ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. li.

An Act for making and maintaining a Road from *Quebec*, in the Parish of *Leeds* in the West Riding of the County of *York*, to *Homefield-Lane-End* in the same Parish, with a Bridge or Bridges on the Line of such Road. [16th *June* 1817.]

WHEREAS the making and maintaining of a Turnpike Road from or near to a Place called *Quebec*, adjoining or near to the *Mixed Cloth Hall*, in the Township and Parish of *Leeds* in the West Riding of the County of *York*, and leading from thence over and across several Closes or Parcels of Land in the said Township of *Leeds*, to or near a certain other Place there, called *Dronylaith* or *Bean Ing*, and into the *Leeds* and *Bradford* Turnpike Road, and from or near *Dronylaith* or *Bean Ing* aforesaid, across the River *Aire*, and over a Bridge already made across the *Leeds* and *Liverpool* Canal, to and into a certain Occupation Road or Lane, and several other Closes or Parcels of Land in the several Townships of *Wortley*, *Armley*, and *Holbeck*, some or one of them, all in the Parish of *Leeds* aforesaid, and from thence over and across the same Closes to and ending at a certain public Highway leading from *Holbeck* to *Armley* aforesaid, at or near *Homefield* otherwise *Oldfield-Lane-End* there, and also a Bridge over or across the said River *Aire*; and the altering, enlarging, improving, or rebuilding the said Bridge over the said Canal, on the Line of the said proposed Road, would be of very great public Utility, and of Advantage to the Inhabitants of the said Town of *Leeds*, by

opening a more convenient and considerably shorter Communication between the said Town, the said Townships of *Wortley*, *Armley*, and *Holbeck*, and several other Parishes, Townships, or Places adjoining or near thereto, where the Woollen Manufacture is extensively carried on, and by which Communication the numerous Manufacturers, Traders, and others, as well as the Public at large, would have a direct Communication between the Markets at *Leeds* aforesaid and the said manufacturing District; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present

Trustees. Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, Aldermen, and Assistants for the Time being of the Borough of *Leeds*, the Vicar of *Leeds* for the Time being, the Incumbents for the Time being of the respective Chapelries of *Armley*, *Farnley*, *Holbeck*, and *Wortley* respectively, Sir *John Beckett* and Sir *James Graham* Baronets, *William Aldam*, *Edward Armitage* of *Farnley*, *John Atkinson* Solicitor, *George Banks*, *James Bateson* of *Wortley*, *John Bateson* of *Wortley*, *Joseph Bateson* of *Wortley*, *Matthew Bateson* of *Wortley*, *Christopher Beckett*, *Thomas Beckett*, *William Beckett*, *Henry Beckett*, *Samuel Beverley* of *Wortley*, *John Blayds*, *Charles Chadwick*, *John Charnock*, *Thomas Chorley*, *Lepton Dobson*, *Thomas Farrer* of *Farnley*, *George Goodman*, *Benjamin Gott*, *Charles Harrison* of *Aldbrough*, *Arthur Oates Hebdin*, *William Hebdin*, *John Hebblethwaite*, *William Hey*, *Benjamin Hird* Doctor of Medicine, *William Jagger* of *Wortley*, *Richard Kemplay*, *Thomas Laycock* of *Armley*, *John Marshall*, *John Musgrave* of *Farnley*, *Josiah Henry Oates*, *Peter Rhodes*, *Benjamin Sadler*, *John Smyth* of *Beaucliff*, *Henry Teal*, *Thomas Teale* Surgeon, *Anthony Titley*, *Thomas Everard Upton*, *James Walker* of *Wortley*, *Christopher Wilson* of *Ledstone*, *John Wilson* the younger, and *Richard Wormald*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making and maintaining the said Road and Bridges, and for carrying this Act into Execution.

Power to appoint additional Trustees. II. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Five 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 Persons not exceeding Twenty in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

On Death or Refusal to act, other Trustees to be chosen. III. And be it further enacted, That when and so often as any of the Trustees hereby appointed, or to be appointed by virtue of this Act, shall die or become disqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint some other Person in the Room of every Trustee so dying or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by Notice to be inserted once at least in One of the *Leeds* Newspapers, at least Seven Days previous to

every such Meeting; and all and every Person and Persons who shall be so elected and appointed shall, immediately upon such Election and Appointment, be a Trustee for the Purposes of this Act, and having taken the Oath hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution as any Trustee or Trustees hereby nominated and appointed is or are vested with.

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 (except in administering the Oath of Qualification herein-after mentioned), unless he shall at the Time of his acting be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds; or be possessed of or entitled to a Personal Estate to the Amount of Two thousand Pounds; nor until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized to administer; (that is to say),

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm,] that I truly and *bona fide* am, in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; [*or*, am possessed of or entitled to a Personal Estate of the Value o Two thousand Pounds; [*or*, am Heir Apparent of who to the best of my Knowledge is seised of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, [*as the Case may happen.*] So help me GOD.'

[*or*, being a Quaker, omit the Words 'So help me God.']

Penalty on acting not being qualified.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested, other than as a Creditor; nor while he holds any Place of Profit under this Act; or who shall sell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Tolls, or any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching

touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, 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 Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be Magistrates for the Borough of *Leeds* aforesaid, or in the Commission of the Peace for the said West Riding of the County of *York*, shall not by reason of being such Trustees be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

Trustees being Justices may act as such.

Meetings of Trustees.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Court House in *Leeds* aforesaid, on the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act; and shall then and from Time to Time after adjourn and meet again, at such Time and at such Place or Places as they shall think proper, within the said Parish of *Leeds*; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall omit to adjourn, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held (as the Case may be), and to such Time as he shall think fit, not exceeding Thirty Days nor less than Seven Days from the Time of the last Default, and shall thereof give Notice in One of the *Leeds* Newspapers at least Five Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Three or more of the said Trustees to cause Notice to be inserted at least Once in One of the *Leeds* Newspapers, appointing the Trustees to meet at such Time and at such Place within the said Parish as they the said Trustees shall think proper, not exceeding Fifteen Days nor less than Six Days from the Time of advertising such Meeting; and the Trustees shall at all their several Meetings pay their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings, consisting of not less than Five Trustees, to be held in pursuance thereof, and not otherwise, except in Cases hereby particularly provided for; and that no Order or Determination shall be valid unless the major Part of the Trustees present at such Meeting shall concur therein; and that no Order made by Five or more Trustees at any Meeting shall be revoked or altered at any subsequent Meeting where less than Nine Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than the Number by whom such original Order was made, nor unless Ten Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Book of Proceedings, and also inserted in One of the *Leeds* Newspapers, Six Days at least before such Meeting; and in all Cases where any Justice or Justices of the Peace is or are by this Act authorized

Adjournments.

Trustees to pay their own Expences, &c.

or

or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and empowered to adminiſter ſuch Oath.

Meetings on Emergencies.

VI. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk by an Order in Writing ſigned by Three or more Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting, by Advertiſement in One of the *Leeds* Newſpapers, ſuch Time not to be leſs than Five Days after ſuch Notice ſhall be given; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of an Adjournment; and ſuch Meetings, or any of them, may be adjourned, and every Adjournment of any ſuch earlier Meeting ſhall be conſidered as an Adjournment of the original Meeting under this Act.

Minute Books to be kept of Proceedings of Truſtees, and of Accounts of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

VII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct Books to be provided and kept by their Clerk for the Time being, in one of which Books all Orders and Proceedings of the Truſtees ſhall be regularly entered, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame; and in another of which Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Roads and Bridges, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors of the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, and any of them, ſhall and may take Copies of or Extracts from the ſaid Books, or any Part or Parts thereof reſpectively, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied, in Manner herein-after mentioned; and the ſaid Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments, ſhall be admitted in Evidence in all Courts, and by all Judges, Juſtices, and others.

Penalty for Refuſal.

Books to be Evidence.

Appointment of Officers.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road and Bridges, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and may from Time to Time remove any ſuch Officer or Officers, and on the Death or Removal of any ſuch Officer or Officers may appoint others in their Stead; and Eight Days Notice of the Intention of ſuch Appointment ſhall be given in One of the

the *Leeds* Newſpapers of every Meeting where any ſuch Appointment ſhall be made after the Firſt Meeting of the ſaid Truſtees; and the ſaid Truſtees or any Five or more of them ſhall and may and are hereby authorized and empowered, by and out of the Monies ariſing by virtue of this Act, to pay ſuch Salaries and make ſuch Allowances to ſuch Officers and other Perſons employed, for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the ſaid Road and Bridges, or any Part thereof, or otherwiſe in carrying this Act into Execution, as they the ſaid Truſtees or any Five or more of them ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act who ſhall ſell any Wine, Cider, Ale, Beer, or Spirituous Liquors by Retail.

