ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 92.

An Act for continuing the Term and altering and enlarging the Powers of ſeveral Acts for repairing the Roads therein mentioned, ſo far as the ſame relate to the Road from the *Red Houſe*, near *Doncaſter*, to the South End of *Wakefield Bridge*, and from *Wakefield* to *Pontefract*, and from thence to *Weeland*, and from *Pontefract* to *Wentbridge*, all in the Weſt Riding of the County of *York*. [18th *May* 1810.]

WHEREAS an Act was paſſed in the Fourteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing the Roads from a Place called the* Red Houſe, *near* Doncaſter, *to* Wakefield, *and through the ſaid Town of* Wakefield, *by* Dewſbury, Hightown, *and* Lightcliffe, *to the Town of* Halifax, *in the Weſt Riding of the County of* York: And whereas an Act was paſſed in the ſaid Fourteenth Year of His ſaid late Majeſty, intituled, *An Act for repairing the Road from* Wakefield *to* Pontefract, *and from thence to a Place called* Weeland *in the Townſhip of* Henſall, *and from* Pontefract *to* Wentbridge *in the Townſhip of* Darrington, *in the Weſt Riding of the County of* York: And whereas an Act was paſſed in the Thirtieth Year of the Reign of His ſaid late Majeſty, intituled, *An Act for enlarging the Terms and Powers granted by Two ſeveral Acts, paſſed in the Fourteenth Year of His preſent*

14 G. 2. c. 19.

14 G. 2. c. 23.

30 G. 2. c. 54.

preſent Majeſty, the one for repairing the Roads from a Place called the Red Houſe, *near* Doncaſter, *to* Wakefield, *and through the ſaid Town of* Wakefield, *by* Dewſbury, Highſown, *and* Lightcliffe, *to the Town of* Halifax, *in the Weſt Riding of the County of* York, *and the other for repairing the Road from* Wakefield *to* Pontefract, *and from thence to a Place called* Weeland *in the Townſhip of* Henſall, *and from* Pontefract *to* Wentbridge *in the Townſhip of* Darrington, *in the Weſt Riding of the County of* York: And whereas
28 G. 3. c. 108. an Act was paſſed in the Twenty-eighth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for enlarging the Term and Powers of certain Acts of Parliament, ſo far as the ſame relate to the Roads from the* Red Houſe, *near* Doncaſter, *to the South End of* Wakefield *Bridge, and from* Wakefield *to* Pontefract, *and from thence to* Weeland *in the Townſhip of* Henſall, *and from* Pontefract *to* Wentbridge, *in the Weſt Riding of the County of* York: And whereas the Truſtees for executing the ſaid Acts have proceeded in the Execution thereof, for which Purpoſe they have borrowed ſeveral conſiderable Sums of Money upon the Credit of the Tolls thereby granted, which Money ſtill remains due and owing, and cannot be paid off, nor can the ſaid Roads be effectually amended, widened, improved and kept in repair, unleſs the Term granted and continued by the ſaid Acts be further continued, the Tolls thereby granted increaſed, and ſome of the Powers and Proviſions of the ſaid Acts altered, amended, enlarged and rendered more effectual; 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,
Acts further continued, and by the Authority of the ſame, That the ſaid recited Acts, and all the Clauſes, Powers, Authorities, Proviſions, Penalties, Forfeitures, Matters, and Things therein contained (except ſuch as relate to Exemptions from Stamp Duties, and alſo ſuch and ſo much thereof as are hereby varied, altered or repealed) ſhall, ſo far as the ſame relate to the Roads from the *Red Houſe* to the South End of *Wakefield* Bridge aforeſaid, and from *Wakefield* to *Pontefract*, and from thence to *Weeland* in the Townſhip of *Henſall*, and from *Pontefract* to *Wentbridge* in the Townſhip of *Darrington*, be and remain in full Force and Effect, and ſhall be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations and Additions herein contained; and that this Act ſhall commence and take effect upon the paſſing thereof, and that the Term and Tolls hereby granted ſhall be, and are hereby declared to be, ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid recited Acts, and of ſuch other Sum or Sums of Money as ſhall be borrowed upon the Credit of, and for the Purpoſes of this and the ſaid recited Acts, and of all Intereſt due or owing, and to become due for the ſame reſpectively.

Additional Truſtees appointed. II. And be it further enacted, That *Stamp Brookſbank*, *John Baldwin*, *Edward Birmingham*, *Benjamin Brookſbank*, *Edward Chorley*, Doctor of Phyſic, *Samuel Clewes*, *Robert Bryan Cooke*, *Charles Cholmely*, *George Cholmely*, *William Cooke*, *John Cooke*, the Reverend *George Cooke* Clerk, *Philip Davis Cooke*, *Thomas Charnock*, *William Charnock*, *William Dawſon*, *John Elliſon*, the Reverend *Edward Frank* Clerk, *Benjamin Gaſkell*, *Daniel Gaſkell*, the Honourable *Martin Edward Hawke*, *John Pemberton Heywood*,

