ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxxii.

An Act for making and maintaining a Turnpike Road from or near *Mytholm Royd Bridge*, in the West Riding of the County of *York*, to communicate with the Road at or near the Sixth Milestone from *Rochdale*, in the County of *Lancaster*.

[2d *May* 1815.]

WHEREAS the making and maintaining a Turnpike Road to commence and branch off from the *Burnley*, *Todmorden* and *Halifax* Turnpike Road, at or near *Mytholm Royd Bridge*, in the West Riding of the County of *York*, to communicate with the Turnpike Road leading from *Rochdale*, in the County Palatine of *Lancaster*, to *Halifax* and *Elland*, in the said West Riding of the County of *York*, at a certain Point or Place there near the Sixth Milestone from *Rochdale* aforesaid, in, through, or over the several Townships, Districts, or Hamlets of *Sowerby*, *Erringden*, *Blatchinworth*, and *Calderbrook*, would open a better and more easy Communication than there is at present between the very populous and manufacturing Towns or Villages of *Hebden Bridge*, *Heptonstall*, *Mytholm Royd*, and other Places in the Vicinity thereof, with *Rochdale*, *Manchester*, *Oldham*, and various other Parts of the Country; and would be of great Benefit and Advantage to the Inhabitants of the Neighbourhood, and to the adjacent Country, and likewise of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament:

ment: 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 *John Aked*, *James Aked*, *Rawdon Briggs*, *Samuel Briggs*, *Jonathan Bracken*, *John Barker*, *Robert Beſwicke*, *James Broadbent*, *John Beſwicke*, *John Halliwell Beſwicke*, *Hamlet Bent*, *William Briggs*, *Matthew Barſtow*, Reverend *Henry William Coulthurſt* Doctor in Divinity, *John Croſsley*, *John Croſsley* the younger, *Henry Currer*, *Joſhua Crowther*, *Thomas Edmondſon*, *William Eaſtwood*, *Thomas Eaſtwood*, *John Eaſtwood*, *Elias Fletcher*, Reverend *John Fawcett*, *James Foſter*, *William Foſter*, *Henry Foſter*, *John Greenwood* of Paper Mill, *William Greenwood*, *John Greenwood* of Scaitcliffe, *Samuel Greenwood*, *John Greenwood* of Hawkes Clough, *David Greenwood*, *James Greenwood*, *Richard Hinchcliffe*, *William Holland*, *William Holland* the younger, *Samuel Hinchcliffe*, *George Hinchcliffe*, *Joſeph Hinchcliffe*, *George Heap*, *James Holroyd*, *William Ingham*, *Arthur Ingham*, *Richard Ingham*, *James King*, *Joſhua Kenworthy*, *Eli Knowles*, *Henry Lord*, *William Moore*, *William Murgatroyd*, *John Murgatroyd*, *John Murgatroyd* the younger, *Henry William Murgatroyd*, *James Moore*, *William Norminton*, *David Oliver*, *Royſton Oliver*, *Joſeph Prieſtley*, *William Parker*, *John Pollard*, *John Rhodes*, *James Ryley*, *James Ryley* the younger, *William Rawſon*, *Thomas Ramſbottom*, *Michael Stocks*, *William Sutcliffe*, *Thomas Sutcliffe*, *Joſeph Sutcliffe*, *Robert Stansfield*, *John Sutcliffe* of Machpelah, *John Sutcliffe* of Stansfield Hall, *John Sutcliffe* the younger, *John Stansfield*, *William Shackleton*, *Roger Swire*, *William Thomas*, *James Taylor*, *John Taylor*, *George Taylor*, *John Croſsley Taylor*, *Richard Thomas*, *Peregrine Edward Townley*, *James Turner*, *Henry Thomas*, Reverend *Thomas Dunham Whitaker* Doctor of Laws, *Benjamin Walker*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, widening, improving and keeping in Repair the ſaid Road, and for carrying this Act into Execution.

Truſtees Names.

Additional Truſtees.

II. And be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, 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 additional Truſtees, not exceeding Ten in the whole, who ſhall have the ſame Power and Authority for executing this Act as if they had been herein named and appointed.

On Death of Truſtees, others to be choſen.

