ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 62.

An Act for making and maintaining a Road from a Place called *Lees*, in the Parish of *Bingley*, to commence and branch off from the Road leading from *Cross Roads Inn* to *Haworth*, at the North East Corner of a certain Close of Land called *The Highfield*, to *Hebden Bridge*, in the Parish of *Halifax*, all in the West Riding of the County of *York*. [18th *May* 1814.]

WHEREAS the making and maintaining of a Carriage and Turnpike Road, from a Place called *The Lees*, in the Parish of *Bingley*, in the West Riding of the County of *York*, to commence and branch off from the Road leading from *Cross Roads Inn* to *Haworth*, at the North East Corner of a certain Close of Land belonging to *James Murgatroyd*, called *The Highfield*, and from thence to *Upper Town*, in the Township of *Haworth*, in the Parish of *Bradford*, in the said Riding, and from thence to join the *Todmorden* Turnpike Road at *Hebden Bridge*, in the Parish of *Halifax*, in the said West Riding, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a much shorter and better Communication than there is at present between the respective Places aforesaid, and also between the several manufacturing Towns and Places near or adjacent to the Line of the said Road, and would also be of great public Utility: May it therefore please Your Majesty that

it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *George Auguſtus Henry Cavendiſh* commonly called *Lord George Auguſtus Henry Cavendiſh*, the Reverend *Lumley Savile*, *Theodore Drewry* Clerk, *John Hartley* Doctor in Divinity, *John Perring* Clerk, *John Greenwood* of *Kighley*, *William Clayton* the elder, *William Clayton* the younger, *Liſter Ellis*, *William Ellis*, *Frederick Greenwood*, *Currer Buſfield*, *William Buſfield*, *Walker Ferrand*, *Edward Ferrand*, *Richard Bradley Wainman*, *William Wainman*, *James Greenwood* of *Bridgehouſe*, *John Greenwood* of *Bridgehouſe*, *William Sugden* of *Kighley*, *John Greenwood* of *Oxenhoge*, *Joſeph Greenwood* of *Oxenhoge*, *Joſeph Greenwood*, *William Greenwood*, *John Cunliffe*, *Thomas Cunliffe*, *William Cunliffe*, *William Mitchell*, *Joſhua Field* the younger, *Ellis Cunliffe Liſter* of *Addingham*, *John Garforth* of *Steeton*, *Michael Stocks* of *Catherine Slack*, *John Spencer* the elder of *Spring Gardens*, *David Spencer*, *John Spencer* the younger, *John Blakey*, *Thomas Blakey*, *Thomas Binns*, *Robert Dawſon*, *Joſeph Emmett*, *Holmes Clapham*, *John Clapham*, *Jonas Horsfall*, *Richard Williamſon*, *John Elliſon*, *William Newſholme*, *John Bairſtow*, *Benjamin Blackbrough*, *Lodg Calvert*, *Thomas Thompſon*, *Thomas Whitley* of *Bingley*, *James Hargreave*, *Samuel Slack*, *John Haggas*, *William Haggas*, *Richard Hattersley*, *John Roper*, *William Roper*, *David Illingworth*, *William Illingworth*, *Thomas Brigg*, *John Craven*, *John Town*, *Joſhua Cowling*, *Michael Heaton* of *Royd Houſe*, *George Beck* Surgeon, *Thomas Corlaſs* of *New Road*, *Thomas Waterhouſe Harper* of *Sutton*, *William Wilkinſon*, *John Laycock*, *Joſhua Paget*, *Thomas Paget*, *Francis Paget*, *Joſeph Paget*, *Edward Mariner*, *Thomas Horsfall* of *Dunholme*, *Thomas Hirſt*, *John Ogden* the elder, *John Ogden* the younger, *Edmund Ogden* of *Oſſett*, *John Croſsley* of *Scaitcliffe* and *Rochdale*, *James Maden*, *William Patchett* of *Bankfoot*, *John Croſsley* of *Great Houſe*, *Henry Lord*, *John Sutcliffe* the elder of *Stansfield Hall*, *John Sutcliffe* the younger of *Stansfield*, *William Sutcliffe*, *Samuel Sutcliffe*, *William Sutcliffe* of *Lower Laith*, *Samuel Sutcliffe* of *Leeming Hall*, *John Heap* of *Mill Wood*, *George Heap*, *William Sutcliffe* of *Royd*, *Thomas Ramſbotham* of *Ewood Mill*, *John Ramſbotham*, *James Ramſbotham*, *John Stansfield* the elder of *Ewood*, *John Stansfield* the younger of *Ewood*, *John Greenwood* of *Scaitcliffe*, *William Greenwood* of *Scaitcliffe*, *John Barker* of *Owlers*, *John Barker* of *Bearwiſe Mill*, *Richard Nayler* of *Kitſonwood*, *William Barker* of *Croſslee*, *John Arthur Ingham* of *Shaw*, *William Eaſtwood* of *Eaſtwood*, *Thomas Eaſtwood* of *Eaſtwood*, *John Eaſtwood* of *Eaſtwood*, *John Croſsley* of *Greathouſe*, *Robert Hardman* ſenior of *Dobroyd*, *Robert Hardman* junior of *Dobroyd*, *James King* of *Mitholm*, *Hamlet Bent* of *Mitholm*, *Alexander Turner*, *Leeds*, *Heyworth Heyworth*, *Todmorden*, *Robert Beſwicke*, *Pikehouſe*, *John Beſwicke*, *Frankfort Cottage*, *John Halliwell Beſwicke*, *Frankfort Cottage*, *Lawrence Newall*, *Townhouſe*, *William Newhall*, *Harehill*, *Lawrence Newall*, *Harehill*, *Samuel Newall*, *Harehill*, *Smith Newall*, *Rochdale*, *James Taylor*, *Todmorden Hall*, *John Taylor* of *Todmorden Hall*, *George Taylor* of *Todmorden Hall*, *Joſeph Croſsley Taylor* of *Todmorden Hall*, *Thomas Knowles* of *Todmorden Hall*, *John Knowles* of *Kilnhurſt*, *Thomas Dunham Whitaker* Doctor of Laws, *Holme Peregrine Townley* of *Townley Hall*, *John Croſsley* ſenior of *Scaitcliffe*, *Ralph Shuttleworth* of *Rochdale*, *Richard Shuttleworth* of *Rochdale*, *William Toon* of *Thornhill*, *Abraham Gibſon* of *Greenwoodler*, *John Lockwood* of *Ewood*, *William Norman*, *Hatherſhelf*, *William Thomas* of *Hatherſhelf*, *Jonas*