Heywood, *Benjamin Heywood*, *Francis Ingram*, *Henry Laſcelles*, *John Lowther*, *James Lee*, *Francis Maude*, *William Marſhall*, *John Naylor*, *Jeremiah Naylor*, *Robert Oliver*, the Reverend *Richard Perryn* Clerk, *John Charles Ramſden*, the Right Honourable *John Saville*, commonly called Lord Viſcount *Pollington*, *William Smithſon*, the Right Honourable *John Smyth*, Sir *Edward Smith*, *John Smyth*, *John Vincent*, *William Battie Wrightſon*, *Arthur Bland Wrightſon*, *George Wroughton*, *Saint Andrew Warde*, *Charles Waterton*, *Godfrey Wentworth Wentworth* Eſquire, and the Reverend *Henry Waſtell* Clerk, ſhall be, and are hereby added to and joined with the Survivors of the Truſtees appointed in or by virtue of the ſaid recited Acts; and the ſaid Truſtees hereby appointed and their Succeſſors, together with the Truſtees choſen by or in purſuance of the ſaid recited Acts, ſhall be and are hereby authorized and empowered to carry this Act and the ſaid recited Acts into execution, in like Manner, and as fully and effectually to all Intents and Purpoſes as if they had been named and appointed Truſtees in the ſaid recited Acts.

Five Truſtees empowered to act.

III. And whereas for ſeveral Purpoſes mentioned in the ſaid recited Acts, the Concurrence of Nine of the ſaid Truſtees is required, which is oftentimes found inconvenient: be it therefore further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and empowered, from and after the paſſing of this Act, to do and execute all and every the Acts, Powers and Authorities of this and the ſaid recited Acts, fully and effectually to all Intents and Purpoſes whatſoever, and that in no Caſe ſhall it be neceſſary to have the Concurrence of more than Five of the ſaid Truſtees to any Act, Matter or Thing required or authorized by this or the ſaid recited Acts to be done, unleſs a greater Number of the ſaid Truſtees than Nine ſhall be preſent at any Meeting or Meetings to be convened for the Purpoſe of carrying this and the ſaid recited Acts into execution; and then, and in every ſuch Caſe, only a Majority in Number of the ſaid Truſtees preſent at any ſuch Meeting or Meetings ſhall be competent to act in, and finally ſettle and determine the Matter or Thing for which ſuch Meeting or Meetings reſpectively ſhall be convened; and that ſuch of the ſaid Truſtees as are, or hereafter ſhall be, in the Commiſſion of the Peace for the County of *York*, or any Riding therein, ſhall and may nevertheleſs act as Juſtices of the Peace within his or their reſpective Juriſdictions for putting in execution the ſeveral Powers and Authorities granted by this and the ſaid recited Acts.

Truſtees who act in the Commiſſion of the Peace may act as Juſtices.

No Truſtee to vote in the Appointment of any Officer, unleſs he has acted within a certain Time before.

IV. And be it further enacted, That no Truſtee ſhall be allowed to vote at the Election or Appointment of any Officer or Perſon to hold any Office or Place of truſt or Profit under the ſaid Truſtees, by whatſoever Name he ſhall be deſcribed or called, unleſs ſuch Truſtee ſhall have been preſent at One or more Meeting or Meetings of the Truſtees within two Years preceding the Death, Reſignation, or Removal of the laſt Officer; or in caſe the Office ſhall be of new Appointment, then next preceding the Meeting at which ſuch new Appointment ſhall have been determined upon; and the Preſence of ſuch Truſtee at ſuch Meeting or Meetings as aforeſaid ſhall be aſcertained by his Name appearing in the Book or Books kept for the Purpoſe of entering all Proceedings of the Truſtees as being preſent on the Day or Days of ſuch Meeting or Meetings.

V. And

That Acts of Trustees, not qualified, shall be valid

V. And be it further enacted, That all Proceedings of any Person or Persons who hath or have acted, or who shall act as a Trustee or Trustees in the Execution of this or the said recited Acts, although not duly qualified, previous to his or their being convicted of such Offence, shall be as valid and effectual as if such Person or Persons had been so qualified.

For discontinuing the present Tolls and granting new ones.

VI. And whereas the Tolls granted by the said recited Acts have been found insufficient for amending and keeping the said Roads in good Repair, and for carrying into effect the several other Purposes of the said Acts, Be it therefore further enacted, That from and after the Third Day of *July* One thousand eight hundred and ten the Tolls payable in and by the said recited Acts, upon the Roads last herein-before described, shall cease, determine and be no longer paid or payable, and that instead thereof the respective Tolls following shall be demanded and taken at all or any of the Gates or Turnpikes which are or shall be erected in, upon, or on the Side of, or across the said Roads, before any Horse, Cattle or Carriage shall be permitted to pass through the same (that is to say);

Tolls.

For every Coach, Chariot, Landau, Barouch, Berlin, Curricle, Chaise, Calash, Chair, Gig or other such like Carriage or Hearse, drawn by Six or more Horses or Beasts of Draught, the Sum of Three Shillings and Nine Pence; and drawn by Five Horses or Beasts of Draught, the Sum of Three Shillings and Sixpence; and drawn by Four Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Three Horses or Beasts of Draught the Sum of Two Shillings and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of Two Shillings and Three Pence; and drawn by One Horse or Beast of Draught, the Sum of One Shilling and Two Pence:

For every Waggon, Wain, Cart or other such like Carriage, not being laden with, or going empty for, or returning empty after being laden with Lime, Coals or Cinders, and drawn by Nine or more Horses or Beasts of Draught, the Sum of Five Shillings and Sixpence; and drawn by Six, and not more than Eight Horses or Beasts of Draught, the Sum of Five Shillings; and drawn by Five Horses or Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Four Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of Two Shillings and Nine Pence; and Drawn by Two Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by One Horse or Beast of Draught, the Sum of One Shilling.