III. And be it further enacted, That when and as often as any Truſtee ſhall die, or refuſe to act, or become incapable of acting, 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 one other Perſon to be a Truſtee in the room of ſuch Truſtee ſo dying or refuſing to act, or becoming incapable of acting; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Road, and alſo by inſerting the ſame in ſome public Newſpaper printed or circulated in the Neighbourhood through which the ſaid Road ſhall paſs, at leaſt Fourteen Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected and appointed (being qualified as herein-after mentioned), ſhall be and is hereby veſted with the ſame Powers

for putting this Act in Execution as the Perſon or Perſons in whoſe Places he or they ſhall be reſpectively choſen were veſted with.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in ſuch Lands, Tenements, or Hereditaments as aforeſaid, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate of Two thouſand Pounds, nor (except in adminiſtering the Oath or Affirmation herein-after mentioned) until he ſhall have taken and ſubſcribed before any Two or more of the ſaid Truſtees, an Oath or Affirmation in the Words or to the Effect following; (that is to ſay), Qualification of Truſtees.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I truly and *bonâ 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 Fifty Pounds above Reprizes; [*or*, am Heir Apparent of a Perſon ſeiſed of ſuch an Eſtate of the clear yearly Value of One hundred Pounds, [*or* poſſeſſed of a Perſonal Eſtate of the Amount of Two thouſand Pounds]; and that I will truly, faithfully, and impartially execute the Truſts repoſed in me as a Truſtee, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*,] according to the beſt of my Skill and Judgment, and without Favour or Affection to any Perſon or Perſons whomſoever. So help me GOD.' Oath.

Which Oath or Affirmation any or either of the ſaid Truſtees are or is hereby empowered to adminiſter; and if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee, contrary to the true Intent and Meaning 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 with full Coſts of Suit in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Common Pleas, held in and for the ſaid County Palatine of *Lancaſter*, by Action of Debt, or on the Caſe; or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager at Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Suit or Proſecution than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act. Penalty on Perſons acting not being qualified, &c.

V. Provided always, and be it further enacted, That any 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 not on that Account be deemed unqualified, or be defeated from acting as a Truſtee in the Execution of this Act: Provided alſo, that all ſuch Truſtees as are Juſtices of the Peace for the ſaid Mortgagee may act.

Truſtees being Juſtices may act as ſuch.

ſaid County Palatine of *Lancaſter* or the County of *York* may act as Juſtices of the Peace within their reſpective Juriſdictions, in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſe where they ſhall be perſonally intereſted.

Time of Meeting, &c.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby authorized and empowered to meet together at the *Duſty Miller* in *Mytholm Royd Bridge* aforeſaid, on the Third *Thurſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards meet at and adjourn to ſuch Place near to the ſaid Road, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and if at any ſuch Meeting there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day (Two Truſtees being hereby declared and deemed ſufficient for the Purpoſe of Adjournment only); or in caſe the ſaid Truſtees at any Time aſſembled, ſhall omit or neglect to adjourn themſelves, the Clerk or Clerks to the ſaid Truſtees ſhall from Time to Time, in either of ſuch Caſes, by Notice in Writing to be affixed and inſerted in Manner aforeſaid, at leaſt Fourteen Days before the next Meeting, appoint the ſaid Truſtees to meet at the Place where the laſt Meeting was held, or was appointed to have been held, on ſuch Day as ſhall be ſpecified in ſuch Notice, not exceeding Twenty-one Days, nor leſs than Fourteen Days after the Day on which ſuch laſt Meeting was held, or was appointed to have been held; and in caſe the Clerk or Clerks to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting at any Time or Times after the Space of Seven Days after ſuch Refuſal, Neglect, or Prevention of ſuch Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inſerted in Manner aforeſaid, to appoint the ſaid Truſtees to meet at ſome Houſe near to the ſaid Road, upon the Day Fortnight next after the Date of ſuch laſt-mentioned Notice; but no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment ſhall be made to, or any Meeting appointed to be held at, any Time later than Two of the Clock in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and all Orders and Determinations of the ſaid Truſtees in the Execution of this Act ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, (except as herein particularly mentioned); and no Order or Determination ſhall be made unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting unleſs Nine Truſtees ſhall be preſent, or unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice thereof in Writing to the Clerk or Clerks to the ſaid Truſtees, and for want of ſuch Clerk or Clerks, to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed and inſerted in Manner herein-before mentioned, at leaſt Fourteen Days previouſly to any ſuch Meeting.