Truſtees.

Jonas Horsfall, *Thomas Dyneley* of *Hebden Bridge*, *Thomas Randall*, *Abraham Hollinrake*, *Richard Horsfall* junior, *William Mitchell*, *John Mitchell*, *John Buckley*, *John Lord*, *George Cockcraft*, *Samuel Greenwood*, *John Fielden*, *John Sutcliffe*, *William Shackleton*, *James Hargreaves*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees, for making, maintaining, amending widening, improving and keeping in Repair the ſaid Road, 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 Ten 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, 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 affixing the ſame in Writing on all the Turnpike Gates, which by virtue of this Act ſhall be then erected or ſet up on the ſaid Road, at leaſt Ten Days before 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, 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 ſeized of a Real Eſtate, in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds; or be poſſeſſed of a Perſonal Eſtate to the Amount of Five 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 the ſaid Truſtees, or any 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 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 of Five thouſand Pounds; *or*, am Heir Apparent of 'who to the beſt of my Knowledge is ſeized of a Real Eſtate 'of Lands, Tenements, or Hereditaments, of the clear yearly Value of 'Two hundred Pounds, [*as the Caſe may happen.*] So help me GOD.'

Penalty on Truſtees 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, Cyder, Ale, Beer, or Spirituous Liquors by Retail; and if any Perſon diſqualified by any of the Cauſes aforeſaid, or not being qualified as 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 ſo 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 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 in the Commiſſion of the Peace for the 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 *Devonſhire Arms Inn* in *Keighley*, on the Second *Tueſday* 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 to meet at ſuch Time, and at ſuch Place or Places in or near the ſaid Road, as they ſhall think proper; 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

ceeding Thirty Days, nor leſs than Ten Days from the Time of the laſt Default, and ſhall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act, at leaſt Eight 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 in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Truſtees to meet at ſuch Time, and at ſuch Place in or near the ſaid Road, as they the ſaid Three Truſtees ſhall think proper, not exceeding Fifteen Days, nor leſs than Eight Days from the Time of affixing ſuch Notice; 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 in all Caſes where the ſaid Truſtees, or any Juſtice or Juſtices of the Peace, are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Truſtees, or any One or more of them, or for ſuch Juſtice or Juſtices to adminiſter ſuch Oath; and that no Order made by Five or more Truſtees, ſhall be revoked or altered at any 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 Fifteen Days Notice at the leaſt of ſuch intended Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Books of Proceedings, and alſo affixed on all the Turnpikes which by virtue of this Act ſhall be then erected, Eight Days at leaſt before ſuch Meeting.

No act valid unleſs at a Meeting, and fixing the Quorum.

VI. Provided always, and be it further enacted, That if after any Adjournment 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 Notice in Writing affixed on all the Turnpikes then erected by virtue of this Act, ſuch Time not being leſs than Eight Days after ſuch Notice; 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.

Meetings on Emergencies.

VII. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by the Truſtees making the ſame, or by their Clerk; which Book or Books, and alſo the Book or Books, herein-after directed to be kept for regiſtering Mortgages and Aſſignments, or Tranſcripts thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Orders, &c. to be entered in a Book.

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,

Appointment of Officers.

Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and 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 Writing, affixed on all the Turnpikes then erected by virtue of this Act, 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 Roads, 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, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

Truſtees to appoint temporary Collectors.

IX. 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, though not aſſembled at a Meeting of the Truſtees appointed by virtue of this Act, to diſcharge ſuch 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 Perſons ſo nominated and appointed, ſhall have the like Power and Authority, 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; and that if any Collector or Receiver of the ſaid 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 or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building, with the Appurtenances to be erected or ſet up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpoſe, by any Three or more of the ſaid Truſtees, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid Riding, upon Demand made by the ſaid Truſtees, or by any Perſon by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame Riding, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Three of them, or their new appointed Officer, into the Poſſeſſion thereof.

Officers to account on Oath.