For every Waggon, Wain, Cart or other such like Carriage, going empty for, or laden, or returning empty after being laden with Lime, Coals or Cinders as follows, (that is to say,) from the First Day of *March* to the First Day of *November* in each Year, when drawn by Six or more Horses or Beasts of Burthen, the Sum of Two Shillings and Sixpence; and drawn by Five Horses or Beasts of Burthen, the Sum of Two Shillings; and drawn by Four Horses or Beasts of Burthen, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Burthen the Sum of One Shilling; and drawn by Two Horses or Beasts of Burthen the Sum of Nine Pence; and drawn by one Horse or Beast of Burthen the Sum of Three Pence; and from the First Day of *Novem-*

November to the First Day of *March* in each Year, when drawn by Six or more Horſes or Beaſts of Burthen, the Sum of Five Shillings; and drawn by Five Horſes or Beaſts of Burthen, the Sum of Four Shillings; and drawn by Four Horſes or Beaſts of Burthen, the Sum of Three Shillings; and drawn by Three Horſes or Beaſts of Burthen, the Sum of Two Shillings; and drawn by Two Horſes or Beaſts of Burthen, the Sum of One Shilling and Sixpence; and drawn by One Horſe or Beaſt of Burthen, the Sum of Four Pence Halfpenny:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, or going for or returning with Lime, Coals or Cinders, the Sum of Three Pence:

For every Horſe, Mare, Gelding, Mule or Aſs not drawing, but going for or returning laden with Coals or Cinders, the Sum of Two Pence:

For every Horſe, Mare, Gelding, Mule or Aſs not drawing, but going for or returning laden with Lime, the Sum of One Penny Halfpenny.

For every Drove of Oxen or other Neat Cattle the Sum of One Shilling and Three Pence per Score, and ſo in proportion for any greater or leſs Number: And

For every Drove of Calves, Sheep, Lambs or Swine, the Sum of Seven Pence Halfpenny per Score, and ſo in proportion for any greater or leſs Number:

Tolls veſted in the Truſtees.

Which ſeveral Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be collected, recovered, levied, paid, applied, aſſigned, varied and diſpoſed of in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers, Proviſions, Regulations and Reſtrictions as are contained in the ſaid recited Acts, but ſubject to the Regulations, Alterations and Exemptions in this Act contained.

Carriages drawn by and faſtened to others to pay Toll.

VII. And be it further enacted, That every Waggon, Wain, or other Carriage, having a Waggon or other Four-wheeled Carriage behind the ſame, drawn along by being faſtened thereto, which ſhall paſs along or upon the ſaid Roads, or any Part thereof, for the Diſtance of Three Hundred Yards or upwards, the ſaid Waggon or other Four-wheeled Carriage ſhall be charged ſeparately and in addition to the ſaid Waggon, Wain or other Carriage, and ſhall be conſidered equal to, and pay ſuch and the ſame Sum of Money by way of Toll as ſhall be payable at the next adjoining Gate or Toll-bar, now or hereafter to be erected on the ſaid Roads for a Waggon or other Four-wheeled Carriage drawn by Four Horſes or other Beaſts of Draught; and that every Waggon, Wain or other Carriage, having a Cart, generally called a Lighter, or other Two-wheeled Carriage faſtened thereto, ſhall in like Manner pay, in addition to the Toll herein-before granted and made payable for every ſuch Waggon, Wain or other Carriage, ſuch and the ſame Sum of Money as the ſaid Cart or other Two-wheeled Carriage would have been chargeable with had the ſame been drawn by Two Horſes or other Beaſts of Draught; and alſo that all Carriages, Coaches, Waggons, Carts, Chaiſes and other wheeled Vehicles of every Deſcription liable to pay Toll, and alſo all Horſes, Droves of Oxen, or other neat Cattle, Calves, Sheep, Lambs or Swine, which ſhall paſs

Carriages, Horſes, &c. travelling on a Sunday.

through all or any of the Toll Gates or Bars erected or to be erected upon the ſaid Roads reſpectively on a *Sunday*, ſhall on thoſe Days pay an additional Toll of One Half the Sum which is herein-before granted and directed to be taken for ſuch Carriages and other wheeled Vehicles, Horſes or Droves of Oxen, Cattle, Calves, Sheep, Lambs or Swine, on the other Days of the Week.

Cattle leaving the Road before their Arrival at the Toll-bars to pay a Toll.

VIII. And whereas it frequently happens that Cattle travel on certain Parts of the ſaid Roads, and evade paying the Tolls by leaving the ſame for the Purpoſe of procuring Provender, and for other Purpoſes, previouſly to their Arrival at the Gates or Toll-bars erected thereon, and returning thereto on the other Side thereof on that or the following Day, by which Means they eſcape the contributing to the Repair of the ſaid Roads; be it further enacted, That it ſhall be lawful for the Bar-keeper or Collector of the Tolls hereby granted and made payable, or his or their Deputy or Deputies, to demand and receive of and from the Guides or Drivers of every Drove of Oxen or other neat Cattle, Calves, Sheep, Lambs or Swine that ſhall ſo have avoided paſſing through the Gates or Toll-bars erected or to be erected on any Part of the ſaid Roads, wherever the ſame may be found, the Sum of Two Shillings and Sixpence for every Score, and ſo in proportion for any greater or leſs Quantity of ſuch Oxen or other Neat Cattle, Calves, Sheep, Lambs or Swine.

