor*, *Peter Spurr*, *William Stacey*, *George Stacey*, *John Stacey*,

[Local.]

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William

William Silcock, George Shepherd, Richard Stanley, the Reverend Thomas Sutton Clerk, Richard Swallow, Thomas Smith (Constable, Sheffield), William Smith (Sheffield), Robert Scarr, John Thornely, Uriah Tinker, Edward Taylor, James Tenant, Thomas Tingle, Lewis Thomas, John Vickers, James Archibald Stuart Wortley, Frederick Thomas William Vernon Wentworth, Jonathan Walker, Samuel Walker, Henry Walker, Joshua Walker, Benjamin Withers, James Wheat, John Wheat, Samuel Broomhead Ward, Thomas Asline Ward, John Stuart Wortley, Joshua Wood, John William Wright, Samuel Woodcock, Robert Woodcock, Joseph Woodcock, Thomas Worsley, George Woolhouse, Frederick Woolhouse, Henry Whitelocke, John Watson (Silver Plater), James Wilkinson, Thomas West, Thomas Wilde, George Hawke Woollen, Samuel Warburton, William Younge M. D., Charles Younge, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty King George the Fourth, shall be and they are hereby appointed Trustees for putting the said Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act into Execution.

Power to
appoint
additional
Trustees.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, at their First and Second Meetings or either of them, to be held under and by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act and of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, in addition to the Trustees hereby nominated and appointed; and such Trustees when so elected and appointed, and being qualified according to the Directions of the said Acts made in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing the said Acts and this Act, as if they had been named and appointed in and by this Act.

First Meet-
ing of Trus-
tees.

IX. And be it further enacted, That the said Trustees shall meet at the *Tontine Inn*, or some other convenient Place in *Sheffield* afore-said, on the Third *Wednesday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and proceed to put this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty into Execution.

Former
Officers
(except the
Treasurer)
to continue.

X. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (save and except the Treasurer) who have been appointed under and employed in the Execution of the said recited Acts of the Seventeenth, Thirty-seventh, and Fifty-seventh Years of the Reign of His said late Majesty, hereby repealed as far as relates to the said Third District of Road, shall, if the said Trustees think right and proper, respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced or be removed by the said Trustees, or be incapable of executing their respective Offices, and shall be subject to the like Rules and Regulations, and the like Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

XI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit 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 Imparlance, shall be allowed.

Treasurer and Clerk not to be the same Person.

XII. And, for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it further enacted, That the said Trustees may and they are hereby authorized to continue, remove, take away, or alter the Situation of all or any of the Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, and Toll Houses, which have been erected in, upon, or across any Part of the said Third District of Road, and shall and may erect or cause to be erected such and so many other Toll Gate or Gates, Bar or Bars, Chain or Chains, Toll Houses, and Weighing Machine or Weighing Machines, in, upon, or across any Part or Parts of the said District of Road, and also in, upon, and across any Part of the Diversions or Alterations by this Act authorized to be made, and upon the Side or Sides thereof respectively, as they the said Trustees shall think proper and expedient; and also shall and may erect or provide a Toll House, with suitable Outbuildings, a Garden, and other Conveniences, not exceeding One Eighth of a Statute Acre of Land, at or near each of the said Toll Gates.

Power to continue or erect Toll Gates, Toll Houses, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, empowered, and required, to erect and set up or cause to be erected and set up, in, upon, or across each of the said Diversions of Road hereby autho-

Trustees to erect Gates and take Tolls on the Diversions of Roads.

riized to be made, or upon the Side or Sides thereof respectively, One or more Gate or Gates, Bar or Bars, Chain or Chains, in such Situations and Places as they shall think proper; and it shall be lawful for the said Trustees to take down and remove the said Gate or Gates, and erect and place the same on such other Place or Places upon the said Diversions as they shall from Time to Time think proper, and to take or cause to be taken at such Gate or Gates such and the like Tolls as are by this Act authorized to be taken upon any other Parts of the said Roads.