Perſons ſelling Wine, &c. not to hold Places of Profit.

Offices of Clerk and Treaſurer not to be held by one Perſon.

IX. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending 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 at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed.

Truſtees who have not acted within Two Years not to vote in certain Caſes.

X. Provided always, and be it further enacted, That no Truſtee ſhall be capable of voting for or againſt the Revocation or Alteration of any Order or Proceeding of the Truſtees in the Execution of this Act, nor on the Election of any Clerk, Treaſurer, Receiver, Collector, Surveyor, or other Officer to be employed by the ſaid Truſtees in the Execution of this Act, unleſs ſuch Truſtee ſhall have attended at ſome public Meeting of the ſaid Truſtees, and have acted there as a Truſtee, and ſigned the Book or Books in which the Orders and Proceedings of the ſaid Truſtees are uſually entered, when the ſame ſhall be ſigned by the Truſtees, or unleſs his Name appears in the Entry of the Names of the Truſtees as attending ſome Meeting or Meetings within the Space of Two Years preceding the Day on which ſuch Revocation or Alteration ſhall be made, or ſuch Election ſhall be had.

Truſtees may appoint temporary Collectors.

XI. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be 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 Truſtees appointed by virtue of this Act), to diſcharge the Collector or Receiver; and in ſuch Caſe, and alſo in caſe any Collector or Receiver ſhall die, ſuch Truſtees as aforeſaid ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Truſtees; which Perſon ſo nominated and apoi nted ſhall have the like Power and Authority,

rity, and be anſwerable and accountable in the ſame Manner in all reſpects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act.

Officers to account.

XII. And be it further enacted, That all ſuch Officers, and all other Perſons who ſhall be appointed under or by virtue of this Act, ſhall from Time to Time, when thereunto required by the ſaid Truſtees or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue of this Act, and how, and to whom, and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments; and ſuch Officers and Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees or any Five or more of them ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officers or other Perſons ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees or any Five or more of them, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power in any wiſe relating to the Execution of this Act, or to the ſaid Road and Bridges, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the ſaid Borough, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons by them authorized on their Behalf, ſuch Juſtice may and he is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him; and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by virtue of ſuch Warrant, or having abſconded, or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame; or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect

neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, or to the ſaid Road and Bridges, then and in either of the Caſes aforeſaid, ſuch Juſtice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the ſaid Riding, or of the Borough of *Leeds* aforeſaid, or to any Houſe of Correction within the ſame reſpectively, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that Reſpect have been made; or until he or they ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees or any Five or more of them are hereby empowered to make and receive,) or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees or any Five or more of them; but no ſuch Officer or other Perſon who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Three Calendar Months.

Treaſurer, &c. to give Security.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby authorized, directed, and required to take ſufficient Security from the Treaſurer to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his Office; and may alſo, if they think fit, take ſuch Security from any Collector or Receiver of the Tolls or other Officer to be appointed by virtue of this Act.

Truſtees may ſue or be ſued in the Name of their Clerk.

XIV. And be it further enacted, That all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, to be had, taken, proſecuted, or defended by or againſt the ſaid Truſtees, ſhall be had, taken, proſecuted, or defended in the Name or Names of their Clerk for the Time being; and that no Action, Suit, Proſecution, Information, Appeal, or other Proceedings, to be had, taken, proſecuted, or defended by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, but that the Clerk to the ſaid Truſtees for the Time being, ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, as the Caſe may be: Provided always, that every ſuch Clerk in whoſe Name any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings ſhall be had, taken, proſecuted, continued, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he

ſhall

ſhall pay, bear, ſuſtain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

Power to erect Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to erect, ſet up, or build, or cauſe to be erected, ſet up, and built, upon, in, or acroſs the ſaid Road, or any Road or Lane that doth or ſhall lead into or out of the ſaid Road, or upon or acroſs the ſaid Bridges, or either of them, any Weighing Machine or Weighing Machines, Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and alſo One or more Toll Houſe or Toll Houſes, with Outbuildings and Conveniences ſuitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and incloſe on the Sides of the ſaid Road, ſuitable Garden Spots for ſuch Toll Houſe or Toll Houſes, not exceeding One Eighth of an Acre each, with ſuch Lamp or Number of Lamps at or near the ſaid Toll Houſe or Toll Houſes, or upon ſuch Bridges, as they ſhall think neceſſary; and from Time to Time to take down and remove the ſame as they the ſaid Truſtees or any Five or more of them ſhall think proper and direct or appoint.

Toll Gates, Houſes, &c. veſted in Truſtees.

XVI. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houſes, and other Houſes and Buildings, and the ſeveral Conveniences and Appurtenances thereto belonging, which ſhall be provided, erected, or made by virtue of this Act, and all Materials for building or repairing the ſame, and for making, enlarging, improving, or rebuilding and repairing the ſaid Road and Bridges reſpectively, 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 Five or more of them, are hereby empowered to ſell and diſpoſe of the ſame reſpectively, as they ſhall think proper, and to bring or cauſe to be brought, in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cauſe to be preferred and proſecuted, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall, without Right, keep Poſſeſſion of any ſuch Houſe or Appurtenances, or who ſhall break down or damage, ſteal or take away, any ſuch Turnpikes, Toll Gates, Weighing Machines, Toll Houſes, and other Houſes and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof reſpectively, or any ſuch Materials, Articles, or Things, or who ſhall diſturb the ſaid Truſtees or their Agents or Servants in the Poſſeſſion thereof; and in all Actions and Proceedings whatſoever, whether Civil or Criminal, it ſhall be ſufficient to ſtate the ſame to be the Property of the Truſtees acting in Execution of an Act paſſed in the Fifty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for making and maintaining a Road from* Quebec, *in the Pariſh of* Leeds, *in the Weſt Riding of the County of* York, *to* Homefield-Lane-End *in the ſame Pariſh, with a Bridge or Bridges on the Line of ſuch Road*, without naming or otherwiſe deſcribing the ſaid Truſtees; and in all Civil and Criminal Proceedings whatſoever relating to the ſaid Road and Bridges, or any or either of them, or any Part thereof reſpectively, no Perſon being a Truſtee, Creditor, Mortgagee, Farmer, Leſſee, or Collector of the Tolls, Clerk, Treaſurer, Surveyor, or other Officer or Servant of, or other Perſon employed by the

Truſtees, &c. not incompetent Witneſſes

ſaid Truſtees or any of their Officers, nor any Inhabitant of any Townſhip, Pariſh, or Place through or into which the ſaid Road or any Part thereof doth or ſhall paſs, ſhall be incompetent to give Teſtimony or Evidence therein by reaſon of his or her being ſuch Truſtee, Creditor, Mortgagee, Farmer, Leſſee, Collector, Clerk, Treaſurer, Surveyor, Officer, or Servant, or Perſon employed as aforeſaid, or Inhabitant as aforeſaid.

Power to take Tolls.

XVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act Collector or Collectors as aforeſaid, to demand and take the following Tolls and Duties, or ſuch Proportions thereof reſpectively, and at ſuch Toll Gate or Toll Gates, Turnpikes, Toll Houſes, Side Bars, Side Gates or Chains, to be erected or placed by virtue of this Act in, upon, acroſs, or on the Side or Sides of the ſaid Road or any Part thereof, or upon the ſaid Bridges, or either of them, as the ſaid Truſtees or any Five or more of them, ſhall from Time to Time ſee fit, and that before any Horſe, Beaſt, or other Cattle, Coach, Waggon, or any other Carriage, or Foot Paſſenger, ſhall be permitted to paſs through the ſame reſpectively; (that is to ſay),

Tolls.