X. 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

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 reſpectively 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 ſhall verify ſuch Accounts upon Oath (which Oath any one or more of the ſaid Truſtees, or any Juſtice of the Peace for the County or Riding where ſuch Officer or Perſon ſhall reſide, are hereby empowered to adminiſter); 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 verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officers or 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, anyways relating to the Execution of this Act, or to the ſaid Road, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County, Riding, or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, 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 ſhown 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 to give and deliver to the ſaid Juſtice an Account or Accounts of

of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts or of the Articles thereof upon Oath 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, then and in either of the Cases aforesaid, such Justice may and 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 County or Riding where he or they shall live and reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, 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 any Five or more of them, or such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make); 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 to give Security.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Treasurers, and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices.

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

XII. 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 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 shall be): Provided always, that every such Clerk, in whose Name or Names any such Action, Suit, Prosecution, Information, Appeal or other Proceeding 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 pay, bear, sustain, expend, or be put unto, or become

chargeable

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.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees if they ſhall think proper, to erect and ſet up and build, or cauſe to be erected, ſet up and built upon, in, or acroſs any Part or Parts of the ſaid Road, or acroſs any Road or Lane that doth or ſhall lead into or out of the ſaid Road, one or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, and alſo one or more Toll Houſe or Toll Houſes, with Out-buildings ſuitable thereto, and take in and incloſe on the Sides of the ſaid Road, ſuitable Garden Spots, not exceeding One Quarter of an Acre each, and from Time to Time pull down and remove ſuch Turnpikes and Toll Houſes, as they the ſaid Truſtees or any Five or more of them ſhall think proper, and direct or appoint.

In what Caſes Perſons travelling from Hebden Bridge to Horſebridge are to be exempted from Toll, &c.

XIV. And whereas there is at preſent an ancient or old Road leading from the Village or Hamlet of *Hebden Bridge* to a place called *Horſebridge*, and other Places in the Townſhip of *Wadſworth*, and the new Road intended to be made by and after the paſſing of this Act, will in divers Places incroach upon or interfere with ſuch preſent ancient or old Road; provided therefore, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to enable the Truſtees herein-before named, or any of them, or any of their Succeſſors for the Time being, to erect or ſet up, or cauſe to be erected or ſet up any Toll Bar or Side Bar for their Benefit or Advantage, either upon any Part or Parts of the new Road ſo intended to be made as aforeſaid, leading from *Hebden Bridge* to *Horſebridge* aforeſaid, or upon any Part of the ſaid preſent ancient or old Road leading from *Hebden Bridge* to *Horſebridge*, and other Places in the Townſhip of *Wadſworth* aforeſaid, by or near *Burſtcliffe* in *Wadſworth* aforeſaid, until ſuch Truſtees ſhall in ſuch Places (where ſuch intended new Road ſhall encroach upon or interfere with ſuch preſent ancient or old Road), firſt make and ſubſtitute, or cauſe to be firſt made and ſubſtituted, in a convenient Line, a Road equally commodious in aſcent to the ſaid ancient or old Road (in ſuch Places where the ſame ſhall be ſo encroached upon or interfered with as aforeſaid), as now uſed or accuſtomed to be uſed previous to the paſſing of this Act, by Perſons travelling with Horſes, Cattle, Carts and Carriages, from *Hebden Bridge* to *Horſebridge*, and from *Horſebridge* to *Hebden Bridge* aforeſaid, ſo and in ſuch Manner that ſuch Perſons ſo travelling upon the ſaid ancient or old Road ſhall and may ſo travel thereupon or upon any Part thereof, between *Hebden Bridge* and *Horſebridge*, and other Places in the Townſhip of *Wadſworth* aforeſaid, by or near *Burſtcliffe* in *Wadſworth* aforeſaid, without being ſubject or liable to the Payment of any Toll whatever; but that when and ſo ſoon as the ſaid Truſtees or any of them, or any of their Succeſſors for the Time being, ſhall have made and completed ſuch preſent ancient or old Road, equally commodious (in ſuch Places where the ſame ſhall be ſo encroached upon or interfered with as aforeſaid), as the ſame now is, then and in ſuch Caſe they the ſaid Truſtees or any of them, or any of their Succeſſors for the Time being, ſhall (at any Time or Times thereafter during the Continuance of this Act) be at Liberty, and they are hereby authorized and empowered to erect or ſet up, or cauſe to be erected or ſet up and built, any Toll Gate or Toll Gates, Side Bar or Gate upon any Part or Parts of the new Road ſo intended to be made as aforeſaid,

In what Caſes a Toll Gate, &c. may be ſet up between Hebden Bridge and Horſebridge.

aforeſaid, as lays or ſhall lay between *Hebden Bridge* and *Horſebridge* aforeſaid; and that all and every Perſon and Perſons travelling on the ſaid intended new Road, between *Hebden Bridge* and *Horſebridge*, ſhall be and they are hereby made ſubject and liable to the Payment of ſuch Toll, as by the paſſing of this Act ſhall or may be impoſed and made payable at ſuch Toll Gate or Toll Gates ſo to be erected or ſet up and built as aforeſaid.

Turnpikes veſted in the Truſtees.

XV. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails and Fences, Toll Houſes and Buildings which ſhall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the ſame, and for completing and repairing the ſaid Road, and all ſuch Materials made uſe of for the Purpoſes of this Act, or collected to be made uſe of, ſhall be and are hereby veſted in the ſaid Truſtees, and they or any Five or more of them are hereby authorized and empowered to diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, in the Name of their Clerk for the Time being, or to prefer or cauſe to be preferred any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage the ſame, or any Part or Parts thereof, or diſturb the ſaid Truſtees, or their Agents or Servants in the Poſſeſſion thereof.