VII. And

VII. And be it further enacted, That if after the Adjournment of any Meeting of the ſaid Truſtees, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof, in the Manner before directed, of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Eight Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment. Meetings on Emergencies.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may at their Firſt or any ſubſequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and ſhall take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, for the due and faithful Execution of his or their Office or Offices, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and ſhall alſo elect and appoint a Surveyor or Surveyors, and ſuch other Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and alſo may from Time to Time remove ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall ſee Occaſion, and from Time to Time appoint others in the room of ſuch of them as ſhall be ſo removed, or ſhall die, reſign, or refuſe or neglect to perform, or become incapable of performing their Duty; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries, or make ſuch Allowances to the Clerks, Treaſurers, Receivers, Collectors, Surveyors and other Officers ſo appointed, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall at a Meeting to be held in purſuance of this Act, from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees, full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments; and all ſuch Officers and other Perſons ſhall and are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes, as they the ſaid Truſtees ſhall direct and appoint; and if any ſuch Officer or Officers or other Perſons (being required ſo to do as aforeſaid) ſhall refuſe or neglect to render and give up ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees, or any Five or more of them, Truſtees to appoint Officers. Officers to account.

the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands or ſhall not deliver to the ſaid Truſtees, or any Five or more of them within Fourteen Days after being thereunto required as aforeſaid, all the Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, then and in any of the ſaid Caſes, any One or more of His Majeſty's Juſtices of the Peace for the County, Borough, City, Town, or Place wherein ſuch Officer or other Perſon ſhall be and reſide, ſhall (upon Complaint of any One or more of the ſaid Truſtees) make Enquiry concerning ſuch Default, either by Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter) without Fee or Reward; and if any ſuch Officer or other Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Officer or other Perſon ſo convicted to the Common Gaol for ſuch County, Borough, City, Town, or Place, there to remain without Bail or Mainprize, until ſuch Officer or other Perſon ſhall give and make a true and perfect Account, and make ſuch Payments as ſhall appear to be due from him as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees, or their Treaſurer or Treaſurers (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered at any Meeting to make and accept), or until ſuch Officer or other Perſon ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them: Provided always, that no ſuch Officer or other Perſon ſo committed as aforeſaid ſhall be confined or detained in Priſon by virtue of this Act for any longer Time than Six Calendar Months.

Truſtees empowered to compound with Officers.

Truſtees may appoint temporary Collectors; and remove them, &c.

IX. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall die, neglect or refuſe or become incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Three or more of the ſaid Truſtees, although not aſſembled at a Meeting of the ſaid Truſtees to be appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver ſo neglecting or refuſing, or becoming incapable of performing his Duty, or abſconding or abſenting himſelf, and to nominate and appoint ſome other proper Perſon or Perſons to be a Collector or Receiver of the ſaid Tolls, (to continue until the then next Meeting of the ſaid Truſtees) in the ſtead of ſuch Collector or Receiver as ſhall ſo die or be diſcharged; and ſuch Perſon or Perſons ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects, as the Collector or Receiver who ſhall ſo die or be diſcharged would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon or Perſons who may have the Poſſeſſion of any Toll Houſe, Building, or Appurtenances to be erected, ſet up or uſed by virtue of this Act, ſhall neglect or refuſe to deliver up the Poſſeſſion thereof, for the Space of Seven Days next after Demand thereof made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, (although not aſſembled

at

at any Meeting) or by their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, then and in any of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place in which ſuch Toll Houſe, Building, or Appurtenances ſhall be ſituate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County or Place, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe or other Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any One or more of them, or ſuch new appointed Collector or Receiver as aforeſaid, into the Poſſeſſion thereof.

Truſtees may ſue and be ſued in the Name of their Clerks.

X. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act in the Name or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, nor by the Act of ſuch Clerk or Clerks, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk or Clerks for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Clerk or Clerks, in whoſe Name or Names any ſuch Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid out of the Money to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceedings he or they ſhall pay, bear, expend or be put unto or become chargeable with, by reaſon of his or their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants as aforeſaid.

Proceedings of Truſtees to be entered in a Book.

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

Truſtees to erect Toll Houſes, &c.

XII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time erect and ſet up, or cauſe to be erected and ſet up, ſuch and ſo many Turnpikes or Toll Gates in, upon, acroſs, or on the Side or Sides of any Part or Parts of the ſaid Road, and acroſs any Lane or Way leading into, from, or out of the ſame, and alſo a Toll Houſe to each Gate or Turnpike, with ſuitable Out-buildings thereto; and alſo may incloſe from the ſaid Road convenient Garden Spots to the ſaid Toll Houſes, not exceeding in the whole One-eighth of an Acre for each Toll Houſe, as they the ſaid Truſtees, or any Five or more of them, may judge proper, and may cauſe any ſuch Turnpikes, Toll Gates,

Gates, Toll Houſe, or other Buildings, from Time to Time to be taken down, removed, or altered, as they or any Five or more of them ſhall judge proper; and that the following Sums of Money ſhall and may be demanded and taken as Tolls, before any Horſe, Beaſt, Cattle, or Carriage ſhall be permitted to paſs through any ſuch Turnpike or Toll Gate, Turnpikes or Toll Gates reſpectively; (that is to ſay)

Tolls. For every Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Curricle, Calaſh, Hearſe, Litter, Waggon, Wain, Cart or other ſuch like Carriages, with Wheels of leſs Breadth than Six Inches on the Bottom or Sole thereof, drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling; or with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, and drawn by One Horſe or other Beaſt of Draught, the Sum of Nine-pence; or with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence; and ſo in the reſpective Proportions when drawn by any greater Number of Horſes, or other Beaſts of Draught:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three-pence:

For every Ox, Cow, or Neat Cattle, the Sum of One Penny: And,

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

Double Tolls on a Sunday. And that on each and every *Sunday* during the Continuance of this Act there ſhall be demanded and taken at the ſaid Turnpikes or Toll Gates reſpectively, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, before any Horſe, Cattle or Carriage ſhall be permitted to paſs through the ſame, Double the Tolls above mentioned, to be reſpectively demanded and taken for every Horſe, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage (except ſuch Horſes, Carts, or Carriages as ſhall be uſed or employed for carrying Milk only, the ſame being liable to the ſame Tolls as are due and payable on any other Day of the Week, and no more), paſſing through any of the ſaid Turnpikes or Toll Gates on any other Day of the Week; which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; 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, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary (and which Aſſiſtance all Perſons are hereby required to give, if called upon by the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls) to ſeize and diſtrain any Horſe, Beaſt, or other Cattle upon which any ſuch Toll is by this Act impoſed, and alſo any Carriage which ſuch Horſe, Beaſt, or other Cattle may be drawing, together with their Saddles, Bridles, Gears, Harneſs or Accoutrements, or any other of the Goods or Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or other Beaſt or Cattle, and other Property, or any Part thereof ſo ſeized and diſtrained, returning the Overplus (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted and paid; and that all Tolls to

except for Milk.

be collected or levied by virtue of this Act shall be and the same are hereby vested in the said Trustees, and shall be applied, and may be assigned in such Manner as herein-after mentioned. Tolls vested in Trustees.

XIII. 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 assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted and made payable, and for such Time or Times as they the said Trustees, or any Five or more of them, shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the respective Rates herein-before granted, and to order and direct such Tolls so lessened or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Two-third Parts of the Money which shall be then owing upon the Credit of the Tolls intended to be reduced shall be consenting thereto; nor shall any such Reduction be made unless Fourteen Days Notice at least of the Meeting to be held for the Purpose of making such Reduction shall be given in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Road is intended to pass. Tolls may be varied.