For every Horſe or Beaſt of Draught drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Caravan, Phæton, Hearſe, Litter, or other ſuch Carriage, the Sum of Two-pence:

For every Horſe or Beaſt of Draught drawing any Stage Coach or Diligence, the Sum of Three-pence:

For every Horſe or Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch like Carriage, laden or unladen, with Wheels of leſs Breadth than Six Inches, the Sum of Two-pence:

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch like Carriage, laden or unladen, with Wheels of the Breadth of Six Inches or upwards, the Sum of Three Halfpence:

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

For every Foot Paſſenger paſſing over the ſaid Bridge acroſs the River *Aire*, the Sum of One Halfpenny:

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score; and ſo in proportion for any greater or leſs Number.

Tickets to be printed.

And upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment; and there ſhall be printed and ſpecified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which ſuch Tickets ſhall free; and all which ſaid reſpective Tolls or Duties hereby authorized to be taken ſhall be and are hereby veſted in the ſaid Truſtees, and the ſame and every Part thereof ſhall be applied for the Purpoſes of this Act in Manner herein-after directed:

Proviſion as to Oxen &c.

Provided always, that in all Caſes where any Waggon, Cart, or other ſuch Carriage, ſhall be drawn by Oxen or other Neat Cattle, Two ſuch Oxen or Neat Cattle ſhall be conſidered as One Horſe; and provided

Proviſion for Lighters attached to Waggons.

alſo, that every Lighter or Cart faſtened and drawn with another Cart or Waggon upon or over the ſaid Road or Bridges reſpectively, ſhall be conſidered

ſidered as a Cart drawn by Two Horſes, and ſhall be liable to Toll as if ſuch Lighter or Cart were a Cart drawn by Two Horſes, and Toll ſhall be demanded and taken accordingly, over and above the Toll to which the Horſes or Beaſts drawing the Cart or Waggon whereto ſuch Lighter or Cart ſhall be faſtened is liable by virtue of this Act.

Tolls payable every Time of paſſing through Turnpike.

XVIII. Provided always, and be it further enacted, That any Horſes, Beaſts, Cattle or Carriages, Perſon or Perſons, for or in reſpect of which or by whom the Tolls or Duties by this Act granted ſhall have been paid for paſſing through any ſuch Turnpike or Toll Gate, ſhall notwithſtanding ſuch Payment be again liable to Toll for returning and paſſing through any ſuch Turnpike or Toll Gate, and ſo *toties quoties* for every Time of paſſing and repaſſing through the ſame Turnpikes or Toll Gates or any of them.

In caſe more than Three Gates ſhould be erected, the Payment at Three Gates to free once paſſing through all the others.

XIX. Provided alſo, and be it further enacted, That no more than Three Tolls in the whole ſhall be demanded or taken for paſſing Once in the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night) through all the Toll Gates to be erected on the ſaid Road or Bridges; but that every Perſon having paid Toll in reſpect of himſelf or herſelf as a Foot Paſſenger, or of any Horſes, Beaſts, or Carriages, at any Three Gates to be erected by virtue of this Act, ſhall be entitled to paſs Once in the ſame Day (to be computed as aforeſaid) Toll-free, either as a Foot Paſſenger, or with ſuch Horſes, Beaſts and Carriages, as the Caſe may be, through all other Turnpikes or Toll Gates to be erected by virtue of this Act, on producing the Notes or Tickets denoting the Gates at which ſuch Tolls ſhall have been paid.

Tolls may be diſtrained for.

XX. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, either at the Gate, Bar, or Chain where ſuch Tolls ſhall be collected, or after paſſing through the ſame, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize or diſtrain any Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, or other Thing, upon or for which ſuch Toll is hereby impoſed, together with the Harneſs, Bridles, Reins, (except the Bridle or Reins apart from the Horſe or Horſes), Saddles, Gears, or Accoutrements, or their Loading, or a ſufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Poſſeſſion of the Perſon or Perſons ſo then and there neglecting or refuſing to pay as aforeſaid; and if ſuch Toll, or any Part thereof, ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, 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 Horſes, Beaſt or Beaſts, Cattle, Carriage, Thing or Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Toll, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted; to be aſcertained or determined, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace for the Borough of *Leeds* aforeſaid.

XXI. And

To prevent Evaſion of Tolls.

XXI. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over any Gate, private Paſſage, Land, Ground, or Place, lying by the Side of or near to any Part of the ſaid Road (except the Owner or Occupier of ſuch Land or other Premiſes, or any of his, her, or their Family or Servants); or if any Perſon or Perſons owning or occupying any Tenements, Lands, or Grounds (not being a public Highway), near to the ſaid Road, or any Part thereof, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons (except as aforeſaid) to go or paſs either on Foot, or with any Horſe, Beaſt, Cattle, or Carriage, through or over ſuch Gate, private Paſſage, Lands, or Grounds, in order to or with Intent thereby to evade Payment of the ſaid Tolls, or any Part thereof; or if any Perſon ſhall forge or counterfeit, or ſhall give or deliver to or receive from any Perſon or Perſons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls, and the Payment of Toll ſhall be thereby avoided; or if any Perſon not having paid the ſaid Toll ſhall offer or produce and uſe any ſuch Ticket with Intent to avoid the Payment of any of the Tolls which ſhall be due or payable by virtue of this Act; or if any Perſon or Perſons ſhall take off, or ſuffer to be taken off, any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate ſhall afterwards add or put any Horſe or Beaſt to any Carriage, for the Purpoſe of drawing the ſame upon any Part of the ſaid Road or Bridges, or ſhall leave upon or near any Part of the ſaid Road or Bridges any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage, chargeable with the Payment of any of the ſaid Tolls, with Intent to avoid or evade Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall climb or get over, or ſhall forcibly paſs through any ſuch Turnpike or Toll Gate, either as a Foot Paſſenger, or with any Horſe or other Cattle or Beaſt, without Payment of the Toll, or of any Part thereof, all and every ſuch Perſon or Perſons ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds (over and beſides ſuch Damage and Puniſhments as he, ſhe, or they ſhall otherwiſe be liable to by Law), to be recovered, levied, apportioned, and applied, in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall think it neceſſary, in order to prevent the Evaſion of Toll, to erect any Gate or Stile acroſs any Lane or Way leading into the ſaid Road; but the Erection of any ſuch Gate or Gates ſhall not extend to create an additional Payment of Toll; and if any Perſon ſhall pull up, pull down, diſplace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Stile, ſuch Perſon ſhall forfeit and pay, over and above the Damage occaſioned, any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXII. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the Borough of *Leeds* aforeſaid, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes, (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter), and ſhall determine the

Amount of the Toll due, and other Matters in diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping, and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to be paid by either Party to the other as to ſuch Juſtice ſhall ſeem juſt and reaſonable; all which Coſts, in caſe the ſame ſhall not be forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo awarded or directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant every ſuch Juſtice is hereby empowered to iſſue), and the Overplus (if any) after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, ſhall be returned upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained.

Collectors of Tolls competent Witneſſes.

XXIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls or Duties, 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 by reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Penalty on Collector, &c. ſuffering Carriages to paſs without weighing.

XXIV. And be it further enacted, That in caſe any Weighing Machine ſhall be erected on any Part of the ſaid Road, in order the better to prevent Frauds and Colluſions reſpecting Carriages carrying Overweight, if any Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls or Duties payable at any of the Toll Gates to be erected by virtue of this Act, or any Collector or Collectors of the ſaid Tolls or Duties, or any Perſon or Perſons to be appointed to the Care of any ſuch Weighing Machine or Machines which is or ſhall be ſo erected on the ſaid Road, ſhall ſuffer or permit any Waggon, Wain, Cart, or other Carriage liable to be weighed at any ſuch Machine or Machines, to paſs through the Toll Gate or Toll Gates to be erected on the ſaid Road without weighing the ſame, or ſhall ſuffer or permit any ſuch Waggon, Wain, Cart, or other Carriage to proceed on the ſaid Road, or any Part thereof, without firſt having paid the Toll or Duty payable for and chargeable upon ſuch Waggon, Wain, Cart, or other Carriage, and for all ſuch Overweight or Overweights as ſuch Waggon, Wain, Cart, or other Carriage ſhall or may happen to have therein or thereon, each and every ſuch Perſon ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Penalty on Collector, &c. compounding for Overweight.