Power to
take Tolls.

XIV. And be it further enacted, That from and after the Third *Wednesday* next after the passing of this Act, the several Tolls following shall be demanded and taken at each and every of the Gates, Bars, or Chains now erected or hereafter to be erected upon, across, and by the Side of the Roads included in this Act, by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Mule, Ass, or other Beast or Cattle shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Landau-let, Barouche, Chaise, Berlin, Hearse, Chariot, Chair, Curricule, Phaeton, Vis-a-vis, Chaise Marine, Calash, Car, Gig, Caravan, Litter, Taxed Cart, or other such Carriage, the Sum of Three-pence :

For every Horse, Ox, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, Dray, 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 Three-pence :

For every Horse, Ox, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, the Sum of Three-pence Three Farthings :

For every Horse, Ox, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of less than Four Inches and a Half, the Sum of Four-pence Halfpenny :

For every Ox and every Head of other Neat Cattle, the Sum of One Halfpenny :

For every Calf, Sheep, Lamb, or Swine, the Sum of One Farthing :

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

Toll to be
paid only
Once a Day.

XV. Provided always, and be it further enacted, That only One full Toll shall be demanded or taken for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing and repassing through any Turnpike to be erected by virtue of this Act, but after One full Toll shall have been paid as aforesaid, on a Note or Ticket being produced denoting the Payment of such Toll (and which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis* on the Receipt of such Toll), no Toll, except in the Cases herein-after mentioned, shall be demanded or taken for or in respect of such Horse, Beast, Cattle, or Carriage passing and repassing through such Turnpike before Twelve of the Clock of the Night of the same Day.

XVI. Pro-

XVI. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) for or in respect of the same Horses, Cattle, Beasts, or Carriages passing and repassing through all the Turnpikes or Toll Gates maintained and supported by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, or either of them, upon the said Roads hereby authorized to be repaired, altered, and improved; but all and every Person and Persons, after having paid Four full Tolls as aforesaid, and producing a Note or Ticket or Notes or Tickets denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day (to be computed as aforesaid) through all and every the Gate and Gates, Turnpike and Turnpikes, erected on the said Roads, or across any Road or Way leading out of the same (except as herein-after is mentioned); and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis* on Receipt of the Toll in manner aforesaid.

Four full Tolls to be paid on One Day for the whole Line of Road.

XVII. Provided always, and be it further enacted, That the said Tolls shall be payable at each and every Turnpike, Toll Gate, and Side Gate erected on the said District of Road and Diversions, in respect of each and every Horse, Mule, Ass, and other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, for each Time during the same Day that each and every such Horse, Mule, Ass, and other Beast of Draught shall pass through any of the said Turnpikes, Toll Gates, or Side Gates drawing any other Waggon, Wain, Cart, or other Carriage, than that which such Horse, Mule, Ass, and other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Toll shall have been paid.

Horses, &c. drawing different Waggons, &c. to pay each Time of passing.

XVIII. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate with fresh Passengers or Loading, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaises or other such Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day, as often as a fresh Hiring shall take place.

Stage Coaches, &c. to pay each Time of passing.

XIX. And whereas it frequently happens that Carts drawn by One Horse passing along the same District of Road carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said District of Road and Diversions, drawn by One Horse only, shall and may be weighed at any Weighing Machine now erected or

One Horse Carts may be weighed.

to be erected on the said District of Road and Diversions, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said District of Road and Diversions drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Regulating
the weighing
of certain
Carriages.

