ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 116.

An Act for making and maintaining a Turnpike Road from or near *Banner Croſs*, in the Weſt Riding of the County of *York*, through the Townſhip of *Dore*, to or near to *Fox Houſe*, in the County of *Derby*; and alſo a Branch from *Dore* aforeſaid, to or near to *Owler Bridge*, in the ſaid County of *Derby*. [20th *May* 1812.]

WHEREAS the making and maintaining a Turnpike Road from the preſent Turnpike Road, leading between *Sheffield*, in the Weſt Riding of the County of *York*, and *Tideſwell*, in the County of *Derby*, at or near *Banner Croſs*, in the Townſhip of *Eccleſhall*, in the ſaid Weſt Riding of the County of *York*, through the Townſhip of *Dore*, in the ſaid County of *Derby*, and to communicate with the ſaid Turnpike Road between *Sheffield* and *Tideſwell* aforeſaid, at or near *Fox Houſe*, in the ſaid County of *Derby*; and alſo a Branch from the Townſhip of *Dore* aforeſaid, to communicate with the Turnpike Road now making between *Sheffield* aforeſaid and *Baſlow*, at or near to *Owler Bridge*, in the ſaid County of *Derby*, would be of great Advantage and Convenience to the Land-Owners and Inhabitants of the Neighbourhood, and to the adjacent Country, and likewiſe of great public Utility; 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

Truſtees. ſame, That the Right Honourable *George Henry Cavendiſh*, commonly called Lord *George Henry Cavendiſh*, the Right Honourable *Charles William Wentworth Fitzwilliam*, commonly called Lord Viſcount *Milton*, the Honourable *John Simpſon*, Sir *Windſor Blunloke* Baronet, Sir *William Chambers Bagſhaw*, *Richard Arkwright*, *Robert Arkwright*, the Reverend *William Bagſhaw*, *George Barker*, *Caleb Barker*, *Alexander Boſley*, *Charles Bowns*, *Blakelock*, *James Brightmore*, *Charles Brookfield*, *William Badger*, *Samuel Buxton* M.D. the Reverend *John Barker*, *Robert Birch*, *Henry Cavendiſh*, *Charles Cavendiſh*, *D'Ewes Coke*, *Joſeph Carrington*, *Francis Cooper*, *John Champion*, *Joſeph Denman* M.D. *James Dowland*, *Joſhua Dungſworth*, *Francis Eyre*, *Vincent Eyre*, *Samuel Frith*, *George Fletcher* M.D. *Peter Flint*, *Matthew Froſt*, *William Fairbank*, *Joſiah Fairbank*, *John Gregory*, *George Buſtard Greaves*, *James Green*, *William Gauntley* the Elder, *Charles Greaves*, *Henry Hancock* *Thomas Hancock*, *John Heaton*, *Charles Heaton*, *Philip Heacock*, *Peter Holme*, *George Hopkinſon*, *Joſhua Jebb*, *Thomas Knowlton*, *William Allwood Lord*, the Reverend *John Lowe*, *James Longſdon*, *Joſhua Lingard*, *John Lingard*, *John Lees* of *Hill Top*, *James Mathiſon*, *Anthony Lax Maynard*, *Marmaduke Middleton Middleton*, *Samuel Marſden*, *James Marſden*, *William Murray*, *Norman*, *John Nuttall*, *Robert Needham*, *Hugh Parker*, *James Rawſon*, *William Spencer Stanhope*, *Samuel Shore*, *John Shore*, *William Shore*, *Joſeph Storrs*, *Adam Slater*, *John Scott*, *William Cunliffe Shawe*, *Jonathan Stokes* M.D. *Aſhton Aſhton Shuttleworth*, *Arthur Heathcote Shepley*, the Reverend *Richard Smith*, *John Shaw*, *Thomas Sykes*, *Bache Thornhill*, *Henry Bache Thornhill*, *Trickett*, *Hugh Travis*, *John Kinnerſley Tudor*, *John Unwin* the Elder, *John Unwin* the Younger, *John Unwin* Miller, *Joſeph Unwin* *William Unwin*, *William Waller*, *Iſaac Wilkinſon*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, altering, repairing, and improving the ſaid intended Roads; and that they, or any Five or more of them, at ſuch Meeting or Meetings as hereinafter mentioned, (unleſs where otherwiſe hereinafter ſpecified,) ſhall and may, and are hereby authorized and empowered to carry this Act, and all the Matters and Things herein contained into Execution and Effect.

Power to appoint additional Truſtees. II. Provided always, and be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in purſuance of this Act, to elect any Number of additional Truſtees, not exceeding Ten in the whole, who ſhall have the ſame Power and Authority for executing this Act, as if they had been herein named and appointed.

Election of new Truſtees. III. And be it further enacted, That upon the Death or Refuſal, or Diſability to act in the Execution of this Act, of any of the ſaid Truſtees or their Succeſſors, then and in every ſuch Caſe it ſhall and may be lawful to and for any Five or more of the ſurviving or remaining Truſtees, from Time to Time, at any Meeting of the ſaid Truſtees, (of the Time and Place of which Meeting Notice ſhall have been inſerted in ſome Newſpaper or Newſpapers publiſhed or circulated in the ſaid County of *Derby*, and alſo in ſome Newſpaper or Newſpapers publiſhed or circulated in the Town of *Sheffield* aforeſaid, and affixed on all and every the Turnpike

Turnpike Gates then ſtanding on the ſaid Roads at leaſt Ten Days previouſly to ſuch Meeting), to elect and appoint one other Perſon or Perſons to be a Truſtee or Truſtees, in the Room of ſuch Truſtee or Truſtees ſo dying, refuſing, or becoming incapable to act as aforeſaid; and every Perſon ſo elected and appointed (being qualified as hereinafter mentioned), ſhall be, and he is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample Manner as the Truſtee in whoſe Room or Stead he ſhall be ſo elected might have done.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or be poſſeſſed of, or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Value of One thouſand Pounds; or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Lands of the clear yearly Value of One hundred Pounds; nor ſhall any ſuch Perſon be capable of acting in the Execution of this Act (ſave and except in adminiſtering the Oath following to the other Truſtees), until he (not being ſuch Heir Apparent as aforeſaid), ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame; (that is to ſay),

'I do ſwear, that I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*,] in the actual Poſſeſſion or Enjoyment of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; [*or*, poſſeſſed of or entitled to a Perſonal Eſtate alone, *or*, Real and Perſonal together, of the Amount or Value of One thouſand Pounds.]