XXV. And be it further enacted, That if the Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates to be erected on the ſaid Road, or any Collector or Collectors, or Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines as aforeſaid, ſhall make or enter into any Bargain, Contract, Compoſition, or other Agreement, verbal or written, by the Year or otherwiſe, wherein or whereby any ſpecific Sum or Sums of Money in groſs, or otherwiſe, is or are to be paid by any Perſon or Perſons for the Carriage of Overweight, for or in reſpect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at ſuch Weighing Machine or Machines, each and every ſuch Leſſee or Leſſees, Taker or Takers, Renter or Renters,

Collector or Collectors, and Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines, ſo bargaining, contracting, compounding, or otherwiſe agreeing as aforeſaid, ſhall for every ſuch Bargain, Contract, Compoſition, or Agreement, forfeit and pay (over and beſides the Coſts and Charges attending the Conviction) any Sum not exceeding Ten Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures, and ſhall alſo forfeit his or their Contract or Leaſe for renting the ſaid Tolls, if the ſaid 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.

Carriages for His Majeſty's Service not to be weighed.

XXVI. Provided always, 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, 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, or the Horſe or Horſes drawing the ſame, whilſt ſo employed, be ſtopped or detained by reaſon of any Weight in or upon any ſuch Waggon, Wain, Cart, or other Carriage, or of its 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, for drawing the ſame; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithſtanding.

Exempting the Royal Family from Toll.

XXVII. Provided always, and be it further enacted, That this Act ſhall not extend or be conſtrued to extend to charge with Toll any Horſes or Carriages belonging to Their Majeſties, or any of the Royal Family, or any Horſes or Carriages attending Their Majeſties, or any of the Royal Family.

General Exemptions from Toll.

XXVIII. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received at any of the Toll Gates, Bars, or Chains to be erected upon the ſaid Road and Bridges, or either of them, for any Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers, or Militia or Local Militiamen, on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, 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 returning empty from having been ſo employed; nor for

any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review, (provided that ſuch Perſons 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); nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or on other his parochial or miniſterial Duty, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their proper parochial Church, Chapel, or other uſual Place of Religious Worſhip, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Perſon who ſhall die and be buried in any of the Townſhips or Places in which the ſaid Road lies; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *York*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded, or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay, Turnips, Potatoes, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Plough, Harrow, or other Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure (Chalk and Lime only excepted) employed in Huſbandry for manuring or improving Land, unleſs the Carriage bearing ſuch Plough, Harrow, or other Implements of Huſbandry, be alſo laden with ſome other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle going to or returning from plowing or harrowing, or to or from Water or Paſture, or going to be or returning from being ſhoed or farried; or for any Horſe, Beaſt, or Cattle, or for any Waggon, Wain, Cart, or other Carriage uſed or employed for the Purpoſe only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making and repairing the ſaid Road or Bridges hereby directed to be made and repaired, or any other Highway or public Road within any ſuch Pariſh, Townſhip, Hamlet, or Place as aforeſaid, or for building or rebuilding, enlarging or repairing any preſent or future Bridge or Bridges on the ſaid Road; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

XXIX Pro-

Exempting Messrs. Gott and Co. from Toll.

XXIX. Provided also, and be it further enacted, That no Toll shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses belonging to or used by Messieurs *Benjamin Gott* and Sons, the present Occupiers of the Mill and other Premises at *Bean Ing* or *Dronylaith* aforesaid, called the *Bean Ing Manufactory*, during the Space of Twenty-one Years from the passing of this Act, in case they or any of them shall so long continue Occupiers of the said Manufactory, but not otherwise; nor for any greater Part of such Term than they, or some or one of them, shall continue such Occupiers or Occupier; nor for any Person on Foot or Horseback in the actual Employ of the said *Benjamin Gott* and Sons, or such of them as shall for the Time being be such Occupiers or Occupier during the Period aforesaid, for or in respect of the Passage upon or over the said Road and Bridges, or either of them, by such Occupiers or Occupier, or by such Foot or Horse Passengers, in their or his actual Employ, or by the Waggons, Wains, Carts, Carriages, or Horses belonging to or used by the said *Benjamin Gott* and Sons, or such of them as shall then be such Occupiers or Occupier as aforesaid, during the Period aforesaid; nevertheless such Exemptions shall not in any Event continue longer than the said Term of Twenty-one Years from the passing of this Act, nor for any greater Part of such Term than the said *Benjamin Gott* and Sons, or some or one of them, shall continue such Occupiers or Occupier as aforesaid.

Tolls may be lessened, &c.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at any Meeting to be holden for that Purpose, whereof at least Fourteen Days Notice shall be given by Advertisement in One of the *Leeds* Newspapers, from Time to Time as they shall think proper, to lessen or reduce, and again to raise and advance, all or any of the Tolls hereby granted, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit, so that the respective Tolls so to be raised or advanced do not exceed the Tolls by this Act authorized to be taken, and so as such Reduction be made with the Consent in Writing of the several Persons who shall be entitled to Five Sixth Parts of the Money then due on the Credit of the said Tolls; and such Tolls so reduced or advanced, and every of them, shall be collected, recovered, and applied as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be compounded for.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Person or Persons for any Horses, Beasts, or Carriages travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Horses, Beasts, or Carriages; and such Composition Money shall be paid in advance Quarterly; and in default of such Payment the Composition or Agreement with the Person so making Default shall be void, or at the Option of the said Trustees shall be recoverable as herein-after mentioned; and all such Composition Money shall be applied in the same Manner as the Tolls are directed to be applied by this Act.

Tolls may be leased.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Twenty-one Days Notice to be

be given thereof in One of the *Leeds* Newſpapers, from Time to Time to demiſe or let to farm, or agree to demiſe or let to farm, all or any of the Tolls or Duties ariſing by virtue of this Act, and all or any of the Toll Houſes, and the Conveniences and Appurtenances thereto belonging, and the Weighing Machines, if any thereon, for any Term not exceeding Three Years, upon public Bidding to the beſt Bidder, and for the beſt Price or Rent ſuch Truſtees can at the Time get for the ſame, payable monthly in advance, or at ſuch other Time or Times as the ſaid Truſtees ſhall think proper, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees or any Five or more of them ſhall think fit, without being compelled to put up the ſaid Tolls at the Sum at which they were laſt let, or to have any other Meeting for the Letting thereof; and if the ſaid Truſtees, at any ſuch Meeting for letting the ſaid Tolls, ſhall be of Opinion that a Combination exiſts among the Bidders to undervalue the ſame, they may then proceed in ſuch Letting in ſuch Manner as to them ſhall ſeem moſt likely to create a real *bonâ fide* and an advantageous Competition for the ſame; and at ſuch Letting the Truſtees preſent ſhall have and be entitled to One or more Bidding or Biddings for the ſaid Tolls, either by themſelves or their Clerk or Treaſurer, or other Perſon by them authorized, any Thing in any Law or Statute to the contrary notwithſtanding; and the Rent or Money ariſing by ſuch Letting ſhall be applied in Manner directed by this Act.

Leſſees, or Perſons appointed by them, may collect Tolls.

XXXIII. And be it further enacted, That during ſuch Time as the ſaid Tolls or Duties, or any Part or Parts thereof ſhall be leaſed, demiſed, or let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall authorize or appoint, to occupy and enjoy the Toll Houſe or Toll Houſes at which the ſaid Tolls or Duties ſo let are to be collected and to ariſe, with all the Appurtenances and Conveniences to the ſame Toll Houſe or Toll Houſes belonging, for the Purpoſe of collecting ſuch Tolls or Duties during ſo long Time only as ſuch Leſſee or Leſſees, Farmer or Farmers ſhall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of ſuch Leaſe, Demiſe, or Letting, but no further or otherwiſe; and that ſuch Leſſee or Leſſees, Farmer or Farmers, and the Perſon or Perſons ſo to be by him, her, or them appointed (ſuch Rents and Covenants being duly paid and performed), ſhall and may demand and take the ſaid Tolls and Duties ſo leaſed, demiſed, farmed, or let, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed or continued by virtue of this Act is by virtue of this Act authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls or Duties appointed or continued by virtue of this Act is ſubject or liable to.

Penalty on Collector, &c. taking greater or

XXXIV. And be it further enacted, That if any Leſſee, Farmer, Renter, or Collector of the ſaid Tolls ſhall demand and take or cauſe to be demanded and taken from any Perſon or Perſons any Toll or Duty not hereby

less Toll than allowed.

hereby authorized to be taken, or a greater or less Toll or Duty than so authorized and directed by the said Trustees to be taken under the Authority of this Act, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Seven or more of them shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, such respective Forfeitures to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard shall be of Opinion that the Offender had probable Grounds for such Demand or Taking, it shall be lawful for such Justice either to mitigate the said Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

For preventing Toll Collectors from misbehaving, &c.