XIV. And be it further enacted, That no Person having Occasion to pass through any Turnpike or Turnpikes, where the Tolls are or shall be taken, and who shall return the same Day through the same or any other Turnpike or Turnpikes, to be erected by virtue of this Act, before Twelve of the Clock in the Night of that Day, with the same Horses, Mares, Geldings, Mules, Asses, or any Sort of Cattle for which such Tolls shall have been paid, shall be liable or compelled the same Day to pay the said Tolls more than Once, such Person producing a Ticket denoting that such Toll hath been paid on that Day; all which Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Toll; and each Ticket delivered upon receiving Toll for the Passage of any Carriage, shall name and specify the several Gates through which any Person having Once paid Toll shall be allowed to pass without again paying Toll on the same Day. Tolls to be paid once a Day.

XV. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll For preventing Toll Collectors from taking undue Tolls.

from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in any Ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor or other Officer, or any Paſſenger or Paſſengers; then and in every ſuch Caſe, every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Toll Houſes veſted in Truſtees.

XVI. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houſes, and other Buildings to be erected or provided in or upon the ſaid Road by virtue of this Act, and of the Stone and Materials for building or repairing the ſame, and alſo of all Stone and Materials got or collected for repairing the ſaid Road, 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 ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions in the Name or Names of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments againſt any Perſon or Perſons who ſhall ſteal, take away, break down, injure, or damage any ſuch Turnpikes and Toll Houſes and other Buildings, or diſturb them or their Agents, or Servants in the Poſſeſſion thereof.

Not to erect a Gate within a certain Diſtance of Dauber Bridge.

XVII. And whereas *Robert Sutcliffe* Eſquire, has at his own Expence made and repaired a private Road or Way for the Accommodation of his own Farms, upon which a private Bar has been ſome Time fixed by him, and upon Payment of a certain Toll for Horſes and Carriages paſſing the ſame has ſuffered the ſaid Road to be uſed by the Public; and the Scite of the ſaid private Road will be taken in different Places and Parts thereof, by making the ſaid intended Road; be it therefore 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 any Toll Bar or Side Bar nearer to *Mytholm Royd Bridge* than the South End of a certain Bridge called *Dauber Bridge*, and that no Toll ſhall be demanded or taken from any Perſon or Perſons for any Horſe, Cattle, Beaſt, or Carriage paſſing over *Dauber Bridge* aforeſaid, and going to or from any Mill or Mills which ſhall or may be erected and built upon certain Farms now belonging to the ſaid *Robert Sutcliffe*, called the *Upper Clough Foot*, and the *Lower Clough Foot*, upon the ſaid intended Road; and that from and after the

paſſing of this Act, the ſaid *Robert Sutcliffe*, his Heirs and Aſſigns, ſhall be exonerated from the future Repairs of ſuch Part or Parts of the ſaid private Road or Way as may be taken for the Uſe of the ſaid intended Road; and of and from the future Repairs of any Bridge or Bridges over which the ſaid intended Road may paſs; provided alſo, that nothing herein-before or in this Act contained ſhall extend or be conſtrued to extend to exonerate from Tolls any of the Farms, Mills, or Hereditaments of the ſaid *Robert Sutcliffe*, at any Bar or Bars which ſhall or may be erected or ſet up upon the ſaid intended Road, other than as is herein-before mentioned.

No Toll for croſſing the Road.

XVIII. And be it further enacted, That no Toll ſhall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act on the Side or Sides of any Part of the ſaid Road for any Horſe, Cattle, or Carriage, which ſhall only croſs the ſaid Road, and ſhall not paſs above One hundred Yards thereon, unleſs ſuch croſſing ſhall be with Intent to avoid the Payment of Toll at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Toll ſhall be thereby evaded; nor for any Horſe, Cart, or Carriage of any Inhabitant or Inhabitants of the Townſhips of *Sowerby* and *Erringden*, or either of them, having a Right of Turbary in the ſaid Townſhips reſpectively, carrying or leading Turves to be gotten therefrom for the Uſe of ſuch Inhabitant or Inhabitants, but not for Sale, acroſs or upon any Part or Parts of the ſaid Road within the Commons or Waſtes of *Sowerby* and *Erringden*, or either of them, provided that the Horſe or Carriage carrying or leading ſuch Turves do not travel any greater Diſtance on the ſaid Road at any one Time for that Purpoſe, than One Mile.

Truſtees empowered to compound.