XX. And whereas the Trustees appointed under the Acts hereby repealed so far as they relate to the said District of Road have caused to be erected upon the said District of Road a Weighing Machine constructed for weighing Four-wheeled Carriages having the Centre of the Axletree of the fore Wheels distant Twenty-one Feet and Ten Inches or less from the Centre of the Axletree of the hind Wheels: And whereas Four-wheeled Carriages are used on the said District of Road so constructed that the Owners thereof can from Time to Time considerably vary the Distance of the fore and hind Wheels thereof, and the Enactments of the said recited Acts relative to weighing Carriages are frequently evaded by Persons so regulating the Distance of the fore and hind Wheels of such Carriages as are above described, that the Wheels thereof cannot be brought at the same Time upon the Weighing Machine, without the Horse or Horses in the Shafts of such Carriages standing upon Part of the Machine; and it is expedient that in such case the Keeper of every Weighing Machine upon the said District of Road should be authorized to require the Driver of every such Carriage to liberate the Horse or Horses drawing the same from the Shafts thereof when placed on the Weighing Machine; be it therefore further enacted, That it shall and may be lawful for the Keeper of every Toll Gate or Bar upon the said District of Road and Diversions, where any Weighing Machine or Engine or Engines is or shall be erected, or any other Person appointed or to be appointed by the said Trustees under this Act, or their Lessee or Lessees, to weigh all such Four-wheeled Carriages constructed for varying the Distance of the fore and hind Wheels thereof as aforesaid, which shall pass loaded through any of such Gates or Bars respectively, and which he shall believe to carry greater Weights than are allowed to pass without paying additional Toll, and to require every Owner or Driver of every Carriage to place every such Carriage upon the Weighing Machine in such Manner as the Keeper of such Toll Gate or Bar or other Person as aforesaid shall direct; and also, in every Case where it shall be necessary for ascertaining the Weight of every such Carriage and the Loading thereof, to require the Owner or Driver of every such Carriage to liberate the Horse or Horses drawing every such Carriage from the Shafts thereof; and if the Owner or Driver of any such Carriage shall refuse to allow the same to be weighed, or shall, on Request, refuse to liberate the Horse or Horses drawing the same from the Shafts thereof, or shall resist any Gate Keeper or Toll Collector or other such Person or Persons as aforesaid in weighing the same, every Owner or Driver so offending shall forfeit and pay any Sum not exceeding Five Pounds.

XXI. And

XXI. And be it further enacted, That the several and respective Persons who have subscribed and agreed to lend and advance Money for and towards the making or maintaining of the said Diversions, shall and they are hereby required to pay the Sum or Sums of Money so subscribed and agreed to be lent and advanced, within such Time and in such Parts and Proportions as the said Trustees shall order and direct; and the same shall be paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any one of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlanee, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

Subscribers
to pay their
Subscrip-
tions.

XXII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts so hereby repealed as aforesaid, for or in respect of the said Third District of Road, and by this Act directed to be kept in repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof respectively, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees, and shall in the first place, and in preference to all other Payments whatsoever, be paid and applied in paying the Fees and Disbursements, Costs and Expences, attending the obtaining, procuring, and passing of this Act, and the making of the Surveys, Plans, and Estimates preparatory thereto, and all other Expences relating to the same, together with full lawful Interest for the same, and also in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, Weighing Machines, and other Buildings, and keeping the same in repair, and of making, diverting, altering, raising, widening, repairing, and preserving the said Roads by this Act authorized and directed to be made and kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed in respect of the said Third District of Road, and the several Principal Sums of Money which may be hereafter borrowed and secured under or by virtue of this Act.

Application
of Money.

XXIII. Pro-

Interest to
be paid for
Money
advanced.

XXIII. Provided also, and be it further enacted, That in case any Person or Persons shall advance and pay any Money for or towards the paying and defraying of the Costs, Charges, and Expences of passing this Act, such Person or Persons shall be repaid the same, together with lawful Interest thereon from the Time of advancing such Money.

Trustees may
borrow
Money at a
lower In-
terest than is
now paid.

XXIV. And be it further enacted, That if at any Time any Person or Persons shall offer or be willing to advance any Sum or Sums of Money on the Security of the Tolls by this Act granted, at any lower Rate of Interest than is now paid or payable to the Holder or Holders of any of the then existing Securities, the said Trustees shall and may and they are hereby authorized and empowered to cancel such Securities so carrying a higher Rate of Interest to the Amount of the Sum or Sums offered or ready to be advanced, paying to the Holder or Holders the full Amount of such Security, and grant new ones bearing a lower Rate of Interest, unless the Holder or several Holders of such existing Securities shall consent to accept such lower Interest.