'So help me GOD.'

All Acts of Truſtees not qualified, if done before Conviction, valid.

And if any Perſon, not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager at Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe, ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, although not duly qualified as aforeſaid, previouſly to his or their being convicted of the ſaid Offence, ſhall notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Victuallers, &c. incapable of acting.

V. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall keep any Victualling-houſe, Alehouſe, or other Houſe of Public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous

Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, and to be collected on the ſaid Roads, during ſuch Time as he, ſhe, or they, ſhall keep ſuch Victualling-houſe, Alehouſe, or other Houſe of Public Entertainment, or ſhall ſell any Wine, Cyder, or Beer, Ale, Spirituous or other ſtrong Liquors by Retail; but no Perſon ſhall be precluded from farming ſuch Tolls, provided he. ſhe, or they, employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

Truſtees may act as Juſtices, except where intereſted.

VI. And be it further enacted, That ſuch of the Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where he or they ſhall be perſonally intereſted; and that no Mortgagee or Aſſignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall on that account be deemed diſqualified to act as a Truſtee.

Mortgagee or Aſſignee may act as Truſtee.

Time of Meeting.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby authorized and empowered to meet together at the Houſe of Mr. *Henry Elliott*, the Sign of the *Fox and Hounds*, in *Dore* aforeſaid, on *Friday* the Tenth Day of *July* One thouſand eight hundred and twelve, or as ſoon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards, meet at and adjourn to ſuch Place near to the ſaid Road, as they the ſaid Truſtees, or any Three or more of them, ſhall at any ſuch Meeting think proper; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees to defray their own Expences.

Orders to be made by a Majority of Truſtees preſent, and Orders of One Meeting not to be revoked by another, except in certain Caſes.

VIII. And be it further enacted, and it is hereby declared, That all Orders, Acts, and Determinations, made or done at any Meeting of the ſaid Truſtees, ſhall be made or done by a Majority of the Truſtees then preſent, and no Order or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs Seven Truſtees ſhall be preſent, and a Majority of them ſhall decide in Favour of ſuch Revocation or Alteration, and unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice thereof in Writing to the Clerk or Clerks, or to the Perſon or Perſons acting as Treaſurer or Treaſurers for the Time being to the ſaid Truſtees, to be by him or them inſerted and affixed in Manner hereinbefore directed with reſpect to Notices for the Election of new Truſtees, at leaſt Ten Days previouſly to any ſuch Meeting.

Meetings on Emergencies.

IX. And be it further enacted, That if after the Adjournment of any Meeting of the ſaid Truſtees, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by any Adjournment, or if for Want of a proper Adjournment, or otherwiſe, it ſhall be neceſſary to call a Meeting of the ſaid Truſtees, the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing, ſigned by any Seven or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch

ſuch Meeting, ſhall forthwith give Notice in the Manner hereinbefore directed, of the Time and Place of holding a Meeting, according to ſuch Order of the ſaid Truſtees (the Time not being leſs than Ten Days after ſuch Notice), and ſuch Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at any ſuch Meeting ſhall be as valid, to all Intents and Purpoſes, as they would have been in caſe ſuch Meeting had been held in purſuance of Adjournment.

Truſtees to appoint Officers.

X. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may at their firſt or any ſubſequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted; and ſhall take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, for the due and faithful Execution of his or their Office or Offices, as they the ſaid Truſtees ſhall think fit; and ſhall alſo elect and appoint a Surveyor or Surveyors, and ſuch other Officers as they the ſaid Truſtees ſhall think proper; and alſo that it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time to remove ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the ſaid Truſtees ſhall ſee Occaſion, and from Time to Time to appoint others in the Room of ſuch of them as ſhall be ſo removed, or as ſhall die, reſign, or refuſe or neglect to perform, or become incapable of performing their Duty; and that the ſaid Truſtees ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries, and make ſuch Allowances to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers ſo appointed, and alſo to any other Perſon or Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees ſhall ſeem proper; and alſo ſuch Officers and other Perſons ſhall upon their reſpective Oaths, if thereunto required by the Truſtees, or any Five or more of them, at a Meeting to be held in purſuance of this Act (which Oaths the ſaid Truſtees, or any One or more of them, is and are hereby empowered to adminiſter) from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies, and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts or Vouchers for ſuch Payments; and all ſuch Officers and other Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes as they the ſaid Truſtees ſhall direct and appoint; and if any ſuch Officer or Officers, or other Perſons (being required ſo to do as aforeſaid) ſhall refuſe or neglect to produce and give up, or verify upon Oath ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees within Fourteen Days next after having been thereunto required as aforeſaid, all the Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act, then, and in any of the ſaid Caſes, any

Officers to account.

Proceedings againſt Officers refuſing to account or to deliver up Books, &c.

any One or more of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, or for the said County of *Derby*, shall, upon Complaint of the said Trustees, or any One or more of them, or of such Person or Persons as they, or any Five or more of them, shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or other Person to appear before him or them; and upon such Officer or Person appearing, or having been summoned, and not appearing, or in case it shall appear that such Officer or other Person hath not been found, such Justice or Justices shall make Inquiry concerning such Default, and the Matter of Complaint, and shall hear and determine the same in a summary Way; and if upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justice or Justices is, and are hereby empowered and required to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been raised or collected under this Act shall remain due from such Officer or other Person, such Justice or Justices may, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or other Person; and if no Goods or Chattels of such Officer or other Person can be found sufficient to satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or other Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices is and are hereby empowered to commit such Officer or other Person to the common Gaol of the said County of *York*, or for the said County of *Derby*, there to remain without Bail or Mainprize, until such Officer or other Person shall have given and made a true and perfect Account, verified as aforesaid, and shall have made such Payments as shall appear to be due from him as aforesaid, or until he shall have compounded with the said Trustees for the same, (which Composition the said Trustees, or any Five or more of them, are hereby empowered at any Meeting to make and accept), and shall have paid such Composition Money to the said Trustees or to their Treasurer or Treasurers, or as the said Trustees shall appoint, or until such Officer or other Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; provided always, that no such Officer or other Person so committed as aforesaid, shall be confined or detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Trustees may remove Collectors, and appoint temporary ones.