All Perſons who ſhall endeavour to evade the Tolls puniſhable.

IX. And, in order to puniſh all Perſons that may evade or endeavour to evade the Payment of any of the Tolls or Duties hereby impoſed, be it further enacted, That in caſe any Perſon or Perſons ſhall by any Means whatſoever evade or endeavour to evade the Payment of the ſaid Tolls or Duties, or ſhall prevent or endeavour to prevent the Collector of the ſaid Tolls, his, her or their Aſſiſtant or Aſſiſtants, from making the Diſtreſs they are herein-after empowered to make in default of Payment of any of the ſaid Tolls hereby impoſed, ſuch Perſon or Perſons ſhall, on his, her or their Conviction, by his, her or their own Confeſſion or Confeſſions, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the Weſt Riding of the ſaid County of *York*, forfeit and pay for every Offence, over and above the Tolls they ſhall have ſo evaded or endeavoured to evade, and the Coſts and Charges attending the Conviction, ſuch Sum of Money, not exceeding Five Pounds, as ſuch Juſtice or Juſtices ſhall adjudge; the ſame to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid; the Forfeitures, or a proportionate Part thereof, to be applied in compenſating the Informer according to the Diſcretion of ſuch Juſtice or Juſtices as aforeſaid, and the Remainder (if any) to be paid to the Treaſurer or Surveyor of the ſaid Roads reſpectively towards the Repair thereof.

Power for the Bar-keeper to diſtrain the Goods of thoſe Perſons who refuſe to pay Toll.

X. And be it further enacted, That if any Perſon or Perſons ſubject or liable to the Payment of any of the Tolls hereby granted ſhall, after Demand thereof, neglect or refuſe to pay the ſame, and every or any Part thereof, it ſhall be lawful for the Bar-keeper or Collector, or his, her or their Aſſiſtant or Aſſiſtants, to collect ſuch Tolls by himſelf, herſelf or themſelves, or with or without taking Aſſiſtance, as he, ſhe or they ſhall find neceſſary, follow after, and ſtop and detain the Carriages, Horſes, or

other

other Cattle for which the Toll shall not have been paid, and seize and distrain the same Carriages, Horses or other Cattle, together with their Bridles, Saddles, Gears, Harness or Accoutrements, or a sufficient Part thereof; and unless such Tolls, and the reasonable Charges of such Seizure and Distress, and the detaining and keeping the same, be paid within Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse or Horses, Cattle, Carriage or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus, (if any there be,) upon demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress, detaining, keeping and Sale shall be deducted.

Leases of the Tolls vacated.

XI. And whereas the present Tolls authorized to be collected upon the said Roads being by this Act increased, it is proper that the Leases granted thereof should be vacated; be it therefore enacted, That every Lease now subsisting of any of the said Tolls shall, from and after the Third Day of *July* One thousand eight hundred and ten, cease, determine, and be void, and the said Trustees, or any Five or more of them, shall and may, if they think fit, make such Recompence to the Lessee, in every such Lease, for the Injury he may sustain on account of vacating such Lease as they shall think reasonable.

Tolls may be taken in different Portions.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to order and direct the Tolls hereby granted to be taken and received in different Portions, at such and so many Gates and Turnpikes which are or shall be erected upon the said Roads, or any Part thereof, as they shall think proper, and from time to time to vary the same Portions at their Discretion, and from time to time to lessen or reduce the said Tolls, and again to raise the same in such Manner as they shall think proper, so as not to exceed the several Tolls by this Act granted; provided that in case any Person or Persons shall have paid the full Toll hereby granted, for, or in respect of any Carriage, Horse, Mare, Gelding, Ass, or Drove of Cattle, Calves, Sheep, Lambs, or Swine, at any Gate or Gates erected, or to be erected upon the said Roads respectively, no further Toll shall be demanded or taken from such Person or Persons on the same Day, for, or in respect of such Carriage, Horse, Mare, Gelding, or Drove of Cattle, Calves, Sheep, Lambs or Swine, at any other Gate or Gates erected or to be erected upon the same Road, in case such Person or Persons shall produce to the Bar-keeper or Collector of Tolls, or his, her, or their Assistant, a Ticket or Tickets specifying at what Bar or Bars respectively such Toll shall have been paid, the Amount thereof, and for what the same shall have been paid, and which Ticket such Person or Persons shall be entitled to demand and receive on Payment of such Toll; and provided that nothing herein contained shall alter the Restriction contained in the said Act, passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, as to placing a Turnpike or Toll-bar nearer the said Town of *Wakefield* than the South End of *Aggbridge*.

Exemptions from Toll.