Power to take Tolls.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons appointed or to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the ſeveral and reſpective Turnpikes or Toll Gates or Toll Houſes, or Turnpike or Toll Gate or Toll Houſe, or Side Bar or Side Gate, to be erected in, upon, acroſs, or on the Side or Sides of the ſaid Road by virtue of this Act, and on every Day, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night; (that is to ſay),

Tolls.

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

For every Waggon or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, drawn by Seven or Eight Horſes or Beaſts of Draught, the Sum of Four Shillings, to be payable and paid at Two Gates; or if the Wheels ſhall be only Six Inch Wheels, then the ſaid Toll ſhall be payable and paid at Three Gates:

For every Waggon or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards, drawn by Five or Six Horſes or Beaſts of Draught, the Sum of Three Shillings, to be paid at Two Gates; and drawn by Four Horſes or Beaſts of Draught, the Sum of Two Shillings, to be paid at Two Gates; and if ſuch Waggon or other Four-wheeled Carriage ſhall have Narrow Wheels, then the ſaid laſt

mentioned Tolls of Three Shillings and Two Shillings shall be payable and paid at Three Gates:

For every Waggon or other such Four-wheeled Carriage, with any of the Wheels of less Breadth than Six Inches, the same Sum or Toll as if all Four Wheels were of the Breadth of Six Inches:

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Six Inches, and drawn by Five or more Horses or Beasts of Draught, the Sum of Three Shillings, to be paid at Two Gates; and drawn by Four Horses or Beasts of Draught, the Sum of Two Shillings, to be paid at Two Gates; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence, to be paid at Two Gates; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling, to be paid at Two Gates; and drawn by One Horse or Beast of Draught, the Sum of Sixpence, to be paid at Two Gates:

For every Cart or other Two-wheeled Carriage, with Wheels of less Breadth than Six Inches, drawn by Five Horses or Beasts of Draught, the Sum of Three Shillings, to be paid at Three Gates; and drawn by Four Horses or Beasts of Draught, the Sum of Two Shillings, to be paid at Three Gates; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence, to be paid at Three Gates; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling, to be paid at Three Gates; and drawn by One Horse or Beast of Draught, the Sum of Sixpence, to be paid at Two Gates; and for every Waggon, Cart, or other such Carriage laden with Coals, the additional Sum of Four-pence at each Gate where Toll shall be payable for such Waggon, Cart, or other Carriage:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence, to be paid at Two Gates:

For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, to be paid at Two Gates; and so in Proportion for any less Number: And,

For every Drove of Calves, Swine, Sheep or Lambs, the Sum of Nine-pence *per* Score to be paid at Two Gates, and so in Proportion for any less Number:

Double Toll on Sunday.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricle or Calash, Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mare, Gelding, Mule, or Pair of Neat Cattle, Ass, or other Beast, and for every Drove of Calves, Hogs, Sheep or Lambs, which shall pass through any of the said Gates on a *Sunday*, (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) Double the Tolls herein-before mentioned, for the passing of every such Carriage, Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle, Calves, Hogs, Sheep or Lambs.

And the said respective Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, to be erected by virtue of this Act, upon or across the said Road or any Part thereof, or upon or across any Lane or Way leading into the same; 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 which said respective Tolls or Duties

shall

Penalty on refuſing to pay Toll.

ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied for the Purpoſes of this Act, as herein-after is directed; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize and diſtrain any ſuch Horſes or other Cattle or Beaſts, or the Bridles, Saddles, Gears, Harneſs, Accoutrements, or a ſufficient Part thereof (except the Bridles or Reins apart from any Horſe or Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe or Horſes, Cattle or other Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, to the Owners thereof, after ſuch Tolls, and the reaſonable Charges of making ſuch Diſtreſs, and keeping and ſelling the ſame, ſhall be deducted and paid; to be aſcertained, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace for the ſaid Weſt Riding of the County of *York*, as herein-after mentioned.

One Toll only to be paid for paſſing and repaſſing Once the ſame Day.

XVII. Provided always, and it is hereby further enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing once the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriages, (or with the ſame Horſes or Cattle drawing any other Carriage of the ſame Deſcription as the Carriage for which Toll had been paid, with ſuch Horſes or Cattle, the previous Time of paſſing) through any one of the ſaid Gates or Turnpikes; and that all and every Perſon and Perſons having paid ſuch reſpective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*), ſhall be allowed to repaſs once on the ſame Day, with the ſame Horſes, Cattle, Beaſts, and Carriages, Toll-free, through the Turnpike or Toll Gate at which Tolls ſhall have been ſo paid; but if any Perſon or Perſons ſhall paſs through ſuch Gate or Turnpike a Third Time on the ſame Day, with the ſame Horſes, Cattle, Beaſts, or Carriages, then and in that Caſe, ſuch Perſon or Perſons ſhall again be liable to pay the ſaid Tolls for ſuch Third Time of paſſing with the ſame Horſes, Cattle, Beaſts, or Carriages, and ſo (*toties quoties*) for every Third Time he or they ſhall paſs ſuch Gate or Turnpike on the ſame Day, with the ſame Horſes, Cattle, Beaſts, or Carriages as aforeſaid: Provided alſo, that in caſe any Horſe, Cattle, or other Beaſt, Waggon, Wain, Cart, or other Carriage, ſhall paſs and repaſs through any ſuch Turnpike or Toll Gate more than Five Times in any One Day, to be computed as aforeſaid, then the reſpective Tolls hereby granted ſhall be demanded and taken for every Time, whether of paſſing or of repaſſing, exceeding ſuch Five Times.