XIX. 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 ſee convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with any Perſon or Perſons, for any Horſes, Beaſts, Cattle or Carriages paſſing and repaſſing through any of the ſaid Turnpikes or Toll Gates, ſo that no Compoſition ſhall be made for any Cattle or Carriages travelling for Hire; and all ſuch Compoſition Money ſhall be paid quarterly in advance, or otherwiſe, as they the ſaid Truſtees ſhall appoint, or in Default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes.

Truſtees may leaſe Tolls.

XX. 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, by Writing under their Hands, or under the Hand or Hands of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, by their Order to be made for that Purpoſe, to let or leaſe the Tolls ariſing by virtue of this Act, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons for any Time not exceeding Two Years at One Time, for the beſt Rent that can or may be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and unto ſuch Perſon or Perſons, as the ſaid Truſtees, or any Five or more of them, ſhall direct, or appoint, of which Letting Fourteen Days Notice at leaſt ſhall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which ſhall be then erected by virtue of this Act upon the ſaid Road, and by inſerting the ſame in ſome public Newſpaper circulating in the Neighbourhood through which the ſaid Road ſhall paſs; and the Monies ariſing

arising thereby shall be applied in such Manner as the Tolls so let or leased are directed to be applied.

For settling Disputes concerning Tolls, &c.

XXI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Persons so distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen) till the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen) be ascertained by some Justice of the Peace for the County or District in which the Cause of Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper, all which Costs and Charges shall and may be levied and recovered in case of Non-payment thereof forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, attending such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Toll Bar Keepers competent Witnesses.

XXII. 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 be and are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Trustees may make Fences on Commons to prevent Tolls being evaded.

XXIII. And whereas several Parts of the said Road will lead over Waste Lands, Commons, or uncultivated Grounds, and the Tolls by this Act granted may, by reason of the great Width and Extent of such Waste Lands, Commons, or uncultivated Grounds, be easily evaded, be it therefore enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Copse, Walls, and Fences by the Sides of the said Road, or upon, over, or across the said Wastes, Commons, or uncultivated Grounds, not exceeding One Quarter of a Mile in Length on each Side of any Gate or Gates to be erected by virtue of this Act, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be evaded; and if any Person or Persons shall pull down, or any ways damage, displace, or carry away any such Fences, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on permitting private Passages, or evading Tolls.

XXIV. And be it further enacted, That if any Person or Persons shall, in order to avoid Payment of the said Tolls, or any Part thereof, with any Horse, Cattle, Beast, or Carriage, pass through any Lands or Grounds, not being the Owner or Owners, or Occupier or Occupiers thereof, or in his or their employ, or of his or their Family, lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a Public

a Public Highway); or if any Owner or Occupier of any ſuch Lands or Grounds ſhall knowingly permit or ſuffer any Perſon or Perſons, not being in his or their Employ, or of his or their Family, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame in order to avoid Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be evaded, or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe, Beaſt, or other Cattle, without Payment of Toll, or ſhall take off, or cauſe to be taken off any Horſe, Beaſt or other Cattle, from any Carriage, or having paſſed through any Turnpike or Toll Gate to be erected by virtue of this Act, ſhall afterwards add or put an additional Horſe or Beaſt to ſuch Carriage with an Intent to evade the Payment of the ſaid Tolls, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Road any Carriage, Horſe, Cattle, or other Beaſt, with Intent to evade the Payment of any of the ſaid Tolls, or any Part thereof, or ſhall with ſuch Intent unload any Goods from or out of any Carriage, or in any other Manner whatſoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied towards the Purpoſes of this Act.

Exemptions from Tolls.