XIII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed in carrying or conveying, or

or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Brick, Timber, Road-gravel, or other Materials for repairing of the ſaid Roads, or any Part thereof, or any of the Roads in the Townſhips in which any Part of the ſaid Roads doth lie, or the next adjoining Townſhips, or Hay, Graſs, Straw, or Corn in the Straw, only produced from the Lands or Grounds, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes, or on the Lands of the reſpective Owners for the Purpoſe of thraſhing out ſuch Corn, or of uſing or conſuming ſuch Hay, Graſs, or Straw; or for any Cart or other Carriage, Horſe, Cattle or Beaſt employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, Corn for ſeeding the Ground, or any Dung, Compoſt, or Manure employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (Lime only excepted); or for any Horſes, Sheep or Cattle going to, or returning from Paſture or Watering Places, or going to be, or returning from being, ſhoed or farried; or for any Horſe, Cattle, or Beaſt, employed in carrying or conveying, or returning from carrying or conveying any Corn, Grain, Meal, or Flour, to, or from any Corn-mill for the Owner's own Uſe and Conſumption, and not for Sale; or from any Perſon going to, or returning from his, or her, proper parochial Church, Chapel or other Place of religious Worſhip tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die and be buried in any of the ſaid Townſhips; or from any Clergyman going to, or returning from viſiting any ſick Perſon, or going to, or returning from other his parochial or miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſe, Cattle or Carriage, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, either when employed in carrying, fetching, or guarding ſuch Mails or Expreſſes, or returning back from conveying the ſame; or for any Horſe, Cattle or Beaſt, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them laden with their Arms or Baggage; nor 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 Publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Cart, Cattle or Beaſt employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; or for any Horſe, Cattle or Beaſt carrying or conveying any Perſon or Perſons going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *York*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare or Gelding furniſhed by, or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to, or returning from the Place appointed for, and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective

Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

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

XIV. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Publick 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.

For preventing Annoyances.

XV. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart, or other Carriage, on any Footway or Causeway now made, or hereafter to be made, on the Side of the said Roads, or any Part thereof, for the Accommodation of Foot Passengers or Passengers on Horseback (except only on crossing such Footway or Causeway to the Lands and Grounds of any Person or Persons adjoining thereto), or shall cause any Damage to be done to such Footway or Causeway, or to any Hedges, Fences, Breast-walls, Posts, Rails, or Paling set up along the Side of, or upon such Footway, or shall, in or upon any Part of the said Roads, or by the Side or Sides thereof, or if the Driver of any Waggon, Cart, Dray, Sledge or other Carriage, used for the carrying of Goods and Merchandize, shall ride on the Shafts, or any Part of such Waggon, Cart, Dray, Sledge or other Carriage, or on any of the Horses drawing the same upon any Part of the said Roads, 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 wholly upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Roads to the Injury thereof respectively, or if any Occupier of any Close of Land, or of any Court, Garden, or Yard adjoining the said Roads, or any Part thereof, shall not hang the Gate and Gates communicating with the said Roads and such Close, Court, Garden or Yard, so as to open inwards, or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks, or Copse on either Side thereof, or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage upon the said Roads, or any Part thereof, and

meeting another Coach, Chaiſe, Waggon, Cart or other Carriage ſhall not keep his Carriage on the left or near Side of the Roads, or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other ſuch Carriage under his Care, or if any Perſon ſhall make, or aſſiſt in making any Fire or Fires, commonly called Bonfires, or ſhall ſet fire to, or let off any Gun, Piſtol, or Cracker, or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Roads, or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch like Carriage, in, upon, or on the Side of any Part of the ſaid Roads longer than may be neceſſary for loading or unloading the ſame, either with, or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, Pack or Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Aſhes, Filth, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Roads, or on the Side or Sides thereof, or upon the Footpaths or Cauſeway adjoining to ſuch Roads or any Part thereof, to the Prejudice or Annoyance of Perſons travelling and paſſing thereon, or ſhall lay or place on the Walls or Fences of the ſaid Roads, or any Part thereof, for any Purpoſe whatever, any Wool, Woollen Cloth or Linen, every Perſon ſo offending ſhall, on Conviction, for each and every ſuch Offence, forfeit and pay, over and above the Coſts and Charges attending the Conviction, a Sum not exceeding Forty Shillings; which Sum ſhall be applied in the Diſcretion of the Juſtice or Juſtices before whom the Offender or Offenders ſhall be convicted towards compenſating the Informer, and repairing the ſaid Roads in the Caſes where Damage is done thereto, and ſhall be recovered in ſuch Manner as is hereinbefore directed with reſpect to the Penalties to be inflicted upon Perſons evading or endeavouring to evade the Payment of any of the Tolls hereby impoſed.

For preventing Encroachments by building Ditches, &c.

XVI. And whereas great Inconveniences have ariſen from erecting and making Dwelling-houſes, Buildings, Walls, Fences, Hedges, and Ditches too near the Sides of the ſaid Turnpike Roads; for remedy whereof, be it further enacted, That from and after the paſſing of this Act, no Perſon ſhall encroach upon the ſaid Roads, or any Part thereof, by making or cauſing to be made any Dwelling-houſe, Building, Wall, Fence, or Hedge within Fifteen Feet of the Centre of the ſaid Roads, or of any Part thereof reſpectively, and that it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to cauſe any ſuch Dwelling-houſes, Buildings, Walls, Fences, Hedges, and Ditches, as ſhall hereafter be made to encroach upon the ſaid Roads, or any Part thereof, to be taken down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the Weſt Riding of the County of *York*, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Dwelling-houſes, Buildings, Walls, Fences and Hedges, as of filling up ſuch Ditches as aforeſaid, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on demand.