XI. And be it further enacted, That when, and so soon as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform, or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be Collector or Receiver of the said Tolls, until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die or be discharged; and such Person or Persons so nominated and appointed, shall have the like Power and

and Authority, and be anſwerable and accountable in the like Manner in all reſpects as the Collector or Receiver who ſhall ſo die or be diſcharged, would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family or Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon or Perſons who may have the Poſſeſſion of any Toll Houſe or Building, or Appurtenances to be erected, ſet up or uſed by virtue of this Act, ſhall neglect or refuſe to deliver up the Poſſeſſion thereof for the Space of Four Days next after Demand thereof made by Notice in Writing, ſigned by any Five or more of the ſaid Truſtees (although not aſſembled at a Meeting), or by their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, for that Purpoſe given to ſuch Collector or Receiver, or other Perſon or Perſons, or left at ſuch Toll Houſe, Building, or Premiſes, then, and in any of the ſaid Caſes it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby*, with ſuch Aſſiſtance as may be neceſſary, to enter ſuch Toll Houſe or other Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees, or any Two or more of them, or ſuch new appointed Collector or Receiver as aforeſaid into the Poſſeſſion thereof.

Collectors refuſing to deliver up Toll Houſes, &c.

Juſtices empowered to grant Warrant, and Conſtable to enter and remove ſuch Collectors.

XII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees on Behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or commenced, nor by the Act of ſuch Perſon or Perſons, done without the Conſent of the ſaid Truſtees, or any Seven or more of them, at a Meeting to be holden in purſuance of this Act; but no Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act, or collected or received by the ſaid Truſtees.

Actions to be brought in the Name of the Treaſurer or Clerk, or of Truſtees, who are not to be perſonally liable to Coſts.

XIII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be regularly entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Truſtees preſent at the Meeting or Meetings at which ſuch Orders ſhall from Time to Time be made, or Proceedings ſhall be had, or the major Part of ſuch Truſtees; and that ſuch Book or Books ſhall be open at all ſeaſonable Times for the Inſpection of any of the Truſtees appointed or to be appointed by virtue of this Act, without Fee or Reward; and ſuch Entries being ſo ſigned, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Orders and Proceedings of Truſtees to be entered in a Book.

XIV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may from Time to Time erect and ſet up, or cauſe to be erected and ſet up, ſuch and ſo many Turnpikes or Toll Gates

Truſtees may erect Toll Houſes, &c.

Gates in, upon, or acroſs, or on the Side or Sides of any Part or Parts of the ſaid Roads, and acroſs any Lane or Way leading into, from, or out of the ſame, and alſo ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines to each Gate or Turnpike, or otherwiſe, as they ſhall think neceſſary, with ſuitable Outbuildings thereto; and alſo may incloſe from the ſaid Roads and Waſte Grounds thereunto adjoining, convenient Garden Spots to the Toll Houſes, not exceeding in the whole One Quarter of an Acre for each Toll Houſe, as they may judge proper; and that the following Sums of Money ſhall and may be demanded and taken as Tolls, before any Horſe, Beaſt, Cattle, or Carriage, ſhall be permitted to paſs through any ſuch Turnpike or Toll Gate, Turnpikes or Toll Gates reſpectively; (that is to ſay)

For every Horſe, or other Beaſt of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Curricle, Hearſe, Calaſh, Chaiſe Marine, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe, or other Beaſt of Draught, drawing any Waggon, or other ſuch Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Sixteen Inches, the Sum of Threepence:

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

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

For every Horſe, or other Beaſt of Draught, drawing any Waggon, or other ſuch Carriage with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth than Six Inches, the Sum of One Shilling:

For every Horſe, or other Beaſt of Draught, drawing any Cart, Wain, or other ſuch Carriage with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, the Sum of Threepence:

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

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

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

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 Sixpence; 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

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.

Double Tolls on Sundays.

And that Double the said respective Tolls shall and may be demanded and taken on every *Sunday* during the Continuance of this Act, in case the said Trustees, or any Seven or more of them, shall at any Meeting to be held in pursuance of this Act, by Writing under their Hands, so order and direct; which said respective Tolls shall be and they are hereby vested in the said Trustees; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall after Demand thereof made by any Collector or Collectors, to be appointed as aforesaid, or his or their Servant or Agent, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the said respective Collectors of the Tolls, or other Person or Persons whom they, or any of them, shall take to their Assistance therein, to seize and distrain any Horse, Beast, or other Cattle, upon which any such Tolls are by this Act imposed, or the Loading, Harness, or Accoutrements of any such Horse, Beast, or other Cattle, belonging to any Person or Persons so neglecting or refusing, and liable to pay the Tolls as aforesaid (except the Bridle or Reins of any such Horse, or other Beast, separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse or other Beast, or Cattle, and other Property, or any Part thereof so seized and distrained, rendering the Overplus (if any) on Demand, to the Owner thereof, after such Tolls, and all reasonable Charges shall have been deducted.

Recovery of Tolls.

Trustees may reduce the Tolls;

XV. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in such Newspapers as aforesaid, and also affixed on all and every the Turnpike Gates then standing on the said Roads, from Time to Time, to lessen or reduce all or any of the said Tolls, and also any additional Tolls payable by any Act or Acts of Parliament now or hereafter to be in Force for Overweight, or otherwise, in such Manner as to them shall seem fit and convenient, for and during such Time as they, the said Trustees, shall think proper; and afterwards at any Meeting to be holden and appointed as aforesaid, from Time to Time, if they the said Trustees, or any Seven or more of them, shall see Occasion, to advance all or any of the Tolls, so lessened or reduced, to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in Force with respect to Overweight, or otherwise; provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of the said Tolls.

and afterwards to advance them again to any Sum not exceeding the Rates before granted.

Provided no Reduction be made without the Consent of Creditors.

Only One full Toll to be taken on each Branch of the Road on ſame Day.

XVI. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to empower the ſaid Truſtees to cauſe more than the full Amount of the ſaid Tolls hereinbefore mentioned to be demanded or taken for the Paſſage of the ſame Horſe, Beaſt, Cattle, or Carriage, through all the Toll Gates erected or to be erected on that Part of the ſaid Roads leading from *Banner Croſs* to or near to *Fox Houſe* aforeſaid; nor more than the full Amount of the aforeſaid Tolls, on that Part of the ſaid Roads leading from *Dore* to *Owler Bridge* aforeſaid, Once on the ſame Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night), but without Prejudice to the Power of taking Double Toll on *Sunday*, as before mentioned.