XXV. And be it further enacted, That no Toll ſhall be demanded or taken for the Paſſage of any Horſe, Cattle, Beaſt, or Carriage, which ſhall be going unladen or empty for, or that ſhall be uſed only in conveying, or that ſhall be returning unladen or empty after having been uſed only in conveying Stones, Bricks, Lime, Gravel, or other Materials for repairing the ſaid Road, or any Bridges or Culverts belonging to the ſaid Road, or for repairing any public Road or Highway within any of the Townſhips, Hamlets, or Places wherein any Part of the ſaid Road lies, or for Dung, Marl, Soil, Mould, Compoſt, or other Manure of whatever Nature or Kind ſoever, or for Hay, Graſs, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premiſes of the Owners or Proprietors thereof (other than and except Lime and Hay, Corn, or Straw, ſold or for Sale); nor ſhall any Toll be demanded or taken for or in reſpect of any Ploughs, Harrows, or other Implements of Huſbandry, or for any Horſe or Cattle going to or returning from Stable, Water, or Paſture; nor for any Cattle which ſhall be going to or returning after having been ſhoed or farried; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in carrying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or returning back therefrom; or for the Horſe or Horſes of any Officers or Soldiers on their March or upon Duty, or for any Horſes, Cattle, or Carriages attending them, laden with their Arms or Baggage, or any ſick, wounded, or diſabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's

Forces; or for any Horſes or Carriages travelling with Vagrants ſent by legal Paſſes; nor ſhall any Toll be demanded or taken for any Horſe, Mare, or Gelding furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon or Perſons ſhall be dreſſed in the Uniform of his or their reſpective Corps, and have his or their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively; nor for any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Curricle, or Chair, or Horſes drawing the ſame, or Perſons on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County Palatine of *Lancaſter*, or the County of *York*, on the Day or Days of any ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or other Place of religious Worſhip on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or going to viſit or returning from viſiting his ſick Pariſhioners, or from any Perſon or Perſons reſiding in any of the ſaid Townſhips or Places for paſſing through any of the ſaid Turnpikes or Toll Gates, to or from their reſpective Church, Chapel, or other Place of religious Worſhip on *Sundays*, or on other Days on which Divine Worſhip is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpſe, or going to or attending the Funeral of any Perſon, who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or for any Cattle or Carriages going to or returning from any Corn Mill or Malt Kiln, ſituate in any of the ſaid 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 Owners own Uſe and Conſumption, and not for Sale; and if any Perſon or Perſons ſhall claim or take the Benefit of any of the Exemptions aforeſaid (not being entitled to the ſame) every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied to the Purpoſes of this Act.

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

XXVI. And be it further enacted, That no Perſon or Perſons owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Truſtees may borrow Money.

XXVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting or Meetings to be holden for that Purpoſe, whereof

whereof Fourteen Days Notice in Writing ſhall be given by the Clerk or Clerks, Treaſurer or Treaſurers, to be affixed on all the Turnpikes or Toll Gates then erected or ſet up by virtue of this Act, and inſerted in ſome public Newſpaper circulating in the Neighbourhood through which the ſaid Road is intended to paſs, may and they are hereby empowered from Time to Time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any of the Tolls to be collected and raiſed by virtue of this Act, and alſo the Toll Houſes, Turnpike Gates and Appurtenances thereunto belonging (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, or his, her, or their Truſtee or Truſtees who ſhall advance or lend the ſame, to ſecure the Re-payment thereof, with ſuch legal Intereſt as the ſaid Truſtees, or any Five or more of them, ſhall think proper; which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to ariſe or be collected at the ſaid Turnpikes are hereby directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; and that ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, may be in the Form following, or ſuch other Form as the ſaid Truſtees making the ſame ſhall think proper, (that is to ſay),

Form of Mortgage.

'BY virtue and in purſuance of an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] in Conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for putting the ſaid Act in Execution, having been this Day paid by *C. D.* of we, whoſe Names are hereunto ſubſcribed and Seals affixed, being of the ſaid Truſtees, do grant and aſſign unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the Road in the ſaid Act mentioned, and of the Turnpikes and Toll Houſes for collecting the ſame Tolls, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the ſame Tolls, or charged thereupon for the Term of the ſaid Act; to have, hold, receive, and take ſuch Proportion of the ſaid Tolls, Toll Houſes, and Premiſes, with the Appurtenances, unto the ſaid *C. D.* his Executors, Adminiſtrators and Aſſigns, for the Reſidue and Remainder now to come of the Term of Years, for which the ſaid Tolls are granted by the ſaid Act; ſubject to the Proviſo following, (that is to ſay), Provided always, that if the ſaid Sum of ſhall be repaid to the ſaid *C. D.* his Executors, Adminiſtrators, or Aſſigns, together with Intereſt for the ſame after the Rate of *per Centum per Annum*, without any Deduction or Abatement whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full force: In Witneſs whereof, we have hereunto ſet our Hands and Seals, this Day of in the Year of our Lord One thouſand eight hundred and .'