Recital of Power to purchaſe

XVII. And whereas under or by virtue of the ſaid recited Act of the Thirtieth Year of His late Majeſty, the Truſtees are empowered to contract for,

for, and purchaſe any Lands, Grounds or Houſes, Buildings, Tenements, or Hereditaments ſituate in, upon, or near the ſaid Roads, for the Purpoſe of amending, repairing, and widening the ſaid reſpective Roads, or to the diverting or turning the ſame, or any Part thereof, but no Power or Authority is thereby given to the ſaid Truſtees to enable them to exchange any Part or Parts of the ſaid Roads for the Purpoſes before mentioned; for remedy whereof, be it further enacted, That from and immediately after the paſſing of this Act, the Powers and Authorities given to the ſaid Truſtees by the ſaid recited Act of the Thirtieth Year of His late Majeſty, for enabling them to purchaſe Lands for the Purpoſes therein mentioned, ſhall be extended to all Caſes where any Exchange or Exchanges of Land ſhall be made by the ſaid Truſtees, or any Five or more of them, and the Perſons intereſted, and alſo for enabling the ſaid Truſtees, or any Five or more of them, to exchange Lands for any of the Purpoſes of the ſaid recited Acts or this Act. Lands in the Act of 30th Geo. 2.

XVIII. And be it further enacted, That in all Caſes where any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt or Property of any Perſon or Perſons in any Lands, Tenements, or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed to have been given and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees, out of the Money in his, or their Hands to ariſe by virtue of the ſaid recited Acts or this Act; but if ſuch Jury ſhall give and deliver in a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to have been given or offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and Determination of ſuch Difference, 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 any One Juſtice of the Peace acting for the Weſt Riding of the County of *York*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and 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 Truſtees, by ſuch Ways and Means as are by the ſaid firſt recited Act provided for Recovery of Penalties and Forfeitures; provided always, that in all Caſes where any Owner or How Expences of Jury ſhall be defrayed.

Owners, or Perſon or Perſons intereſted in ſuch Lands, Tenements or Hereditaments, ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees, the whole of ſuch Coſts, Charges and Expences ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees in Manner aforeſaid.

Owners of Lands uſed in making any new Road to have the firſt Offer of the old Road.

XIX. Provided always, and be it enacted, That wherever the Courſe of any Part of the ſaid Roads ſhall be altered by virtue of the ſaid recited Acts or this Act, and a new Road opened and made in or upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road ſhall be firſt made to the Owner of ſuch adjoining Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then, and in ſuch Caſe, the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Price for any Land to be taken in purſuance of the ſaid recited Acts or this Act is directed to be ſettled and aſcertained, and ſuch Owner ſhall be deemed the Purchaſer at the Sum to be aſcertained by the Jury to be the Value thereof; and the Coſts and Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, and all other Expences attending the determining the Value of ſuch old Road, ſhall be borne and paid in ſuch and the like Manner as of any Jury ſummoned by virtue of this or of any of the ſaid recited Acts for determining the Recompence and Satisfaction to be given for any other Right, Intereſt or Property; and in caſe ſuch Owner ſhall refuſe to pay ſuch Purchaſe Money upon Demand made by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit, to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Town, or Place where ſuch old Road ſhall lie, ſtating that ſuch Offer had been made by or on the Behalf of the ſaid Truſtees, and that ſuch Owner had not agreed or had refuſed to purchaſe ſuch old Road (as the Caſe may be), and ſuch Affidavit ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and not agreed to, or refuſed by ſuch Owner.

Form of Security for Money borrowed.

XX. And be it further enacted, That upon the borrowing of any further Sum of Money by the ſaid Truſtees at Intereſt, for the Purpoſe of carrying into Effect this or any of the ſaid recited Acts, the ſaid Tolls, or any Part thereof, and alſo the Turnpikes and Toll-houſes for collecting the ſame, ſhall and may be aſſigned or mortgaged by the ſaid Truſtees, or any Five or more of them, to the Perſon or Perſons who ſhall advance ſuch further Sum or Sums of Money, by a Writing under their Hands in the following Words, or in any other Words to the like Effect, (that is to ſay);

"By virtue of an Act paſſed in the Fiftieth Year of the Reign of "His Majeſty King *George* the Third, intituled, An Act, &c.

"[*here*

" [*here ſet forth the Title of this Act.*] We [*here name the*
" *Truſtees who ſign the Security*], being Five of the Truſtees for
" executing the ſaid Act and the ſeveral Acts therein mentioned,
" in conſideration of the Sum of
" to the Treaſurer of the ſaid Road in Hand paid by *A. B.* of, &c.
" [*here name the Mortgagee*] do hereby grant, bargain, ſell and
" demiſe unto the ſaid *A. B.* his Executors, Adminiſtrators and
" Aſſigns, ſuch Proportion of the Tolls ariſing upon that Diſtrict
" of the ſaid Road, known by the Name of the [*here ſtate whether*
" *it be the Weeland or Red-Houſe Road*], and of the Turnpikes or
" Toll-houſes for collecting the ſame, as the ſaid Sum of
" doth or ſhall bear to the whole Sum
" due and owing, or that may be borrowed upon the Credit
" thereof, or charged upon the Term of the ſaid Act; to be had
" and holden from this Day of
" in the Year of our Lord for and during
" the Continuance of the ſaid Act, unleſs the ſaid Sum of
" with Intereſt after the Rate of
" Five Pounds *per Centum per Annum*, ſhall be ſooner repaid and
" ſatisfied to the ſaid *A. B.* his Executors, Adminiſtrators and
" Aſſigns; in which Caſe, and from and immediately after Pay-
" ment and Satisfaction thereof, this Grant and Security ſhall be
" and become abſolutely void and of none Effect."