That the Inhabitants of Eccleſall ſhall only be liable to pay Half Tol.

XVII. Provided always, and be it further enacted, That nothing herein contained ſhall authoriſe or empower the ſaid Truſtees to cauſe to be demanded or taken, of and from any Perſon or Perſons being an Inhabitant or Inhabitants of the Townſhip of *Eccleſale* aforeſaid, more than One-half of the aforeſaid Tolls at any or all of the Turnpikes or Toll Gates to be erected or ſet up, on that Part of the ſaid Road which is ſituate within the ſaid Townſhip of *Eccleſale*, or One-half of ſo much of the ſaid Tolls reſpectively, as ſhall for the Time being be collected, demanded, and taken between *Banner Croſs* and *Fox Houſe* aforeſaid, by virtue of this Act.

Tolls to be paid but Once a Day.

XVIII. And be it further enacted, That if any Perſon ſhall have paid the Toll hereby authoriſed to be taken, for the paſſing of any Horſe, Cattle, Beaſt, or Carriage, through any of the ſaid Toll Gates erected or ſet up by virtue of this Act, ſuch Perſon ſhall, upon producing a Note or Ticket, denoting the Payment thereof on that Day, at the ſame Toll-Gate (which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver *gratis*, on Demand, to every Perſon paying the ſaid Tolls), be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt, or Carriage, through the ſame Toll Gate, at any Time or Times during the ſame Day, to be computed as aforeſaid.

Toll Gates, &c. veſted in Truſtees.

XIX. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniencies and Appurtenances thereto belonging, which ſhall be erected or made upon or on the Sides of the ſaid Roads, by virtue of this Act, and the Materials for building and repairing the ſame, and for repairing the ſaid Roads, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they, or any Seven or more them, are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring, or cauſe to be brought any Action or Actions, or prefer and proſecute, or cauſe to be preferred and proſecuted, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any ſuch Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, or diſturb them, or their Agents, or Servants in the Poſſeſſion thereof.

XX. And

No Toll for croſſing the Road only.

XX. And be it further enacted, That no Toll ſhall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act, on the Side or Sides of any Part of the ſaid Roads, for any Horſe, Cattle, or Carriage, which ſhall only croſs the ſaid Roads, or any Part thereof, or ſhall not paſs above One hundred Yards thereon, unleſs ſuch croſſing ſhall be with Intent to evade the Payment of Toll at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Toll ſhall be thereby evaded.

Penalties on Collectors taking greater or leſs Tolls than allowed.

XXI. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer, Renter, or Collector, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Shillings; ſuch Forfeitures reſpectively to be recovered in Manner hereinafter mentioned.

Truſtees may compound.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time to compound with any Perſon or Perſons for any Period of Time not exceeding Twelve Calendar Months, for any Horſes, Beaſts, Cattle, or Carriages, paſſing and repaſſing on the ſaid Roads, or any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect thereof; and all ſuch Compoſition-Money ſhall be paid in Advance, Quarterly, or otherwiſe, as they the ſaid Truſtees ſhall appoint, or in Default thereof, every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes.

For ſettling Diſputes concerning Tolls.

XXIII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall and may be lawful for the Collector, or the Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, to be aſcertained by ſome Juſtice of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby*, who, upon Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and aſſeſs the Charges of ſuch Diſtreſs and Keeping, or Sale of the ſame, and of the Collector's Attendance for that Purpoſe; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector, before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus, after Sale thereof, or any Part thereof.

Toll-Bar Keepers not to be deemed incompetent Witneſſes.

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

under such Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

Penalty for evading Tolls.

XXV. And be it further enacted, That if any Person or Persons shall, in order to avoid Payment of the said Tolls, or any Part thereof, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments (other than and except the Owner or Owners, or Occupier or Occupiers thereof), lying near any Turnpike or Toll Gate, which shall be erected by virtue of this Act (the same not being a Public Highway), or if any Owner or Occupier of such Lands, Grounds, or Hereditaments, shall knowingly permit, or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade, or whereby the Payment of the said Tolls, or any Part thereof, may and shall be evaded; or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll Gate, with any Horse, Beast, or other Cattle, without Payment of Toll; or shall take off, or cause to be taken off, any Horse, Beast, or other Cattle, from any Carriage, or having passed through any such Turnpike or Toll Gate, shall afterwards add or put an additional Horse or Horses, Beast or Beasts, to such Carriage, with Intent to evade the Payment of the said Tolls, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Exemption from Tolls.

XXVI. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, or other Cattle, going unladen for, or being laden only with, or returning after having gone laden only with any Materials for repairing the said Roads, or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not sold or disposed of, and passing to be laid up in the Houses, Outhouses, Barns, Yards, or Closes of the Owner or Owners thereof, or returning empty therefrom; or for any Horses, Cattle, or Carriages going for, or returning with any Ploughs, Harrows, or other Implements of Husbandry, belonging to any of the Inhabitants of the Parishes, Townships, Hamlets, or Places wherein any Part of the said Roads lie; or for any Cattle going to or returning from Plough or Harrow; or for any Carriage or Cattle carrying any Dung, Mould, or Compost of any Kind whatsoever (Lime excepted), to be employed in Husbandry, or for manuring or stocking of Land, but for no other Purpose; or for any Horses or other Cattle, or Carriages employed in the conveying of 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 said County of *York*, or for the County of *Derby*, on the Day of such Election, or on the Day before, or Day after such Election shall begin or be concluded; or going to or returning from (on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated) any Church, Chapel, or other Place of Religious Worship, which shall be situate within the same Parish, in which any Turnpike or Toll Gate shall be erected, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets, or Places in which the said Roads, or any Part thereof hereby directed to be made,

made, lie; or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Cattle or Carriage employed only in carrying Corn to or Grist from the nearest or such other Mill as shall be used by the Owners of such Corn respectively; or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post master General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle going to or returning from any Pasture or Watering Place, or from being shoed or farried; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty; or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; 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, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons shall be dressed in the Uniform of his or their respective Corps, and have his or 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 by any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for such Offence any Sum not exceeding Five Pounds, One Moiety whereof to be paid to the Informer, and the other Moiety thereof to be applied to the Purposes of this Act.