XXXV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee or Lessees to collect the Tolls or Duties payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he is hereby required, on each and every Day previous to his entering on Duty for the Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in any wise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the several Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in the same Manner as such last-mentioned Penalty.

Penalty on obstructing Collectors.

XXXVI. And

Enabling Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

XXXVI. And be it further enacted, That in caſe all or any of the Tolls or Duties ariſing by virtue of this Act ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, or any Part or Inſtalment thereof, ſhall be in Arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Leaſe, Agreement, or Contract for demiſing or letting thereof; or in caſe any Collector or Receiver of the Tolls, who ſhall be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow or any of the Children or Family or other Repreſentative of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto reſpectively belonging, to be erected or ſet up by virtue of this Act, for the Space of Four Days next after Demand thereof made in Writing, ſigned by any Five or more of the ſaid Truſtees, or by their Clerk or Treaſurer, and left at ſuch Toll Houſe, or in any Toll Houſes, Weighing Machine or Weighing Machines; or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void; then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the Borough of *Leeds* aforeſaid, or for the County or Place where ſuch Toll Houſes, Toll Gates, or Weighing Machines ſhall reſpectively be ſituate, as the Caſe may be, upon Application made by the ſaid Truſtees, or by any Perſon by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereout reſpectively, or other the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid Truſtees, or other Perſons acting by or under their Authority, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls and Duties to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void to all Intents and Purpoſes (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſees Part) as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

Power to borrow Money, and

XXXVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any of the Meetings to be holden under or by virtue of

to assign Tolls.

of this Act, may and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest, on the Credit of the Tolls and Duties hereby granted or authorized to be taken on the said Road and Bridges, such Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, either at any Meeting or Meetings, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls and Duties) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, as shall advance and lend the same; which Mortgages shall be signed and sealed by the said Trustees, or any Five or more of them, and be in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-seventh Year of the Reign of 'His Majesty King *George* the Third, intituled *An Act* [*here insert* '*the Title of this Act*], We, Five of the Trustees of the said Road, whose 'Names are hereunto set and Seals affixed, in consideration of the Sum 'of by paid to the Treasurer of the said Trustees 'do hereby grant, sell, and demise unto *A. B.* his [her *or* their] Executors, Administrators, or Assigns, such Proportion of the Tolls and Duties 'arising by virtue of the said Act, and of the Turnpikes and Toll Houses 'for collecting the same, as the said Sum of 'doth or shall bear to the whole of the Monies owing and secured on 'the Credit thereof, to be had and holden from the Date hereof, for and 'during the Continuance of the said Act, unless the said Sum of 'with Interest at the Rate of Pounds *per* '*Centum per Annum*, shall be sooner paid and satisfied. Given under our 'Hands and Seals this Day of in the Year 'of our Lord .'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby empowered from Time to Time to assign over or transfer such Security or Securities, or any Share or Portion thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing before One credible Witness an Instrument to be annexed to such Security, or by an Indorsement on the same or otherwise, in the following Words, or in Words to the like Effect; (that is to say),

Form of Transfer.

'I being entitled to the Sum of 'secured to Executors, 'Administrators, and Assigns, by virtue of a Mortgage or Assignment, 'dated the Day of in the Year of 'our Lord under the Hands 'and Seals of of the Trustees acting in Execution of 'an Act passed in the Fifty-seventh Year of the Reign of King *George* the 'Third, intituled *An Act* [*here insert the Title of this Act*] upon the 'Credit of the said Act, do hereby transfer, assign, and set over all my 'Right and Title in and to the same, and all the Principal and Interest

'Money

‘ Money now due and owing thereon, unto Executors,
‘ Adminiſtrators, and Aſſigns. Dated this Day of
‘ in the Year of our Lord .’

All which Transfers ſhall be produced and notified to the Clerk to the ſaid Truſtees within Twenty Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, ſpecifying the Dates and Names, Additions and Places of Abode of the ſeveral Parties, and Amount of the Sum transferred, for which Entry the ſaid Clerk ſhall be paid the Sum of Five Shillings and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee or Aſſignees may in like Manner aſſign and transfer 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 be laſt transferred, to make void, releaſe, or diſcharge the original Mortgage or Aſſignment, or any Monies due thereon.

No Priority of Mortgages.

XXXVIII. Provided nevertheleſs, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of the ſaid Tolls, in reſpect of the Priority of advancing any ſuch Sum or Sums of Money; but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid ſhall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſaid Tolls, in equal Degree one with another.

Application of the Tolls and Money borrowed.

XXXIX. And be it further enacted, That out of the firſt Money ariſing by virtue of this Act, the ſaid Truſtees or any Five or more of them ſhall in the firſt Place pay all the Coſts, Charges, and Expences of obtaining and paſſing this Act, or in anywiſe relating thereto; and the Remainder of ſuch Monies ſhall from Time to Time be applied in defraying the Expences of conſtructing, building, completing, altering, enlarging, and improving the ſaid Bridges hereby authorized or intended to be erected, built, made, altered, improved, and enlarged; and alſo in erecting Turnpikes and Toll Houſes, and in making, forming, repairing, widening, diverting, and amending the ſaid Road, and paying the Principal and Intereſt of the Monies ſubſcribed or advanced, or to be borrowed or ſubſcribed on the Credit of the Tolls hereby granted (the Order and Priority of which ſhall from Time to Time be aſcertained by Ballot, when and as the Funds in Hand ſhall from Time to Time amount to One hundred Pounds and upwards), and ind efraying the neceſſary Expences attending the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Subſcribers to pay their Subſcriptions.

XL. And be it further enacted, That the ſeveral and reſpective Perſons who have already ſubſcribed any Money for and towards the making, repairing, and keeping in Repair the ſaid Road and Bridges, ſhall and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed within ſuch Time and Times and in ſuch Parts and Proportions as the ſaid Truſtees or any Five or more of them ſhall order and direct, and the ſame ſhall be paid at ſuch Place or Places and to ſuch Perſon or Perſons as the ſaid Truſtees ſhall by any Writing under their Hands authorize

to receive the ſame; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, or any Part thereof as aforeſaid, it ſhall be lawful for the ſaid Truſtees to ſue for the ſame in the Name of their Clerk, and to recover the ſame in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and all ſuch Monies ſhall be veſted in the ſaid Truſtees, and applied for the Purpoſes of this Act.

Truſtees may widen, turn, or alter the Road.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid Road, and to conſtruct and build the ſaid Bridge or Bridges, and from Time to Time, and at any Time or Times during the Continuance of this Act, to make, repair, widen, divert, alter, or turn the Courſe or Path of any Part or Parts of the ſaid Road, within the Limits herein-after mentioned, upon, over, or through any private Lands or Hereditaments (not exceeding Fifty-ſix Feet in Width), firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and it ſhall alſo be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premiſes through which or whereupon ſuch Road or Alterations is or are intended to be made or paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out ſuch Road or Alterations in ſuch Manner as the ſaid Truſtees ſhall think 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 ſuch Lands or Premiſes reſpectively, for any of the Purpoſes of this Act; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out ſuch Road or Alterations, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

Road to be made according to the Map or Plan depoſited at the Office of the Clerk of the Peace.

XLII. And whereas a Map or Plan deſcribing the Line of the ſaid Road, and the Lands, Hereditaments, and Premiſes through or over which the ſame is to be made or carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands and Premiſes, have been depoſited at the Office of the Clerk of the Peace of the ſaid Borough; be it therefore enacted, That the ſaid Map or Plan and the Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid Borough, 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 the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees in making the ſaid Road 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, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Premiſes ſuch Deviation ſhall be made.

XLIII. Pro-

Lands marked in the Plan may be uſed, notwithſtanding Errors in the Book of Reference.

XLIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid Road into, through, acroſs, or over the ſeveral Lands, Hereditaments, or Premiſes of any Perſon or Perſons who is, are, or may be Owner or Owners of Land or Premiſes over which the ſame is or 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 or miſtated in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid Borough, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XLIV. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof, or other Perſons intereſted therein, firſt had and obtained, other than and except ſuch as are marked or deſcribed in the ſaid Plan and Book of Reference.

Proviſions reſpecting rebuilding the Bridge over the Leeds and Liverpool Canal.