Mortgages to be entered in the Treaſurer's Books

And Copies or Extracts of all ſuch Mortgages ſhall be entered into a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any Mortgage made by virtue of this Act or any of the ſaid former Acts, or who ſhall be entitled to the Money thereby reſpectively ſecured, may, from time to time, by Writing under his, her, or their Hand or Hands, transfer his, her, or their Right, Title, Intereſt or Benefit in and to the ſaid Mortgage, and principal Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Endorſement or otherwiſe, in the following Words, or Words to the like Effect (that is to ſay);

" I *A. B.* [*deſcribe the Perſon intereſted in the Mortgage*] do transfer
" this Mortgage [*or*, a certain Mortgage, *deſcribing the Date and*
" *Particulars*], with all my Right and Title to the principal
" Money thereby ſecured, and all the Intereſt now due or owing,
" and hereafter to grow due on the ſame, unto *C. D.* of
" his Executors, Adminiſtrators and Aſſigns.
" Dated this Day of in the Year of
" our Lord ."

Which ſaid Transfers ſhall be reſpectively produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry or Memorandum to be made thereof in the hereinbefore-mentioned Book or Books, ſpecifying the Date, Names of the Parties, the Sum of Money thereby reſpectively transferred, and ſuch other Particulars as ſhall ſufficiently certify and explain the Transfer thereby reſpectively made; and for the Entry of every ſuch Mortgage or Transfer in the beforementioned Book or Books, the

ſaid Clerk or Treaſurer ſhall be paid ſuch Sum of Money as the ſaid Truſtees ſhall appoint, not exceeding the Sum of Five Shillings for each Entry, and every ſuch Transfer, ſo regiſtered as aforeſaid, ſhall entitle the Aſſignee or Aſſignees therein reſpectively named, his, her or their Executors, Adminiſtrators and Aſſigns, to the full Benefit thereof; and any ſuch Aſſignee or Aſſignees, his, her or their Executors, Adminiſtrators or Aſſigns, may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons, except the Perſon or Perſons to whom the ſame ſhall have been laſt transferred in Manner aforeſaid, his, her or their Executors or Adminiſtrators, to make void, releaſe, or diſcharge the original Security, or any Money thereby ſecured or owing thereon, or any Part thereof; and all Perſons poſſeſſed of any Mortgage made by virtue of the ſaid recited Acts, or any of them, or entitled to the Money thereby reſpectively ſecured, as well as thoſe to whom any Mortgage or Transfer ſhall be made in Manner hereinbefore-mentioned, ſhall, in proportion to the Sum or Sums of Money thereby reſpectively ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Turnpikes and Toll-houſes, in equal Degree one with another, and ſhall not have, or be entitled, to any Preference or Priority in reſpect of advancing their Money previous to any other ſuch Perſon or Perſons, or of the prior Date of their Security or Securities reſpectively, or on any other Account or Pretence whatſoever.

Old Mortgages may be cancelled and new ones granted.

XXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages and other Securities now outſtanding that were made by virtue of the ſaid recited Acts, or any of them, and give and execute another Mortgage or Mortgages inſtead and in lieu thereof reſpectively, in Manner as hereinbefore authorized and directed.

Mortgagees not deemed unqualified to act as Truſtees.

XXII. And be it further enacted, That no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this or any of the ſaid former Acts, ſhall on that Account be deemed unqualified to act as a Truſtee in the Execution of this or the ſaid recited Acts.

Penalty of Renters of Tolls compounding for Overweight.

XXIII. And whereas great Injury may be done to the ſaid Roads by the Farmers or Renters of the Tolls inducing Perſons, by receiving from them a ſmall and inadequate Compoſition for the Tolls of Carriages liable to be weighed in reſpect of the Tolls for Over-weight, to travel on the ſaid Road, when otherwiſe they would have made uſe of different Roads; be it therefore further enacted, That if any Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike-gate now erected or hereafter to be erected upon the ſaid Roads reſpectively, or his or their Deputy or Deputies, Agent or Agents, ſhall make any Compoſition, by the Year or otherwiſe, with the Inhabitants of any Town or Place, or with any Perſon or Perſons whomſoever, for or in lieu of the Tolls of any Waggon, Wain, Cart or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the ſaid Roads reſpectively, for or in reſpect of the Overweight thereof, every ſuch Farmer or Renter, Deputy or Agent, ſhall, on Conviction thereof, by Confeſſion or upon the Oath of One Witneſs, before any One of His Majeſty's Juſtices of the Peace for the

Weſt

West Riding of the County of *York*, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees, or any Five or more of them, shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be, and the same is hereby declared to be, null and void; and that One-half of every such Penalty as aforesaid shall be paid to the Informer, and the other Half to the Surveyor or Treasurer of the said Roads respectively, to be employed towards the Repair thereof, the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices as aforesaid.

Toll Collectors not 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 deemed or held incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his or their being so appointed to collect such Tolls, or by reason of his or their acting under the Authority of the said Trustees.