Carriages conveying Military Stores, not to be subject to Penalties for Overweight, &c.

XXVII. And be it further enacted, That no Person or Persons owning or driving, or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any 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.

Tolls may be let.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby empowered at any Meeting, upon One Calendar Month's Notice being given in such Newspapers as aforesaid, and affixed on all

the Turnpike Gates then ſtanding on the ſaid Roads, to let or farm the ſaid Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons, at and for the largeſt Yearly Sum that can be reaſonably gotten for the ſame, provided that all Leaſes, Contracts, and Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Truſtees, or their Clerk for the Time being; provided that the ſaid Tolls ſhall not be let for more than Three Years at any one Time, and that the Rent which ſhall be agreed to be paid for the ſame ſhall be made payable and ſhall be paid to the Treaſurer for the Time being to the ſaid Truſtees, ſo that Two Months Payment of ſuch Rent ſhall always be in advance, or ſufficient Security given for the Payment of the ſaid Rent at the Times appointed, to the Satisfaction of the ſaid Truſtees, or any Seven or more of them, or in Default thereof, every ſuch Leaſe, Contract, or Agreement ſhall be null and void to all Intents and Purpoſes whatſoever.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XXIX. And be it further enacted, That during ſuch Time as the ſaid Tolls or any Part or Parts thereof ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſons as he or they ſhall authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer, or Farmers, or other Perſon or Perſons as aforeſaid ſo demanding and taking the ſaid Tolls, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby made ſubject or liable to.

Power to borrow Money.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, from Time to Time to borrow and take up at Intereſt ſuch Sum or Sum of Money as they ſhall think fit upon the Credit of the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to aſſign over the ſaid Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houſes for collecting the ſame (the Charges of ſuch Mortgages or Aſſignments to be paid out of the ſaid Tolls), to any Perſon or Perſons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the ſeveral Sums that ſhall be borrowed, with the Intereſt thereof: ſuch Aſſignments or Mortgages to be in the Words or to the Effect following: *videlicet*,

Form of Mortgage.

‘ BY virtue of an Act of Parliament, made in the Fifty-ſecond Year ‘ of the Reign of King *George* the Third, intituled, *An Act* [*ſet* ‘ *forth the Title of this Act*] We, of the Truſtees acting in ‘ the Execution of the ſaid Act, in Conſideration of the Sum of ‘ to the Treaſurer of the ſaid Road, in Hand paid by ‘ do hereby grant, bargain, ſell, and demiſe unto ‘ the ſaid Executors, Adminiſtrators, and ‘ Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, ‘ as

‘ as the ſaid Sum of doth or
‘ ſhall bear to the whole Sum advanced or to be advanced on the Credit
‘ of the Tolls; to be had and holden from the Day
‘ of for and during the Continuance of the ſaid
‘ Act, unleſs the ſaid Sum of with
‘ lawful Intereſt for the ſame, ſhall be ſooner repaid and ſatisfied. Given
‘ under our Hands and Seals this Day of
‘ in the Year of our Lord .’

And Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but no Money ſhall be borrowed unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed or circulated within the Town of *Sheffield* aforeſaid, and alſo in ſome Newſpaper publiſhed or circulated within the ſaid County of *Derby*, and alſo affixed upon the Turnpikes or Toll Gates which ſhall be then ſtanding upon the ſaid Roads, at leaſt Twenty-one Days before the borrowing thereof; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, ſhall be good, valid, and effectual, to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time, by Writing under their reſpective Hands and Seals, transfer their Right, Title, Intereſt, or Benefit in and to the ſaid Security, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Indorſement on ſuch Security, in the Preſence of One or more credible Witneſs or Witneſſes; which Transfer ſhall be in the Words or to the Effect following:

‘ I Do transfer the within Mortgage, and all the Principal and Intereſt Form of
‘ now due thereon, unto Executors, Admi- Transfer.
‘ niſtrators and Aſſigns. Witneſs my Hand and Seal this
‘ Day of .’

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

XXXI. And be it further enacted, That the Monies ariſing by virtue Application of this Act, ſhall be applied and diſpoſed of by the ſaid Truſtees in Man- of the Tolls
ner

and Money borrowed.

ner following (that is to say,) in Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and in carrying the same into Execution, and in making the said Roads and repairing and amending the same, and in erecting Turnpikes and Toll Houses thereupon, and for other Purposes, from Time to Time relating and attending the Execution of this Act, and in paying and keeping down the Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and discharging such Principal Monies, and for no other Purpose whatsoever.

Power to enter Lands and make Roads.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and for their Surveyor or Surveyors, and Workmen for the Time being, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Roads hereby authorized to be made are intended to pass, and to stake out and make the same of such Width and in such Manner as shall be by them thought necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Roads, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of the said Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Trustees may make and divert the Road.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby fully authorized and empowered to make and repair, and from Time to Time to widen, divert, shorten, vary, and alter, within the Distance hereinafter mentioned, the Course or Path of any Part or Parts of the said Roads through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to treat, contract, and agree with the Owners of and Persons interested in any such Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage which such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through any such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert

Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Seven or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any ſuch Lands or Hereditaments or any Part thereof for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or Leſſees for Years, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they or any of them ſhall lawfully do by virtue or in purſuance of this Act.

For reſtraining the Truſtees from deviating beyond certain Diſtances of the Line deſcribed in the Plan, &c.

XXXIV. And whereas a Map or Plan deſcribing the Line of the ſaid Roads, and the Lands through which the ſame are intended to be carried, together with a Book of Reference containing Liſts of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Offices of the Clerk of the Peace for the ſaid Weſt Riding of the County of *York*, and alſo for the ſaid County of *Derby* reſpectively; 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 of the ſaid Weſt Riding of the County of *York*, and for the ſaid County of *Derby* for the Time being reſpectively, 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 thereof at their Will and Pleaſure, paying to the ſaid Clerk of the Peace reſpectively for the Time being, at whoſe Office the ſame ſhall be ſo inſpected, or Copies or Extracts thereof taken, 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 Roads ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

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

XXXV. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to make the ſaid Roads into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is, or are, or may be Owner or Owners of Land, over which the ſame are 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*, or for the ſaid County of *Derby*, and be certified by Writing under their Hands that ſuch Error or Omiſſion proceeded from Miſtake.