Roads may
be made.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to set out, make, and complete the said additional Lines of Road herein-before mentioned and described, and referred to in the Plan herein-after mentioned, in, over, upon, or through any private Lands or Grounds, of such Width as they shall think proper, not exceeding Forty-five Feet, together with such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient, and for such Purpose or Purposes to pull down or take and use or lay into the said Road any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof and Persons interested therein for the same, and for the Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall also be lawful for the said Trustees and for their Surveyors and Workmen from Time to Time to enter upon the Lands and Premises through which or whereupon such Road, Footpaths, Causeways, Fences, Ditches, and Drains are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Restricting
Trustees
from deviat-
ing beyond
certain

XXVI. And whereas a Map or Plan, describing the said intended additional Lines of Road and Diversions and Alterations of the said Third District of Road, together with a Book of Reference containing Lists of the Names of the several Owners and Occupiers of the Lands,
Buildings,

Buildings, Tenements, and Hereditaments through which the same are intended to pass, hath been deposited at the Office of the Clerk of the Peace at *Wakefield* in and for the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace aforesaid, to the end that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace for the Time being 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; and the said Trustees, in making the said additional Lines of Road and Diversions and Alterations described in the said Map or Plan, shall not deviate more than One hundred Yards from the Line thereof, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Distances of
the Line
without
Consent.

XXVII. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Premises to be taken or used for the Purposes of this Act shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands, Buildings, or other Premises described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act; but the several Lands, Houses, Buildings, and other Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named; provided it shall appear to any Two or more Justices of the Peace of the County wherein such Lands, Houses, Buildings, or other Premises shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake.

Misnomer
not to pre-
vent the Exe-
cution of
this Act.

XXVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Diversions or additional Lines of Road, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-six, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule to this Act annexed; provided also, that if the said Trustees shall not, within the Space of Five Years, to be computed from the Day of the passing of this Act, agree for or cause to be valued and paid for, as by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty is mentioned and directed, the

Houses, Gar-
dens, &c. not
to be taken
or injured,
except those
specified in
Schedule.

Premises in
Schedule to
be purchased
within Five
Years.

several Houses, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities by this Act granted to them of purchasing the same, or such Part thereof as aforesaid, shall cease, determine, and be absolutely void, save and except with the Consent of the Owners and Proprietors thereof respectively.

An additional Line of Road may be made with Consent of Owners and Occupiers.

XXIX. And whereas on the said Map or Plan deposited at the Office of the Clerk of the Peace at *Wakefield* aforesaid, and in the said Book of Reference, is described an additional Line of Road, to branch from the Part of the first herein-before described Diversion by this Act authorized to be made, near to *Doe Royd*, and thence to extend Southwardly in nearly a straight Course through a small Valley Eastwardly of the House late in the Possession of *Thomas Rawson* Esquire, deceased, called *Wardsend*, to and along a Wood of and belonging to the Most Noble *Bernard Edward* Duke of *Norfolk*, thence to cross the River *Dun* and to join the present Road at or near the North End of *Owlerton Bridge*: And whereas it may be desirable and expedient to make and maintain such last-mentioned additional Line of Road; be it therefore further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, by and with the Consent of the Owners and Occupiers for the Time being of the Lands, Buildings, Tenements, and Hereditaments through which the same additional Line of Road is intended to pass, to be signified in Writing under the Hands of such Owners and Occupiers, to make, form, and maintain the said last-mentioned additional Line of Road, with a Bridge over the said River *Dun* where the same additional Line of Road is proposed to cross that River, and in such Case this Act and the said recited Acts shall extend to the same additional Line of Road and Bridge, as fully and effectually as if such additional Line of Road had been directed to have been made with the other Alterations and Diversions herein-before described.