Application of Compensation Money when amounting to 200l.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by any Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to any Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements or Hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the mean time, and until such Purchase shall be made, the said Monies shall, by Order of the said Court of Chancery, upon Application thereto,

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 or Hereditaments by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

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

XXVI. 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, Tenements or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant-General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising thereon may be applied in any Manner hereinbefore-directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next beforementioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would, for the time being, have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said

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

Purchaſe Money to be paid into the Bank.

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

Reſpecting diſputed Titles.

XXIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid recited Acts or this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands, Tenements or Hereditaments to be purchaſed in purſuance of the ſaid recited Acts or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be 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.

XXX. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchaſed under the Authority of the ſaid recited Acts or this Act, the Purchaſe Money for

The Court of Chancery may order reaſonable Expences of the Pur-

Chaſes to be paid by the Truſtees.

for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes, in purſuance of the ſaid recited Acts or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from time to time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of 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, or any Five or more of them, who ſhall from time to time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons chargeable to Statute-work to continue ſo. Juſtices to determine Differences touching Statute-work.

XXXI. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute-work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof reſpectively, ſhall ſtill remain liable thereto in like Manner as heretofore, and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Weſt Riding of the County of *York*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part and Proportion of the Statute-work ſhall every Year be done upon the ſaid Roads reſpectively by the Inhabitants of the reſpective Townſhips or Places in which the ſaid Roads reſpectively lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip or Place, in lieu of or as a Compoſition for ſuch Statute-work as aforeſaid, ſhall be by him, her or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for the ſaid Juſtices from time to time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Townſhip or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute-work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute-work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the Publick Highways; and out of ſuch Liſts the ſaid Juſtices 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 reſpectively as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Roads reſpectively as the ſaid Truſtees, or their Surveyor or Surveyors ſhall from time to time order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of, or as a Compoſition for Statute-work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in default of Payment thereof the ſame ſhall and may be recovered by

Diſtreſs

Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts or 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, 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 Publick 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, or any Part thereof, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads reſpectively; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads reſpectively, and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid 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 ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute-work.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute-work to be by them done on the ſaid Roads reſpectively, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments of and in all or any of the Townſhips or Places in which the ſaid Roads reſpectively are ſituate, 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 reſpectively; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Townſhip, or by the Perſon or Perſons ſo compounding, to the Treaſurer of the ſaid Truſtees in advance, on or before the Firſt Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Townſhip or Place ſhall not be permitted to compound for that Year.

For Recovery and Application of Penalties.

XXXIII. And be it further enacted, That all Penalties and Forfeitures hereby, or by the ſaid recited Acts, or any of them, inflicted or authorized to be impoſed, if the Manner of levying and recovering thereof is not herein or therein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County, Riding, or Place wherein the Offence ſhall have been committed, or any One Juſtice of the Peace for the County or Place wherein the Offender ſhall reſide, either

either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties and Forfeitures, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels, and One Moiety of ſuch Penalties and Forfeitures, when recovered ſhall, if not otherwiſe directed to be applied, be paid to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, and he is hereby required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Gaol or Houſe of Correction for the County, Riding, or Place wherein the Offence ſhall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding One Calendar Month, unleſs ſuch Penalty and Forfeiture, and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

If Penalties not paid, and no ſufficient Diſtreſs ſhall be found, the Offender to be committed to Priſon.

Form of Conviction.

XXXIV. And for the more eaſy and ſpeedy Conviction of Offenders againſt this or the ſaid recited Acts, be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this or the ſaid recited Acts, ſhall and may cauſe the Conviction to be drawn up in the following or in any other Form of Words to the ſame Effect: *videlicet*;

County of York, to wit. } "Be it remembered, That on this
"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 as*
"*the Caſe may be, ſpecifying the Offence and the Time and Place*
"*when and where the ſame was committed, as the Caſe ſhall be*].
"Given under my Hand and Seal [*or*, our Hands and Seals] the
"Day and Year firſt above written."

For ſecuring tranſient Offenders.

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

XXXVI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, by any Thing done in pursuance of this Act or of the said recited Acts, such Person may appeal to the Justices of the Peace at the next General Quarter Session of the Peace to be holden for the County or Riding in which such Cause of Appeal shall arise, such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen) first giving, or causing to be given, Ten Days Notice at least, in Writing, of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County or Riding, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and for want of sufficient Time for giving such Notice previous to the First Quarter Session after the Cause of such Complaint shall have happened, then such Appeal, after such Notice, and under such Recognizance, may be made at the Second General Quarter Session of the Peace to be holden for the County or Riding in which such Cause of Appeal shall arise; and the Justices at such First or Second Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper, and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Session may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the common Gaol or House of Correction of or for the County in which such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs. Persons aggrieved may appeal to the Quarter Sessions.

XXXVII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining this Act, together with lawful Interest from the Time of advancing the same till the Time of Payment, shall be paid and satisfied by the said Trustees, and that it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby required to order and direct the Payment of the said Charges and Expences, with Interest as aforesaid, out of the first Monies that shall be collected, borrowed, or received by virtue of the said recited Acts and this Act, in preference to all other Payments and Disbursements whatsoever. The Expences of this Act.

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

XXXIX. And be it further enacted, That the Term granted by the said recited Acts shall on the Third Day of *June* One thousand eight hundred and Term and Continuance of this Act.

and ten, ceaſe and determine, and the ſaid Acts, (ſubject to the Alterations, Variations and Additions herein contained,) and this Act, ſhall from thenceforth commence, continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1810.