Where Perſons intereſted neglect or

refuſe to treat.

or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Dwelling houſes, Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Office or Offices of any ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of the ſaid Roads are intended to be made, widened, diverted, turned, or altered, ſhall for the Space of Twenty-one Days next 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 prevented from treating, then, and in every ſuch Caſe the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Damage, Value, or Recompence to be inquired into, and aſcertained by a Jury of Twelve indifferent Men of the ſaid Weſt Riding of the County of *York*, or of the ſaid County of *Derby*, from the Neighbourhood of the Place where ſuch Lands and Hereditaments do lie; and in order thereto the ſaid Truſtees, or any Seven or more of them, are hereby empowered and required, from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury and examine upon Oath all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined concerning the Premiſes, (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means as well for their own as for the Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; and ſuch Verdict and Inquiſition, Order, and Determination thereon, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim any Eſtate in Poſſeſſion, Reverſion, or Remainder, in Fee, or in Fee Tail, General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwiſe, their Heirs and Succeſſors as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Perſon or Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Seven or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff or Sheriff's of the ſaid Counties of *York* and *Derby*, or either of them reſpectively, requiring him or them to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons from the Neighbourhood of the Place where ſuch Lands and Hereditaments lie, qualified to ſerve upon Juries, to appear before the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or Sheriffs reſpectively, or his or their Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch

Truſtees to iſſue Warrant to the Sheriff to impannel a Jury.

Summons, the ſaid Truſtees, or any Seven or more of them, ſhall and they are hereby empowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be a Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or Sheriffs reſpectively, or his or their Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff or Sheriffs reſpectively, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premiſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear (without ſufficient Excuſe,) or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect 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 ſhall refuſe or neglect to appear (without ſufficient Excuſe,) or appearing, ſhall refuſe to be ſworn and examined, or to give Evidence, or ſhall otherwiſe wilfully miſconduct themſelves in giving their Evidence, ſo that no Fine be more than Five Pounds on any one Perſon for one Offence.

Truſtees may impoſe Fines on the Sheriff, Jurymen or Witneſſes making Default, &c.

XXXVII. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Directions or Authority of this Act, ſhall give in or deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch 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 before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of any Money which ſhall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any ſuch Jury or Juries ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſs or Damage as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome one Juſtice of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby* reſpectively, 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

Expences of the Jury and Witneſſes how to be paid.

the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a 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 upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means hereinafter mentioned or provided for the Recovery of Penalties and Forfeitures; provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Money allowed for Lands how to be charged or tendered.

XXXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties reſpectively entitled thereto, or to their Agents; and upon Payment thereof, or on depoſiting the ſame in the Bank of *England*, as hereinafter directed, (as the Caſe may be), and after Eight Days Notice thereof given to ſuch Parties or Perſons, or to their Agents, or left at their or any of their uſual Places of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, ſhall direct, and ſhall be by them or ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes whatſoever, become and be deemed and taken to be a common Highway, and be thenceforth Part of the ſaid Roads for ever thereafter.

Truſtees not to take down Houſes, &c.

XXXIX. Provided always, and be it further enacted, That no Power or Authority by this Act given to the ſaid Truſtees, ſhall extend to the taking down or injuring any Dwelling Houſe or other Building, or to the taking in of any Garden, Orchard, Yard, Park, Planted Walk, or Avenue to a Houſe, or Plantation or Nurſery of Trees, or of any Part or Parts thereof, without the Conſent in Writing of the Owners or Proprietors thereof, and other Perſons intereſted therein, firſt had and obtained.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act; Perſons of whom it was bought, or whoſe Lands adjoin to have the firſt Offer.

XL. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads in Manner hereinbefore mentioned, they may happen to be ſeiſed of ſome Piece or Pieces of Ground or Hereditaments, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to ſell and diſpoſe of ſuch Piece or Parcels of Ground and Hereditaments either together or in Parcels as they ſhall think moſt convenient and advantageous to ſuch Perſon and Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any ſuch Piece or Parcels of Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or in caſe of diverting any Part or Parts of the ſaid Roads, to the Perſon

or

or Perſons whoſe Lands ſhall adjoin to the old Road; and if ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, (except with reſpect to and on account of the Price thereof, as hereinafter mentioned,) or ſhall refuſe (except with reſpect to and on account of the Price thereof,) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby* (who are hereby reſpectively empowered to take the ſame,) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by and on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and there agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner hereinbefore directed with reſpect to the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of Hearing and Determining ſuch Difference ſhall be borne and paid in like Manner as hereinbefore directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

For getting Materials to make and repair the Roads.

XLI. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors for the Time being of the ſaid Roads, and to and for all ſuch Perſon or Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making and repairing the ſaid Road, out of and from any Commons or Waſte Ground, Common, River, Brook, or Pit, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Roads hereby directed to be made, amended, and repaired, ſhall lie, or in any adjoining Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame; the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, and railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors or other Perſon or Perſons as aforeſaid, may, by Order of the ſaid Truſtees, or any Seven or more of them, (ſuch Order to be made at ſome Meeting of the Truſtees to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk or Clerks for the Time being to the ſaid Truſtees), ſearch for, cut, dig, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons, where the ſame may be

had or found (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Walks or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the ſame, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premiſes where and whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds and Premiſes, as the ſaid Truſtees ſhall deem reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers or any of them, concerning the Value of ſuch Materials and Damages, it ſhall and may be lawful to and for any Two Juſtices of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby* reſpectively, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices reſpectively therein ſhall be final and concluſive to all Parties.

Notice to be given to the Owners and Occupiers of Lands, before Materials are taken for repairing the Road.

XLII. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor or Surveyors or other Perſon or Perſons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Roads or any Part thereof, out of or from any incloſed Lands or Grounds, until Notice in Writing ſigned by the Surveyor or Surveyors for the Time being ſhall have been given to the Owner and Occupier of the Premiſes, or the known Agent of any ſuch Owner, from which ſuch Materials are intended to be taken, or left for ſuch Owner and Occupier at their reſpective uſual Places of Reſidence, to appear before the ſaid Truſtees at ſome One of their Meetings, or before Two or more Juſtices of the Peace acting for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby*, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner and Occupier or One of them, or their or his Agent, ſhall not attend, or ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in either of the ſaid Caſes the ſaid Truſtees, or any Seven or more of them, or ſuch Juſtices ſhall or may authorize ſuch Surveyor or Surveyors or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials at ſuch Time or Times as to the ſaid Truſtees or ſuch Juſtices reſpectively ſhall ſeem proper, and ſhall and may make ſuch Order therein as they reſpectively ſhall think fit.