XLV. Provided always, and be it further enacted, That in altering, enlarging, improving, or rebuilding the ſaid Bridge over or acroſs the ſaid *Leeds* and *Liverpool* Canal, the Arch thereof ſhall be of ſuch Span and Dimenſions as ſhall not obſtruct or impede the haling and paſſing of Boats, Barges, and other Veſſels upon the ſaid Canal, and as ſhall leave ſufficient Room for a Towing Path of a proper Breadth through or under the ſame, and the ſame ſhall be done and executed ſubject to and conſiſtent with ſuch Orders and Directions as ſhall or may from Time to Time be given by the Engineer of the *Leeds* and *Liverpool* Canal Company to the Truſtees of the ſaid Road, or their Surveyor for the Time being: Provided alſo, that the Aſcent of the Road to or over the ſaid Bridge ſhall not be more than One Foot in Thirteen, and that the Fence on each Side of ſuch Bridge ſhall not be leſs than Four Feet above the Surface of the Bridge: Provided alſo, that the ſaid Bridge ſhall be altered and made, and during the Continuance of this Act ſhall be repaired and maintained at the Expence, Coſts, and Charges of the Truſtees of the ſaid Road.

Purchaſe of Lands.

Corporations and incapacitated Perſons empowered to ſell, &c.

XLVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them to treat, contract, and agree with the Owners of and Perſons intereſted in any ſuch private Lands or Grounds or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners and Perſons intereſted, or any of them, ſhall or may anywiſe ſuſtain by ſuch making, widening, turning, or altering the ſaid Road, or any Part or Parts thereof; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or any Tenant for Life, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on behalf of any Infant, Feme Covert, Ceſtuique Truſt, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any ſuch Lands or Grounds or Hereditaments, either for their own Uſe or Benefit, or for the

the Uſe of or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to the ſaid Truſtees all or any of ſuch Lands and Grounds and Hereditaments, as Occaſion ſhall be and require; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

If Parties cannot agree, a Jury to ſettle the Value.

XLVII. And be it further enacted, That in caſe the ſaid Truſtees, or any Owner or Owners, or other Perſon or Perſons intereſted as aforeſaid, cannot agree as to the Price or Prices or the Value of the Lands or Hereditaments ſo intended to be purchaſed, then the ſaid Truſtees or any Five or more of them may and are hereby authorized and empowered, Ten clear Days before any General or Quarter Seſſions of the Peace to be holden for the ſaid Borough, to give or cauſe to be given to ſuch Owner or Owners, and ſuch Perſons intereſted in ſuch Lands and Hereditaments, or to be left at the laſt Place of Abode of ſuch Owner or Perſons reſpectively, with ſome or One of their reſpective Families or Agents, a Notice in Writing, denoting and deſcribing the reſpective Quantities of Land or Hereditaments ſo intended to be purchaſed and laid into the ſaid Road, and the Places where the ſame ſhall lie, and purporting that the Value or Values of ſuch Lands and Hereditaments reſpectively ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſions; and it ſhall be lawful for the Juſtices in Seſſions, upon Proof on Oath (and which Oath they are hereby empowered to adminiſter) to them then and there made of ſuch Notice or Notices having been ſo given, and they are hereby authorized and required, to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impannelled and returned by the proper Officer for that Purpoſe, without Fee or Reward, and cauſe them to be ſworn well and truly on their Oaths (which Oaths the ſaid Juſtices are hereby empowered to adminiſter) to aſſeſs the Value of the Lands or Hereditaments compriſed in the ſaid Notices, and the Damages and Recompence to be given to the reſpective Owner or Owners thereof, or other Perſon or Perſons, according to their reſpective Intereſts therein; and to which ſaid Jurors, or any of them, the ſaid Truſtees and all Parties intereſted in the ſaid Lands ſhall have their lawful Challenges; and the ſaid Jury being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath (and which Oath it ſhall be lawful for the Court to adminiſter) to them given concerning the Nature, Quantity, and Value of the ſaid Lands and Hereditaments, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſaid Lands or Hereditaments to the reſpective Owner or Owners thereof, or other Perſon or Perſons, according to their reſpective Intereſts; which Verdict of the ſaid Jury, and the Judgment of the ſaid Juſtices upon the ſame, ſhall finally bind and be concluſive upon the ſaid Truſtees, and all Perſons and Parties intereſted in ſuch Lands and Hereditaments.

Expences of Jury how to be defrayed.

XLVIII. And be it further enacted, That in cafe any Jury ſhall give in and 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 Lands, Tenements, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than ſhall have been agreed to and offered by or on Behalf of the ſaid Truſtees, before the impannelling o. the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes and all other Expences attending the hearing and determining of ſuch Difference ſhall be borne and paid by the ſaid Truſtees out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by or on Behalf of the ſaid Truſtees, before the impannelling of the ſaid Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be paid and borne 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 the Juſtices at ſuch Seſſions, not intereſted in the Matter in queſtion, (who are hereby authorized and required to ſettle the ſame) ſhall be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a 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 on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the ſaid Truſtees by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in caſe any Perſon ſhall by reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, out of any Money to be raiſed or received under or by virtue of this Act.

Money agreed upon or aſſeſſed, how to be paid or tendered.

XLIX. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls and Duties, or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to ſuch Perſons or their Agents, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to make or alter and ſtraighten ſuch Road through or over ſuch Lands or Hereditaments, and to do all and every ſuch Acts, Matters and Things, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees or any Five or more of them ſhall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes be deemed a Common High-

way, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended, and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Land conſtituting Part or Parts of any former public Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place, ſhall be veſted in and conveyed by the ſaid Truſtees, or any Five or more of them, to and at the Expence of the Perſon or Perſons whoſe Lands adjoin the ſame, and who ſhall have given up or gratuitouſly contributed Land of equal or greater Value, for the Purpoſe of making and forming the ſaid Turnpike Road, as a Compenſation in the Whole or in Part, as the Caſe may be, to ſuch Perſon or Perſons for ſuch Gift or Contribution, or in caſe of his, her, or their Refuſal to accept the ſame for the Space of One Week, then and in ſuch Caſe the Land ſo conſtituting Part or Parts of any ſuch former public Road ſhall and may be ſold, either by public Sale or private Contract, and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can or may be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers of ſuch reſpective Premiſes ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money; and Conveyances of ſuch Roads as ſhall be adjoining to Lands of Freehold Tenure, being executed by the ſaid Truſtees or any Five or more of them, and enrolled with the Clerk of the Peace for the ſaid Weſt Riding, ſhall be good and effectual in the Law to all Intents and Purpoſes; and all ſuch Roads and Premiſes as ſhall be adjoining to Lands of Copyhold or Cuſtomary Tenure, being conveyed by the ſaid Truſtees, or any Five or more of them, by Surrender or other Conveyance, ſanctioned by the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed to the Purchaſer or reſpective Purchaſers of ſuch Roads and Premiſes.

Old Road to be ſold.

When Pieces of Land are to be ſold, the firſt Offer to be made to the original Proprietor.

L. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act 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 ſuch Ground ſhall be a Piece or Pieces of old public Road not adjoining to the Land of any Perſon or Perſons who ſhall have given or contributed Land towards the making and forming of the ſaid Turnpike Road as aforeſaid), to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or 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 Borough of *Leeds* aforeſaid (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of ſuch Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed, or not

agreed

agreed to 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 ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid reſpective Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner in this Act directed with reſpect to diſputed Value of Premiſes to be taken and uſed in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in Manner herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales of ſuch Pieces or Parcels of Grounds ſhall be applied by the Truſtees to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money; and the Conveyances of ſuch Piece or Pieces of Ground ſhall be made to the Purchaſer or reſpective Purchaſers thereof, and in ſuch Manner and Form as is herein-before directed with reſpect to the Conveyances to be made of the Land conſtituting any Part of the Roads herein-before directed to be ſold.

Application of Compenſation if amounting to 200l.

LI. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed by virtue of the Powers of this Act, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon or Perſons whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, 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 there *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, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or in or towards the Diſcharge of any Debt or Debts, or other Incumbrances affecting the ſame 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, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed, limited, 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 and Settlement ſhall be exiſting undetermined or capable of taking Effect; and in the meantime and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid High Court

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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest 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 said Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

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

LII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing this Act, as the Case may be, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less than 20l.