Not exceeding Five Times.

Limiting the Number of Gates.

XVIII. Provided alſo, and be it further enacted, That no more than Three Toll Bars or Gates in the Whole ſhall be erected or ſet up on the ſaid Road by virtue of this Act; and that ſuch Toll Bars or Gates ſhall be ſo ſituated or erected, as not to be nearer to each other than Two Miles.

XIX. And

Diſputes concerning Tolls to be ſettled by a Juſtice.

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

To prevent Evaſion of Toll.

XX. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage paſs through or over any 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, Ground, or Place, or any of his, her, or their Family or Servants); or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, or Place, the ſame not being a public Highway, ſhall knowingly permit or ſuffer any Perſon or Perſons (except as aforeſaid), to paſs with any Horſe, Cattle, Beaſt, or Carriage through or over the ſame, whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded; or if any Perſon or Perſons ſhall forge or counterfeit, or ſhall give 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, or take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, or having paſſed through any Turnpike, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, in order to evade the Payment of the ſaid Tolls, or if any Perſon or Perſons ſhall do any other Act in order to avoid the Payment thereof, or any Part thereof, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for each Offence forfeit any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied towards the Purpoſes of this Act; 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 cauſe any Hedges, Walls, Banks, or Ditches, to be planted, erected, or made upon any Waſte Lands, Commons, or unincloſed Grounds on the Side or Sides of the ſaid Road, or to erect any Gate or Stile acroſs any Lane or Way leading into the ſaid Road; and if any Perſon ſhall pull up, pull down, diſplace, or damage any ſuch 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.

Collectors may be Witneſſes.

XXI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not by reaſon thereof be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation.

Exemptions from Toll.

XXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons, for any Horse, Cattle, Beast, or Carriage, which shall not go more than One hundred Yards upon the said Road, or for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart or other Carriage employed in 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 or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for seeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage, employed in 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 Ploughs, Harrows or Implements of Husbandry, or any Mould, Dung, Compost or Manure, Chalk and Lime, employed in Husbandry for manuring or improving Land, or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or watering Place, or going to be or returning from being shoed or farried; or for any Horse, Cattle or Carriage, going to or returning from any Corn Mill or Malt Kiln situate in any of the Townships or Places, with or for any Corn, Grain, Malt, Meal or Flour to be ground, made or smelted, or when so done, for the Owner's own Use and Consumption, and not for Sale; or from any Person or Persons going to or returning from his, her or their proper Parochial Church, Chapel or other Place of Religious Worship, on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever 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 or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage or Waggon, 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 employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance or 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; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days

Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; 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 forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXIII. 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 or Barrack or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Trustees may lease the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Twenty Days Notice to be given thereof, upon all the Turnpikes then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one Letting, upon public Bidding, to the highest Bidder, and for the best Price such Trustees can get for the same, payable Quarterly in advance, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them shall think fit; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

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

XXV. And be it further enacted, That during such Time as the Tolls, 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, by Writing or Writings under his, her, or their

their Hand or Hands, authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, 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, appointed by the ſaid Truſtees, is ſubject or liable to.

Tolls to be leſſened or altered by order of Seven Truſtees, &c.

XXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby authorized and empowered, from Time to Time, as they ſhall think proper, to leſſen and reduce all or any Part or Parts of ſuch Tolls, at all, any, or either of the ſaid Turnpikes, and to raiſe the ſame again to any Sum not exceeding the Tolls by this Act granted; but no ſuch Reduction ſhall be made unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon all the Turnpikes erected by virtue of this Act, at leaſt Twenty Days before the Meeting for making ſuch Reduction; and ſuch Tolls ſo leſſened or reduced, ſhall be collected, recovered and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money ſubſcribed or borrowed on the Credit of this Act, ſhall have been paid off or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths of the Money remaining due upon the Credit of the ſaid Tolls, or this Act.

Truſtees may compound for Tolls.

XXVII. 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 and agree with any Perſon or Perſons for the paſſing of any Carriage, Horſes, Beaſts or other Cattle, travelling on the ſaid Road, for all or any of the Tolls to be paid in reſpect thereof, for any Term not exceeding Twelve Calendar Months at any one Time; which Compoſition Money ſhall be paid in Advance Quarterly or otherwiſe, as the ſaid Truſtees, or any Five or more of them ſhall appoint; and in Default of ſuch Payment, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls are hereby directed to be applied.

For borrowing Money.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpoſe, whereof Twenty Days Notice ſhall be given in ſome public Newſpaper circulated in the Neighbourhood of the ſaid Road, and affixed on all the Turnpikes or Gates on the ſaid Road, to borrow and take up at Intereſt upon the Credit of the Tolls payable by virtue of this Act, ſuch Sum or Sums of Money as they ſhall think proper, and to mortgage and aſſign the ſaid Tolls or any Part or Parts thereof, and any of the Turnpikes and Toll Houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls) to any Perſon or Perſons, his, her, or their Executors, Adminiſtrators or Aſſigns, who ſhall advance or lend his, her, or their Monies thereon, for any Time

or

or Term during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed, and the Intereſt thereof; which Mortgages ſhall be ſigned and ſealed by the ſaid Truſtees, or any Five or more of them, and be in the following Words, or in any other Words to the like Effect; (that is to ſay),

Form of Aſſignment.