Penalty on taking away Materials, &c. got by order of the Surveyor.

XLIII. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall take away any Stone or Materials which ſhall have been dug or gathered for the Purpoſe of making or repairing the ſaid Roads, or other of the Purpoſes by this Act authorized or directed, or any Part or Parts thereof; or ſhall get or take away any Stone, Gravel, or Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Stone, Gravel, or Materials, before the ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Three Weeks (except the Owner or Occupier of any

any private Ground wherein such Pit or Quarry shall have been so made, and the Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale, such Owner or Occupier or other Person not taking any of the Stone, Gravel, or Materials which may have been dug or gathered for the Purposes aforesaid, and which may remain in such Pit or Quarry, without the Consent of the Surveyor or Surveyors of the said Road), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Surveyors may make Drains, &.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, or any Seven or more of them, to cut and make any Causeways or Footpaths upon the Sides of the said Roads, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads, or to erect Bridges over any Drains or Watercourses, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Roads; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not being a Garden, Orchard, Park, Yard, Paddock, Planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), to be made Use of as a Public Highway whilst the narrow or ruinous Parts of the said Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages; and also to make Watercourses and to carry and divert the Water in, through, or under any Lands adjoining or lying near to the said Roads, for the Convenience of the Owners and Occupiers of such Lands, or of any other Lands lying near to the said Roads, making such reasonable Satisfaction to the Owners and Occupiers of the Lands respectively through or into which any such Drains or Watercourses shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Seven or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damage, then and in such Case the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the Riding or County in which such Damage shall arise, next after the Expiration of Twenty-one Days from the Time of doing such Damage, shall and are hereby authorized and required to hear and determine the same; and their Determination therein shall be final and conclusive.

Making Satisfaction for Damage;

and in case of Difference concerning the same, Justices in Sessions to determine.

Mines reserved to the Owners of Lands.

XLV. Provided always, and be it further enacted, That all Mines of Lead, Ore Mines, Veins, Beds or Seams of Coal, Ironstone, Marble, Chirt and other Minerals and Fossils whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Roads by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made, with Liberty for him, her, or them, or his or their respective Agents or Servants, to dig for, mine, and work the same in such Manner as is usual for carrying

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ing on Works of that Kind in the Diſtrict or Place where ſuch Mines, Coal, or other Minerals ſhall be found, and in as full and ample a Manner as if the ſaid Land had not been taken and appropriated for the Purpoſes aforeſaid; ſo that in the working thereof no Damage ſhall be done to the ſaid Roads or any Part thereof.

Surveyors may remove Annoyances.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons, as he or they ſhall appoint, by Direction and under the Hands of any Seven or more of the ſaid Truſtees, from Time to Time to remove and prevent all Nuiſances or Annoyances on any Part or Parts of the ſaid Roads by Rails, Steps, Sign Poſts, Walls, or otherwiſe, and to turn or ſtop any Watercourſes, Sinks, or Drains running into, along, or out of any Part of the ſaid Roads, to the Prejudice thereof, and to make the ſame as large and deep as he or they ſhall think proper; and to cleanſe any Ditch or Watercourſe next adjoining to or leading into or out of any Part or Parts of the ſaid Roads; and to cut down, lop, or top any Trees or Buſhes growing in any Part of the ſaid Roads, or in the Hedges or Banks adjoining thereto, at proper Seaſons of the Year, in caſe the Perſon or Perſons occaſioning ſuch Annoyance, or who ought to remove the ſame, or to cleanſe ſuch Ditch or Watercourſe, or to cut down, lop, or top ſuch Trees or Buſhes, ſhall refuſe or neglect ſo to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpoſe, ſigned by any Seven or more of the ſaid Truſtees, or by their Surveyor or Surveyors for the Time being, the reaſonable Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by the Perſon or Perſons refuſing or neglecting as aforeſaid; and in caſe any ſuch Perſon ſhall not upon Demand pay and reimburſe to ſuch Surveyor or Surveyors ſuch Charges as aforeſaid, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſhall for every ſuch Offence, over and above ſuch Charges as aforeſaid, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied to the Purpoſes of this Act.

Road to be meaſured and Mileſtones and Guide Poſts to be erected.

XLVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe the ſaid Roads to be meaſured, and Mileſtones to be ſet up at or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places, as they the ſaid Truſtees ſhall think fit; and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Roads where the ſame are croſſed or joined by other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall wilfully break, throw down, injure, obliterate, deſtroy, or deface any Table of Tolls, Mileſtone or Poſt erected on any Part of the ſaid Roads, or any of the Letters, Figures, or Marks inſerted thereon, or ſhall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Parts or Part of the ſaid Roads, every Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Poſt,

Poſt, Parapet Wall, and Arch ſo broken, thrown down, injured, or deſtroyed, or on which any Letters, Figures, or Marks ſhall be ſo obliterated or defaced, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied for the Purpoſes of this Act.

Penalty on riding on Foot-paths, &c.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on, or drive, or lead any Horſe, Beaſt, Cattle, or Carriage, over or upon any Foot-path or Cauſeway made or to be made on the Side or Sides of any Part of the ſaid Roads; or ſhall wilfully or negligently damage or deſtroy any of the Fences, Walls, or Gates on the Sides of the ſaid Roads, and belonging thereto; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Foot-paths or Cauſeways; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Roads, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie on any Part of the ſaid Roads, ſo as wilfully to damage the ſaid Roads or any Part thereof; or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Roads any Tree or Piece of Timber or any Stone, (otherwiſe than upon Wheeled Carriages) or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon a Wheeled Carriage to drag upon any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pig or Swine upon the ſaid Roads ſhall ſuffer the ſame to root up or damage the ſaid Roads or any Part thereof, or the Fences, Hedges, Walls, Bankings or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt, to be and remain looſe on the ſaid Roads; or if any Perſon driving any Coach, Chaiſe, or Waggon, Cart, or other Carriage upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon paſſing him, her, or them upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his, her, or their care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to or let off any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Roads; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry (without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed, in order to his or her Conviction; and ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Roads as conveniently may be) in, upon, or on the Side of the ſaid Roads, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Roads, or on the Side or Sides thereof to the Prejudice thereof, or to the Annoyance or Prejudice of any Perſon or

Perſons travelling thereon, or ſhall do any other wilful Damage or Injury to the ſaid Roads, or any Part thereof, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the Execution of this Act.