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

In case of not making out a good Title, or if Persons can-

LIV. 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, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or

or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees or any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees 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 High Court of Chancery, to be placed to his Account there to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them] ſubject to the Order, Control, and Diſpoſition of the ſaid High 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 to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying therein 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 of *England* as aforeſaid.

Money not be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery, on Motion or Petition.

LV. 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 High Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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 High 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.

In caſe of diſputed Titles.

Court may order reasonable Expences to be paid by Truſtees.

LVI. 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, taken, or uſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and 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 High Court of Chancery 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 to the ſaid Court ſhall ſeem 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, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair the Road.

LVII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials for making, amending, altering, improving, or repairing the ſaid Road and Bridges reſpectively, out of any Waſte or Common, or out of any Common River or Brook, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh, Hamlet, Townſhip, or Place within the ſaid Riding, without paying any Thing for the ſame; they the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon any ſuch Waſte or Common, or in any ſuch Common River or Brook, then and in ſuch Caſe the Surveyor or Surveyors or other Perſons as aforeſaid may, by Order of any Juſtice or Juſtices of the Peace for the ſaid Borough, or of the County or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate, as the Caſe may be, to be made upon the Application of the ſaid Truſtees or any Five or more of them, ſearch for, dig, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons, in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, 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 Value of ſuch Materials, and alſo for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for amending, altering, improving, or repairing the ſaid Road and Bridges reſpectively ſhall be carried, as ſhall be agreed upon between them and ſuch Owner or Occupier; or in caſe of their not agreeing, then as any One or more Juſtice or Juſtices of the Peace acting in and for ſuch Borough, County, or Place as aforeſaid, as the Caſe may be, ſhall and may adjudge and determine to be reaſonable; which Judgment or Order of ſuch Juſtice or Juſtices ſhall be final and concluſive to all Parties; provided alſo, that no

such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatsoever.

Notice to be given before Materials taken.

LVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the said Borough, or in and for the County or Place where such Lands shall lie or be situate, as the Case may require, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any one of them are or is hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

Penalties on taking away Materials.

LIX. And be it further enacted, That if any Person whomsoever shall take away any Materials which have been dug, gathered, or got in any Lands, Fields, Grounds, Wastes or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road and Bridges respectively, before the said Surveyors and their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be levied, recovered, applied, and disposed of in Manner herein-after provided for the Recovery and Application of Penalties and Forfeitures.

For removing Annoyances.

LX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, by the Direction of and under the Hands of Three or more of the said Trustees, from Time to Time to remove all Nuisances and Annoyances made on any Part of the said Road, by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses or Drains running along, into, or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as the said Surveyor or Surveyors shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, any

any Trees, Branches, Shrubs, or Buſhes growing on the ſaid Road or in the Hedges or Banks adjacent thereto (except Trees planted for Ornament or Shelter to the Houſe, Building, Garden, or Court-yard of the Owner thereof), and to cut and reduce all ſuch Hedges to the Height of Five Feet, in caſe the Perſons occaſioning ſuch Nuiſances and Annoyances ſhall neglect to remove the ſame within the Space of Ten Days, or the Owners or Occupiers of the Lands ſhall neglect to open, ſcour, cleanſe, widen or deepen ſuch Watercourſes or Ditches, or to lop or top and remove ſuch Boughs, Buſhes, or Lops, or reduce ſuch Hedges in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Ten Days, or to cut down ſuch Trees within the Space of Two Calendar Months next after Notice in Writing given for thoſe reſpective Purpoſes under the Hand of ſuch Surveyor or Surveyors, or ſo near thereto as the proper Seaſon will allow for ſuch reducing of Hedges, or cutting down or topping or lopping of Trees; the Charges whereof (to be ſettled by any Juſtice or Juſtices of the Peace for the ſaid Borough, or for the County or Place where ſuch Land ſhall lie or be ſituate, as the Caſe may be) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and ſhall be recovered, levied, apportioned, applied, and diſpoſed of in ſuch Manner as Penalties and Forfeitures are by this Act directed to be recovered, applied, and apportioned; and if after the Removal of any of the ſaid Nuiſances and Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſhall for every ſuch ſubſequent Offence, forfeit any Sum not exceeding Ten Pounds, over and above the Expences and Charges thereby occaſioned.

Penalty for erecting Encroachments on the Sides of Roads.

LXI. And be it further enacted, That if any Perſon ſhall from and after the paſſing of this Act encroach, by making or cauſing to be made any Dwelling Houſe or other Building, Wall, Hedge, Ditch, or other Fence, within the Diſtance of Fifteen Feet from the Middle or Centre of ſuch Road (except Turnpike Houſes erected by Order of the ſaid Truſtees), every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds, to ſuch Perſon as ſhall give Information of the ſame; and it ſhall be lawful for the ſaid Truſtees, or any Five or more them, by Order under their Hands made at a public Meeting, or ſome Adjournment thereof, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Walls, Hedges, Ditches, or other Fences, to be pulled 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 Juſtice or Juſtices of the Peace acting in and for the ſaid Borough, or in and for the County or Place where ſuch Premiſes ſhall be ſituate, as the Caſe may be, upon Proof thereof to him or them made upon Oath (which Oath ſuch Juſtice or Juſtices is or are hereby empowered to adminiſter), to levy as well the Expences of taking down ſuch Dwelling Houſes, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforeſaid, as the Penalty hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner or Owners on Demand.

Gates to open inwards.

LXII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever ſhall be made to open into or towards any Part of the ſaid Road, or be ſuffered to continue ſo to open, except the Hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch

ſuch Part of the ſaid Road; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening contrary to the Directions of this Act, ſhall within Fourteen Days after Notice to him, her, or them given, either perſonally or in Writing from the Surveyor of the ſaid Road, cauſe ſuch Gate to be hung in the Manner hereby directed, whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate, when open, ſhall project over any Part of the ſaid Road or any Footpath belonging thereto; and in default thereof the Surveyor of the ſaid Road is hereby authorized to cauſe ſuch Gate to be ſo hung; and the Perſon or Perſons guilty of ſuch Neglect or Default ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the ſaid Borough, or in and for the County or Place where ſuch Gate ſhall be, as the Caſe may be, and upon Conviction thereof upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expence of making the Alteration and hanging ſuch Gates; and ſhall alſo forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made as aforeſaid.

To make Cauſeways, &c. and build and repair Bridges, and make temporary Roads.

LXIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint or employ (ſuch Surveyor or Surveyors having an Order in Writing for that Purpoſe ſigned by the ſaid Truſtees or any Three or more of them), to make or cauſe to be made Cauſeways, and alſo covered or open Drains and Ditches in and upon or on the Side or Sides of the ſaid Road, and alſo through any Grounds or Fields lying contiguous thereto, and to ſcour ſuch Ditches and Drains ſo as effectually to carry off the Water from any Part of the ſaid Road; and alſo to make or cauſe to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the ſaid Road (ſuch Ground reſpectively not being the Ground whereon any Houſe or other Building ſtands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), to be made uſe of as a public Highway whilſt the old Road is repairing or widening, and until ſuch Time as it ſhall be convenient for Paſſengers and Carriages to paſs along the ſame; making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as the Parties ſhall agree upon, or if they ſhall not agree, then as ſhall be adjudged reaſonable by any Two or more Juſtices of the Peace for the ſaid Borough, or for the County or Place where ſuch Premiſes ſhall lie or be ſituate, as the Caſe may be; and alſo by Order of any Three or more of the ſaid Truſtees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto; and alſo to repair and keep in Repair any Bridge or Bridges, Arch or Arches, now erected and built, or hereafter to be erected and built upon any Part or Parts of the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, Notice of ſuch Intention to build, erect, or repair any ſuch Bridge being firſt given by Advertiſement in One of the *Leeds* Newſpapers, at leaſt Ten Days before ſuch Meeting at which ſuch Order to build, erect, or repair any ſuch Bridge ſhall be made.

Trustees to erect Mile Stones and Direction Posts.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees, if they see fit, to set up and maintain Direction Posts and Boards on the principal Side Openings of the said Road, with proper Inscriptions thereon, denoting to what Place or Places such Side Roads respectively lead, and the Distances to such Places respectively, and also to order and direct other Posts and Boards, with suitable Inscriptions thereon, to be erected and maintained by the Side or Sides of the said Road, in order to promote the Detection and Apprehension of any Person or Persons who shall be guilty of any Offence or Offences against this Act; and also to cause Stones or Boards, with proper Inscriptions thereon, to be erected and maintained on the said Road, at the Distance of One Mile from each other, and from Time to Time to cause the same to be cleansed and kept legible, and also to cause proper Tables of the Tolls by this Act granted and made payable, to be affixed and put up at the several Toll Houses to be erected by virtue of this Act.