'BY virtue of an Act made in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act*] We of the Truſtees of the ſaid Road, whoſe Names are hereunto ſet and Seals affixed, in Conſideration of the Sum of by to the Treaſurer of the ſaid Road in Hand paid, do grant, bargain, ſell and demiſe unto the ſaid Executors, Adminiſtrators and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and alſo of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum charged and advanced, or to be charged or advanced on the Credit of the ſaid Tolls; 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 after the Rate of *per Centum* *per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals, this Day of in the Year of our Lord.'

And that 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 Clerks to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the Tolls, after the Firſt Meeting of the ſaid Truſtees, unleſs Notice be for that Purpoſe affixed in Writing upon all the Turnpikes then erected by virtue of this Act, at leaſt Twenty Days before the borrowing thereof, and the Intention thereof be alſo advertiſed twice at leaſt in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Road; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, is and are hereby empowered from Time to Time to aſſign over or transfer ſuch Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever, by ſigning an Inſtrument to be annexed to ſuch Security, or by an Indorſement on the ſame, in the following Words, or 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 bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Truſtees acting in Execution of an Act, made in the Fifty-fourth 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 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 or notified to the Clerk or Clerks 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 the Sum or Sums of Money therein transferred, for which the ſaid Clerk or Clerks ſhall be paid the Sum of Five Shillings and no more, by the Perſon or Perſons to whom ſuch reſpective Transfers ſhall be made; which ſaid Book or Books ſhall and may be inſpected at all ſeaſonable Times by any Perſon or Perſons whomſoever, and the Sum of One Shilling and no more ſhall be paid to ſuch Clerk or Clerks for every ſuch Inſpection; and after ſuch Entry made, but not till then, every ſuch Transfer ſhall entitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Transfer, to make void, releaſe, or diſcharge the original Mortgage or Aſſignment, or any Monies due thereon.

No Creditor to have Preference of another.

XXIX. And be it further enacted, That no Preference ſhall be given to any Perſons or Perſon who have or hath ſubſcribed, or who ſhall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Aſſignee or Aſſigns, in reſpect to the Priority of advancing ſuch Sum or Sums of Money; but that all ſuch Perſons, and his, her, and their Aſſignees and Aſſigns, ſhall be (in Proportion to the Sum or Sums ſo ſubſcribed or advanced) Creditors under this Act in equal Degree one with another.

For paying Creditors by Lot.

XXX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall at any Time or Times be deſirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the ſaid Road, it ſhall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforeſaid, (Notice of ſuch intended Meeting, and of the Purpoſe thereof, being firſt given at leaſt Twenty Days preceding the ſame, by Advertiſement in ſome Newſpaper printed in or uſually circulated within the ſaid Riding), if they ſhall think fit, inſtead of paying the ſame rateably amongſt all the Creditors, to determine by Lot to which of ſuch Creditors the Whole or a Portion thereof ſhall be ſo paid, and to pay the ſame to ſuch Creditor or Creditors only; any Thing herein contained to the contrary notwithſtanding.

Application of Monies.

XXXI. And be it further enacted, That all the Monies ſubſcribed or to be ſubſcribed, or which ſhall ariſe and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof; and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and applied to and for the ſeveral Uſes, Intents and Purpoſes, and in the Order and Manner following; (that is to ſay), in

Coſts of the Act to be firſt paid.

the Firſt Place, in Payment of all the Coſts, Charges, and Expences, incident to or attending the obtaining and paſſing of this Act; in the Second Place, in paying the Intereſt to accrue upon the ſeveral Principal Sums of Money, which, at the Time of the Commencement of this Act, and from Time to Time thereafter, ſhall be ſubſcribed for, or be due and owing on Mortgage or Security of the Tolls granted by this Act, at the Rate of Five Pounds *per Centum per Annum*, or at ſuch lower Rate of Intereſt as ſhall be agreed upon between the ſaid Truſtees, or any Five or more of them,

and

and the ſeveral Perſons for the Time being entitled to ſuch Principal Sums; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes and other Buildings, and repairing the ſame, and of altering, widening, turning, repairing and improving the ſaid Road, and of executing the other Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging ſuch Principal Sums as aforeſaid.

Subſcribers to pay their Subſcriptions.

XXXII. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed for any Money for and towards the making or amending, widening and repairing the ſaid Road, 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 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, or more than one Imparlance ſhall be allowed; and all ſuch Monies ſhall be veſted in the ſaid Truſtees for the Purpoſes of this Act.

Truſtees may widen, turn, or alter the Road.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, 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, upon or over any Commons or Waſte Lands, without making any Satisfaction for the ſame; and alſo upon, over, or through any private Lands or Hereditaments; 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.

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

XXXIV. 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 for the ſaid Riding; 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 Riding, to the end that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take

Copies or Extracts thereof, at their Will and Pleaſure, paying the 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.

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

XXXV. 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 or 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 mis-ſtated in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid Riding, 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.

XXXVI. Provided always, 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 firſt had and obtained, other than and except ſuch as are marked or deſcribed in the ſaid Plan and Book of Reference; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

The Purchaſe of Lands.

Corporations and incapacitated Perſons empowered to ſell, &c.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees 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 anyways 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 Truſts, 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 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

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.