XLIX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered any Collector of the Tolls, or any Surveyor or Surveyors, for the Time being, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Application of Compoſition Money when amounting to 200l.

L. 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 this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, 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 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, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts or 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 mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement had been made.

LI. Pro-

When less than 200l.

LI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Tenements ſo purchaſed, taken, or uſed, or of his 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 Seven or more of the ſaid Truſtees for executing 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 ariſing thereon may be applied in Manner hereinbefore directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

When less than 20l.

LII. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then, and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees, or any Seven 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;

or if Perſons cannor be found, the Purchaſe Money to be paid into the Bank;

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

LIII. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Seven or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to order the ſaid Sum or Sums of Money ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, and Hereditaments, (deſcribing them) ſubject to the Order, Control, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame

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to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Interest 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 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.

Respecting disputed Titles.

LIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming 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 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.

The Court of Chancery may direct the Payment of Expences.

LV. Provided also, and be it further enacted, That were 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 this Act, the Purchase Money for the same shall be required to be paid into the said 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 to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Townships to be liable to Repairs.

LVI. And be it further enacted, That all Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads shall pass, shall be liable to the Repair of such Parts of the said Roads, as are within their respective Parishes, Townships, Hamlets, Districts, or Places, in such and the same Manner, as they are liable to the Repair of any other Highway within the same.

LVII. Pro-

LVII. Provided always, and be it further enacted, That all Perſons, who by Law are liable to do Statute Work on the public Highways within the Pariſhes, Townſhips, or Places, through which the ſaid Roads or any Part thereof paſs, ſhall be liable to do the ſame on the ſaid Roads; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace, for the ſaid Weſt Riding of the County of *York* or for the ſaid County of *Derby*, within their reſpective Juriſdictions, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work, ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads or any Part thereof lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in Lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices reſpectively, from Time to Time to ſummon the Surveyor or Surveyors of the Highways, for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices reſpectively, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons,) of the Names of the ſeveral Perſons, who within ſuch Pariſh, Townſhip, or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in Lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in Force or Effect for the Repairs of the public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices reſpectively ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and at ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors for the Time being, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices reſpectively ſhall and may alſo order and direct the Perſon and Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in Lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices reſpectively ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices reſpectively ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe by any Surveyor to the ſaid Truſtees, ſhall, for every Day of his,

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences.

his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found negligent or idle by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſon or Perſons who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team, or Draught ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Roads or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes, Townſhips, or Places in which the ſaid Roads or any Part thereof ſhall lie and be ſituate, or with the Surveyor of the Highways for ſuch Pariſhes, Townſhips, or Places, duly authorized for that Purpoſe at a public Veſtry, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in Lieu of the whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer or Treaſurers of the ſaid Truſtees in Advance, on or before the Firſt Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh, Townſhip, or Place, ſhall not be permitted to compound for that Year.

For ſecuring tranſient Offenders.

LIX. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors or other Officers appointed to put this Act into Execution; be it therefore enacted, That it ſhall and may be lawful for any of the ſaid Truſtees or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace

for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby* (as the Caſe may be).

For Recovery and Application of Penalties.

LX. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby* (which Warrant ſuch Juſtice reſpectively is hereby empowered to grant, upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and which Oath ſuch Juſtice reſpectively is hereby empowered to adminiſter); and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale, ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwiſe applied), ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice reſpectively, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the common Gaol or Houſe of Correction of ſuch County, Town, or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding the Space of Six Calendar Months, unleſs ſuch Penalties and Forfeitures ſhall be ſooner paid and ſatisfied.

Directing the Form of Conviction.

LXI. And be it further enacted, That for the more ſpeedy Conviction of all Offenders againſt this Act, all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the Form or to the Effect following;

'To wit. } BE it remembered, That on the Day of in the Year of our Lord is convicted before me [*or*, us] of His Majeſty's Juſtices of the Peace for the Weſt Riding of the County of *York*, [*or*, for the County of *Derby*, *as the Caſe may be*] by virtue of an Act of Parliament, paſſed in the Fifty-ſecond Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act* [*here ſet forth the Title of this Act, and ſpecify the Offence, and the Time and Place when and where the ſame was committed.*] Given under my Hand and Seal, [*or*, our Hands and Seals,] the Day and Year firſt above written.'

Power to compel Payment of Subſcriptions.

LXII. And be it further enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Roads, ſhall and he, ſhe, and they is and are hereby required to pay his, her, and their Subſcription Money to the Treaſurer for the Time being to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees,

tees, or any Seven or more of them; and if any Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, or in the Name of their Clerk or Treaſurer for the Time being, to ſue for and recover the ſame by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Limitation of Actions.

LXIII. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act after Twelve Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the Counties of *York* or *Derby*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, ſhall and may plead, at his and their Election, Specially or the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in any other Caſes by Law.

Diſtreſs not to be unlawful for Want of Form.

LXIV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the Notice, Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtrained be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for want of Form.

LXV. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceeding made, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

LXVI. And

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

LXVI. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court, wherein ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit; whereupon ſuch Order, Proceedings, and Judgment ſhall be made and given in, and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

If no tender made, Money may be paid into Court.

Appeal.

LXVII. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General Quarter Seſſions of the Peace, to be holden for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby*, next after the Expiration of Four Calendar Months from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing, having firſt given Fourteen Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Treaſurers, or Clerk or Clerks, for the Time being, to the ſaid Truſtees, and within Seven Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Weſt Riding of the County of *York*, or for the ſaid County of *Derby*, as the Caſe may be, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions reſpectively; and the Juſtices in ſuch Seſſions reſpectively, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties, or otherwiſe, as they ſhall judge proper; and the ſaid Juſtices reſpectively, may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and all ſuch Determinations of the ſaid Juſtices ſhall be final, binding, and concluſive upon all Parties, to all Intents and Purpoſes whatſoever.

Public Act.

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

Commencement and Continuance of this Act.

LXIX. And be it further enacted, That this Act shall commence and take place on the First Day of *July* One thousand eight hundred and twelve, and shall be in Force, and have Continuance 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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