Statute Labour.

LXV. 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 Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said Borough, or County or Place, as the Case may be, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Townships or Places in which the said Road lies, 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, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such 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 Fourteen Days after the serving of such Summons) of the Names of the several Persons who within such 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 such Manner and under such Regulations or Restrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, not exceeding Two Thirds of the whole Statute Work which each such Person shall be liable to do upon the whole of the public Roads within his or their Township in the Course of such Year; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors by their Order shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists

Justices to determine Differences touching Statute Work.

ſhall appear to be ſubject or 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 the ſaid Juſtices 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 other Penalties and Forfeitures impoſed by this Act are herein-after directed to be recovered, levied, apportioned, and applied; 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, ſigned by the Surveyor or Surveyors 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 public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, 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 Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; 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; to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures impoſed by this Act may be recovered and are herein-after directed to be apportioned and applied.

Truſtees may compound for Statute Work.

LXVI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or their Clerk or Surveyor or Surveyors, by their Order, 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 Road, 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 Road lies, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees, or their Clerk or Surveyor or Surveyors, by their Order, ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants or Occupiers done on the ſaid Road, 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 or Treaſurers of the ſaid Truſtees, in advance, on or before the Firſt Day of *March* in each and every Year; or otherwiſe the Inhabitants or Occupiers of ſuch Townſhip or Place ſhall not be permitted to compound for that Year.

LXVII. And

For enforcing the Payment of Composi-Money.

LXVII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said Borough, by Writing under his or their Hand and Seal or Hands and Seals to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Justice or Justices that the same hath been demanded and remain due, which Oath such Justice or Justices is or are hereby empowered to administer), to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors of the Highways so agreeing to make such Composition in lieu of any such Repairs for Statute Work (as the Case may be), returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Trustees may contract for repairing the Road.

LXVIII. And be it further enacted, That the said Trustees or any Five or more of them shall or may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the amending, widening, improving, and keeping in Repair the said Road and Bridges, or any Part or Parts thereof respectively (except the Bridges liable to be repaired by or at the Expence of the Riding at large, which shall continue to be respectively repaired by the said Riding), or for all or any other the Works to be done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting by such Trustees, or any Five or more of them, shall be binding on the said Trustees and other Parties who shall sign the same, his, her, or their Successors, Executors, and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for making or repairing the said Road and Bridges, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty for damaging Mile Stones, &c. or riding upon or injuring Causeways, &c.

LXIX. And be it further enacted, That if ny Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the said Posts, Boards, Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp Post or Lamp Iron set up or affixed by Order of the said Trustees at or near to any of the said Turnpike Gates, or on any other Part of the said Road, or shall cause or procure the same to be done; or if any Person or Persons shall wilfully pull up, injure, or damage any other Posts, Rails,

or

or Fences now or at any Time hereafter to be placed or put up by Order of the ſaid Truſtees, or their Surveyor or Surveyors, either by the Side or Sides of the ſaid Road, or at or near to any Pit or Quarry which ſhall be uſed, opened, or made for the getting of Stones, Gravel, or other Materials for the Purpoſes of this Act, in order to prevent Accidents, or to protect and preſerve any Hedge or Quickſet, or any Part or Parts thereof, which the ſaid Truſtees by virtue of this Act are authorized to plant and keep in good Order; or if any Perſon or Perſons ſhall wilfully root up, cut, deſtroy, or damage any ſuch Hedge or Quickſet, or any Part or Parts thereof, whilſt the ſame ſhall be under the Care of the ſaid Truſtees or their Surveyor or Surveyors, or ſhall wilfully break, throw down, or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwiſe damage any of the Bridges or Arches now or hereafter to be erected acroſs the ſaid Road, or ſhall haul or draw or cauſe to be hauled or drawn upon any Part of the ſaid Road or Bridges any Tree or Piece of Timber or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of ſuch Road or Bridges to the Prejudice thereof, or ſhall wilfully drive any loaded Waggon along any Foot or Horſe Cauſeway, being Part of or adjoining to the ſaid Road, or ſhall, without being thereto authorized by the Surveyor or Surveyors for the Time being acting under this Act, ſhovel up, ſcrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift or Soil from off any ſuch Cauſeway, or any other Part of the ſaid Road; or if any Perſon or Perſons ſhall ride upon any Footway adjoining to the ſaid Road, or ſhall wilfully drive any Horſe or other Cattle, Sheep or any Swine, or any Cart or Carriage thereon, or ſhall wilfully or careleſsly cauſe any Damage to be done to the ſaid Cauſeways; or if any Perſon or Perſons driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up and damage the ſaid Road or any Part thereof, or the Fences, Hedges, Backings, or Copſe on either Side thereof; or if any Perſon on Horſeback, or driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, or Perſon on Horſeback, ſhall not keep his Horſe or Carriage on the Left or near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other 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 or throw any Squib, Rocket, Serpent, or other Firework whatſoever, or play at Football or any other Game, on any Part or Parts of the ſaid Road or Bridges, or within Forty Yards of the ſame; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch Carriage longer than may be neceſſary for loading or unloading the ſame, in, upon, or on the Side of any Part of the ſaid Road or Bridges, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or in caſe the ſame ſhall not during ſuch Time be placed as near to the Side of the Road as conveniently may be; or if the Driver of any Waggon, Wain, or Cart, or other ſuch Carriage, ſhall wilfully or careleſsly pull up, break, or damage any Poſts or Stones to be erected for the Security of the ſaid Horſe Cauſeway, or wilfully or careleſsly drive the Wheel of any Carriage againſt the ſame, every ſuch Perſon ſhall forfeit a Sum not exceeding Five Pounds for every ſuch Offence, to be levied, recovered, apportioned, and applied in Manner herein-after pro-

vided for the Recovery, Apportionment, and Application of Penalties and Forfeitures; and such Offender shall also pay to the said Trustees, or their Treasurer or Treasurers, or One of them, such Sum of Money as shall be a full Satisfaction for the Damage so done, which Damage shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid; and shall and may be levied and recovered in like Manner as any Penalties or Forfeitures imposed by this Act may be recovered, and shall be applied for the Purposes of this Act.

Recovery and Application of Penalties and Forfeitures.

LXX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the said Borough, or for the County or Place where the Offence shall be committed, as the Case may require, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, which Oath such Justice is in every such Case hereby fully authorized to administer, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road and Bridges; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines respectively shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said Borough, or of the Riding at large, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines and all reasonable Charges shall be sooner paid and satisfied.

For securing transient Offenders.

LXXI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said Borough, near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act, or in Default of any special Provision herein applicable to the Offence, then such Offender to be punished according to any existing Law applicable to the Case.

LXXII. And

LXXII. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or 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 following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord is convicted before of His Majeſty's Juſtices of the Peace for the of [*ſpecifying the Offence, Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal the Day and Year firſt above mentioned.'

Proceedings not to be quaſhed for want of Form.

LXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums 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 Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any ſuch Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made for or on Behalf of the Party diſtraining before ſuch Action brought.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXIV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fourteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be holden for the ſaid Borough, or for the County or Place in which the Cauſe of Complaint ſhall ariſe, as the Caſe may be, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſions, in which Caſe ſuch Appeal may be brought at the Second Seſſions after ſuch Cauſe ſhall ariſe, ſuch Appellant or Appellants firſt giving or cauſing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer of the ſaid Truſtees, and within Four Days after ſuch Notice entering into a ſufficient Recognizance before ſome Juſtice of the Peace for ſuch Borough, County, or Place, as the Caſe may be, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the ſaid Juſtices at ſuch Seſſions, 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

Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, 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 to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the Borough, County, or Place, as the Case may be, where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of Actions.

LXXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fifteen Days Notice thereof shall be given to the Clerk to the said Trustees, nor after sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his and their Election, plead 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 be so done, or that such Action or Suit shall be brought before Fifteen Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find 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 Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judginent shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXXVI. 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 the Act.

LXXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for 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. 1817.