XXXVIII. And be it further enacted, That in caſe the ſaid Truſtees and any Owner or Owners, or other Perſon or Perſons intereſted as aforeſaid, cannot agree as to the Price or Prices, or the Values 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, Twenty-one clear Days before any General or Quarter Seſſions of the Peace to be holden for the ſaid Riding, 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 Owners or Perſons reſpectively, with ſome or one of their reſpective Families or Agents, a Notice in Writing denoting and deſcribing the reſpective Quantities of Lands 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 and 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 aſſembled, 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 Sheriff of the ſaid County, without Fee or Reward, and cauſe them to be ſworn well and truly on their Oaths, to aſſeſs the Value of the Lands or Hereditaments comprized 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 (which Oath the ſaid Juſtices are hereby empowered to adminiſter to the ſaid Jurors), 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 to and upon the ſaid Truſtees, and all Perſons and Parties intereſted in ſuch Lands and Hereditaments.

Expences of Jury how to be defrayed.

XXXIX. And be it further enacted, That in caſe 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

the impannelling of 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.

Upon Payment of the Purchaſe Money, the Lands to be laid into the Road, and former Roads may be ſold or ſtopped up.

XI. And be it further enacted, That every Sum of Money or Recompence, to be agreed or awarded to be paid for any Lands or Hereditaments to be purchaſed, taken or uſed for the Purpoſes of this Act, or made for any Loſs or Damages as aforeſaid, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or other Money ariſing by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or in caſe of incapacitated Perſons, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Forty Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes, become and be deemed a common Highway, and ſhall from thenceforth 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 after ſuch new Road ſhall be formed and completed, then the Land (not being Common or Waſte Land) compriſed in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired, (unleſs the ſame may be wanted for any public Uſe;

or

or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead) or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid Riding, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road, ſhall be diverted by virtue of this Act from the old Line of Road, or a new Road ſhall be made (except over or through any Common or Waſte Land), or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails and Fences to be made and provided, and Quickſets to be planted in an Huſband-like Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road, where the ſame is neceſſary; and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences, for and during the Term of Seven Years from the firſt making thereof.

Truſtees to fence off the new Road.

XLI. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they 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 Road) 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 Two of His Majeſty's Juſtices of the Peace for the ſaid Riding, (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 the ſaid 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 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 Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the Riding, County, or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſion of the Peace to be held in and for the ſame Riding, County, or Place, next after ſuch Difference ſhall ariſe, and on Five Days clear Notice thereof to be given by the ſaid Truſtees, to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame; whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales, which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not

First Offer to whom to be made.

Juſtices may determine Differences.

not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Application of Money above 200l.

XLII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments to be purchaſed by virtue of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents or Purpoſes; 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 and ſettled to, for and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner, as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting undetermined, and capable of taking effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements and Hereditaments, ſo to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and not leſs than 20l.

XLIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or

or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the 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 ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20l.

XLIV. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments, ſo purchaſed 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 or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

XLV. 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 or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe, it ſhall and may 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 to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, [deſcribing them], ſubject to the Order, Control, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame 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 Eſtates, Title or Intereſt, of the 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, is and are hereby required to give a Receipt or Receipts for the ſame, mentioning and ſpecifying for what and

for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

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

Court may order reaſonable Expences to be paid by the Truſtees.

XLVII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid 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 the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair the Road.

XLVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſon or Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, and take away any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials, for making, amending, altering, improving or repairing the ſaid Road, 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 Riding, 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 Damages 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, 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 the said Riding, shall and may adjudge and determine to be reasonable; which Judgment or Order of the said Justices therein, 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.

XLIX. 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 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 Occupiers, to appear before any Justice or Justices of the Peace acting in and for the said Riding, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such 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 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 of them are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalties on taking away Materials.

L. 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, before the said Surveyors or 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

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.

For removing Annoyances.

LI. 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 Direction of and under the Hands of Five 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, Sinks, 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 such Surveyor or Surveyors shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, 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 Eight Feet; in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Five 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 Five 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 Riding) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered; 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 Penalty and Charges before mentioned.

Against drawing Timber, &c. except on Wheel Carriages.

LII. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Dung, &c. not to be laid on the Sides of the Road.

LIII. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing for the Purpose of Manure, shall be unloaded or laid down from any Carriage, upon any Open or Common Land lying within Twenty Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Road, within Sixty Feet of the Centre

Centre of ſuch Road; upon Pain that the Owner or Owners of every ſuch Carriage ſo employed, or the Driver or Drivers thereof, ſhall forfeit for each and every Offence any Sum not exceeding Forty Shillings, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied towards the Purpoſes of this Act.

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

LIV. 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 Five 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 Riding; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid, upon or through any uncultivated Common or Waſte Ground; and alſo, by Order of any Five 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 to be hereafter 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 affixing the ſame on all the Turnpike Gates that ſhall then be erected by virtue of this Act, at leaſt Fifteen Days before ſuch Meeting, at which ſuch Order to build, erect, or repair any ſuch Bridge ſhall be made.

Mile Stones and Direction Poſts.