Application of Compensation Money if amounting to 200l.

XXX. 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 of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is particularly mentioned, such Money shall, in case the same shall amount to 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of*
the

*the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; 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, and Hereditaments, in the Purchase of the Land Tax, or 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, Intents, and 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 undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer 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 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.*

XXXI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the said Rents and Profits of the Lands, Tenements, and 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 Court of Exchequer, and to 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 the said Trustees (such Nomination and Approbation

Where less than 200*l.* and amounting to 20*l.*

to

to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in 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 Court.

Where less
than 20l.

XXXII. And be it further enacted, That where such Money so agreed or awarded to be paid as 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, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees 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.

XXXIII. 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 Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees 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 Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, and 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 and 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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 and Sums of Money is and are hereby required to give a Receipt 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
Question
shall arise
touching the
Title to
Money.

XXXIV. 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 Exchequer, in pursuance of the

said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the said 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.

XXXV. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, 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 to order the Expence of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXXVI. And whereas the making of the said Diversions of the said District hereby respectively authorized to be made will render useless and unnecessary certain old Highways, Roads, and Footpaths in the said several Parishes of *Ecclesfield*, *Tankersley*, and *Silkstone*, or in some of those Parishes; be it therefore further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered; at any Meeting or Meetings to be held under this Act, by Order under their Hands and Seals, to stop up and discontinue and prevent the using for the future of any Part of the said present District of Road, and of any other public Carriage Road, Bridle Road, Footway, or private Occupation Road, which by the making of the said several Diversions or any of them will be rendered useless and unnecessary, and it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Roads or Footways which shall be so ordered to be stopped up and discontinued as aforesaid; but the same shall, after the Expiration of Four Calendar Months from the Day of giving such Notice as herein directed, cease to be common Highways or a common Highway or private Occupation Road, to all Intents and Purposes whatsoever: Provided always, that no such Road, Footway, or Occupation Road shall be stopped up or

Unnecessary Roads may be stopped up by Order of the Trustees.

[Local.]

43 H

discontinued

discontinued until Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Roads or Footways ordered to be stopped up and discontinued as aforesaid; and also upon the Porch Door of the Church belonging to the Parish or Parishes within which such Roads or Footways shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be Once inserted in some public Newspaper usually circulated in the West Riding of the County of *York*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same as herein-after provided.

Allowing
Appeal
against the
Order.

XXXVII. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing the said Roads or Footways, to appeal against the same at any General or Quarter Sessions of the Peace for the said Riding which shall be held within the Space of Four Calendar Months next after the Day of such Notices being given, upon giving a Notice in Writing of such Appeal (to be duly signed by such Appellant or Appellants) on leaving the same at the usual Place of Residence of the Clerk to the said Trustees for the Time being, at least Twenty-eight Days next before such General or Quarter Sessions; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the Quashing or Confirmation of the said Order, to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal having been so heard and determined shall be final and conclusive to all Intents and Purposes whatsoever; and no Order, against which any such Appeal shall be made as aforesaid, shall be quashed for Want of Form only.

If no Appeal
the Order to
be conclusive.

XXXVIII. Provided also, and be it further enacted, That in case no Appeal shall be made as aforesaid, the said Order or Orders shall be final and conclusive upon all Persons whomsoever.

For pre-
venting
Annoyances
to Passengers
by Milk Car-
riers, &c.

XXXIX. And whereas considerable Quantities of Milk are conveyed to the Town of *Sheffield* and elsewhere, in Barrels or Tin Cans, upon Horses, Mules, or Asses, which are generally conducted by Boys, who (after having delivered their Milk) frequently collect together and ride Races, or proceed at so quick a Pace as to make a great Noise by the rattling of their empty Barrels or Cans, and thereby greatly annoy and molest Passengers along the said Road, and endanger the Lives and Limbs of such Passengers, and several Accidents have actually happened in consequence near the said Town of *Sheffield*; and it was provided by the herein-before recited Act of the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, that every Owner of any Horse, Mule, or Ass conveying Milk on the said Road in Barrels or Cans, should have the Name or Names of the Owner or Owners of such Horse, Mule, or Ass, in large legible Letters, fixed to or upon some conspicuous

Part of the Packsaddle upon or to which the Barrels or Cans shall be attached, or upon the said Barrels or Cans; be it therefore enacted, That for the more easy Detection of Persons guilty of any of the Offences aforesaid, the Owner or Owners of every Horse, Mule, or Ass conveying Milk on the said Road in Barrels or Cans, shall have the Name or Names of the Owner or Owners of such Horse, Mule, or Ass, in large legible Letters, fixed to or upon some conspicuous Part of the Packsaddle upon or to which the Barrels or Cans shall be attached, or upon the said Barrels or Cans themselves; and if any Person or Persons shall carry or convey or cause to be carried or conveyed Milk upon or along the said District of Road and Diversions or additional Lines of Road, or any Part thereof, upon Horses, Mules, or Asses, in Barrels or Cans as aforesaid, without having the Name or Names of the Owner or Owners, so affixed as aforesaid, the Owner or Owners of the same shall forfeit and pay any Sum not exceeding Forty Shillings, the same to be levied, recovered, and applied as the Penalties imposed by the said Act of the Third Year of His present Majesty's Reign are directed to be recovered, levied, and applied; and if any Person or Persons in attendance upon any Horse, Mule, or Ass laden with Milk, or returning Home having been so laden, shall ride a Race or Races along the said Road, or shall ride or drive the same furiously along the said Road so as to endanger the Life or Limbs of any Passenger upon the said District of Road, Diversions, or additional Lines, he shall, on being convicted of the same before One or more Justice or Justices of the Peace for the West Riding of the County of *York*, forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, and applied as aforesaid, or the Offender or Offenders shall be committed to the House of Correction of the said Riding for any Period of Time (in the Discretion of such Justice) not exceeding One Calendar Month.

XL. And be it further enacted, That this Act shall be deemed **Public Act.** 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.

XLI. And be it further enacted, That this Act shall commence **Commence-** and take effect from the Third *Wednesday* next after the passing **ment and** hereof, and shall continue and be in force for and during the Term **Continuance** of Twenty-one Years, and from thence to the End of the then next **of Act.** Session of Parliament.

The SCHEDULE to which this Act refers:

Description of Property.	Owners.	Tenants.
Smith's Shop	William Hawksley	Joseph Taylor.
Shop		Ditto.
Butcher's Shop		Thomas Ralph.
Garden		Benjamin Healey.
Garden		Joseph Steele.
Garden	Joseph Hawksley.	
Woods	The Duke of Norfolk	The Duke of Norfolk.
Plantation	The Duke of Norfolk	Thomas Rawson, Esquire.
Garden	Joseph Smith	William Kaye.
Stack Yard and Barn	John Rider	John Rider.
Building and Frontage		Benjamin Downend.
Gardens		George Ashton.
		George Sanderson.
Buildings	Enoch Moore	George Moore.
Gardens		George Fawley.
		George Stillings.
		Michael Globe.
		William Andrew.
		Thomas Tingle.
		Margaret Sanderson.
Gardens	The Duke of Norfolk	John Rider.
Lawn or Paddock	John Rider	The Duke of Norfolk.
Woods	The Duke of Norfolk	Richard Beet.
Garden and Building	Richard Beet	John Brownhill.
Garden	The Rev. Nicholas Kirkby.	Mary Hague.
Garden	Richard Swallow, Esquire	William Smith, Esquire.
Woods	William Smith, Esquire	Thomas Holy, Esquire.
Plantation	Thomas Holy, Esquire	The Devises of the late
Wood	The Devises of the late	Thomas Chambers.
	Thomas Chambers	James Archibald Stuart
Woods and Plantations	James Archibald Stuart	Wortley, Esquire.
	Wortley, Esquire	

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