LV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the ſame, with Inſcriptions thereon, denoting the Number of Miles and Diſtances of Places, and alſo ſuch and ſo many Direction Poſts as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Mile Stones or Poſts erected upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures or Marks thereon, and be thereof convicted before any Juſtice of the Peace for the ſaid Riding, by the Confeſſion of the Party or by the Oath of any credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay (over and above the Amount of Damages occaſioned)

occaſioned) any Sum not exceeding Five Pounds, together with all reaſonable Coſts and Charges of ſuch Information, for every ſuch Offence; one Moiety of which Penalty ſhall be paid to the Informer, and the other Moiety applied for the Purpoſes of this Act; and in caſe ſuch Perſon or Perſons ſo offending and convicted, ſhall not be able or ſhall refuſe to pay the ſame, then it ſhall be lawful for any Juſtice of the Peace for the ſaid Riding, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Common Gaol for the ſaid Riding, or to any Houſe of Correction within the ſame, there to remain for any Time not exceeding One Calendar Month, unleſs ſuch Penalty, Coſts and Charges, ſhall be ſooner recovered and paid.

Perſons liable to repair the Road or maintain Bridges, to continue ſo.

LVI. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining of any Part or Parts of the ſaid Road, or any Bridge or Bridges thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner and to the ſame Extent, as they would have been liable and chargeable in caſe this Act had not been paſſed.

Statute Labour.

Juſtices to determine Differences touching Statute Work.

LVII. 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 be lawful for any Two or more Juſtices of the Peace for the ſaid Riding, 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 Pariſhes 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 Pariſh 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 Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work; diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are, or may be directed by any Law or Statute in force and effect for the 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 and 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. 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

tees or their Surveyor or Surveyors ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices may alſo order and direct the Perſons, who by ſuch Liſts 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 or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her or them, at his, her or their laſt or uſual Place or Places of Abode, for that Purpoſe, 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 Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

LVIII. 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, 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 Pariſhes or Places in which the ſaid Road lies, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees 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 and 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 Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer or Treaſurers of the ſaid Truſtees, in advance, on or before the Tenth Day of *October* in each and every Year; or otherwiſe the Inhabitants or Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees may contract for repairing the Road.

LIX. 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

Time to contract and agree with any Perſon or Perſons for the amending, widening, improving and keeping in Repair the ſaid Road, or any Part or Parts thereof, or for all or any other of 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.

For puniſhing Perſons obſtructing Surveyor in his Duty.

LX. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder, or cauſe to be interrupted or hindered, any Surveyor, or any other Perſon or Perſons by him or by the ſaid Truſtees or any Five or more of them employed in the cutting, digging, gathering, getting or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the ſaid Road, or topping, lopping or cutting any Tree, Top, Lop or Overhangings, or in digging, cleanſing, or ſcouring any new or other Ditch, Drain, or Watercourſe as aforeſaid, or in doing any other Act in the Execution of this Act by virtue of the Powers hereby given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Puniſhing Collectors miſbehaving.

LXI. And be it further enacted, That every Perſon employed to collect any of the Tolls hereby granted and made payable, ſhall affix his Chriſtian and Surname on a Board, on ſome conſpicuous Part of the Toll Houſe at which he ſhall be appointed to collect the ſaid Tolls, on each and every Day that he ſhall continue in ſuch Collection, under the Penalty of any Sum not exceeding Five Pounds for every Neglect thereof; and if any ſuch Collector ſhall wilfully miſbehave himſelf in the Collection of the ſaid Tolls, or ſhall make uſe of any opprobrious or abuſive Language to any Perſon or Perſons paſſing or claiming to paſs through any of the Turnpikes to be erected by virtue of this Act, and ſhall be thereof convicted on his own Confeſſion, or on the Oath of any credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the ſaid Riding, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings; and in Default of Payment thereof, ſhall be committed to the Houſe of Correction or the Common Gaol of the ſaid Riding, for any Time not exceeding Ten Days.

Recovery of Penalties and Forfeitures;

LXII. And be it further enacted, That all Penalties, Forfeitures and Fines hereby inflicted or authorized to be impoſed, (the Manner of levying and recovering whereof is not herein otherwiſe directed) ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the ſaid Riding, either by the Confeſſion of the Party offending, or by the Oath of any credible Witneſs or Witneſſes, 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

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, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of the ſaid Road; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines 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 Riding, 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. and Application thereof.

LXIII. 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 Riding, 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 or 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. For ſecuring tranſient Offenders.

LXIV. 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),

'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 Weſt Riding of the County of *York* 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.' Form of Conviction.

LXV. 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 Proceedings not to be quaſhed for Want of Form.

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.

LXVI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid Riding, within Six Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty Days Notice at leaſt in Writing of his or her 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 Recognizance before ſome Juſtice of the Peace for the ſaid Riding, 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 Quarter Seſſions; and the ſaid Juſtices at ſuch Quarter 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 of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and 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 obey the ſame, and for Want of ſufficient Diſtreſs, may commit ſuch Perſon or Perſons to the common Gaol of or for the ſaid Riding, or to any Houſe of Correction within the ſame, for any Time not exceeding the Term of Six Calendar Months, or until Payment of ſuch Coſts.

Limitation of Actions.

LXVII. And be it further enacted, That no Action or Suit ſhall be commenced for any Thing done in purſuance of this Act, until Twenty Days Notice thereof ſhall be given to the Clerk to the ſaid Truſtees, nor after a 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 of *York*, 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 Twenty 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, 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, Judgment 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 other Caſe by Law.

Public Act.

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

Commencement and Continuance of this Act.

LXIX. And be it further enacted, That this Act ſhall commence and take Effect on the paſſing thereof, and ſhall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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