Copies to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid,

or

or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal or Hands and Seals, to be indorsed upon the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect; (that is to say),

Form Transfer.

'I Do hereby transfer and assign this Mortgage, [*or*, a certain Mortgage, *as the Case may be*,] with all my Right and Title to the Principal Money thereby secured, and all Interest now due on the same, unto Executors, Administrators, and Assigns: In Witness whereof, I have hereunto set my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and .'

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Ten Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Clerks, Treasurer or Treasurers shall be paid the Sum of Five Shillings and no more; and which said Book or Books shall and may, at all reasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon: Provided nevertheless, that no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, in respect of the Priority of advancing any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

No Priority of Mortgage.

Application of Monies.

XXVIII. And be it further enacted, That all the Monies subscribed or to be subscribed for the Purposes of this Act, and all the Money which shall arise and be produced 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, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents and Purposes following; (that is to say), in the First Place, in the Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act; in the Second Place, in paying the Interest to arise from such Sum or Sums of

of Money as may be borrowed on Mortgage or other Security of the ſaid Tolls; in the Third Place, in defraying the Expences of making the ſaid Road, erecting aud providing Toll Houſes, Turnpikes and other neceſſary Buildings, and repairing, altering, widening, turning, and improving the ſaid Road, and in executing the other Purpoſes of this Act; in the Fourth Place, in paying the Intereſt to ariſe upon ſuch Sum or Sums of Money as may be ſubſcribed for the Purpoſes of this Act; and Laſtly, in paying and diſcharging ſuch principal Sum or Sums of Money as may have been ſo ſubſcribed for the Purpoſes of this Act.

For paying Creditors by Lot.

XXIX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall at any Time 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 the ſaid Truſtees, 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 Fourteen Days preceding the ſame, by Advertiſement in ſome Newſpaper printed in or uſually circulated within the ſaid Weſt Riding of the County of *York*), 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 Proportion thereof ſhall be paid, and to pay the ſame to ſuch Creditor or Creditors only, any Thing herein-before contained to the contrary notwithſtanding.

Power to enter Lands and make Roads.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the ſaid Road hereby authorized to be made is intended to paſs, and to ſtake out and make the ſame of ſuch Width and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, 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 any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands and Grounds for the Damages that ſhall be done to the Lands or Grounds on the Sides of the ſaid Road whilſt the ſame ſhall be making; and if any Perſon ſhall wilfully pull up, remove or deſtroy any of the Stakes or other Marks uſed in laying out or making any Part of the ſaid Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Plan and Book of Reference to remain with Clerk of the Peace.

XXXI. And whereas a Survey has been taken to aſcertain the Practicability of making the ſaid Road, and a Map or Plan deſcribing the Line of the ſaid Road, and the Lands through which the ſame is intended to be made, together with a Book of Reference, containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited in the Offices of the Clerk of the Peace for the ſaid Weſt Riding of the County of *York*, and for the ſaid County of *Lancaſter*; be it therefore enacted, That ſuch Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid Weſt Riding of the County of *York*, and the ſaid County of *Lancaſter* for the Time being; and that all Perſons ſhall at ſeaſonable Times

have Liberty to inſpect and peruſe the ſame, or make Copies of the ſame, as Occaſion ſhall require, at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and the Sum of Sixpence for every One hundred Words contained in ſuch Copy.

Not to deviate without Conſent.

XXXII. And be it further enacted, That the ſaid Truſtees in making the ſaid intended Road ſhall not deviate more than One hundred Yards from the Courſe or Direction delineated in the ſaid Map or Plan, and ſet forth in the ſaid Book of Reference, without the Approbation and Conſent in Writing of the Perſon or Perſons to whom any Lands or Grounds do or ſhall reſpectively belong, into, through, or over which any Deviation is deſired to be made; but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Truſtees from making any ſuch Deviation from the ſaid Courſe or Direction of the ſaid Road, in caſe the Perſons to whom the Lands or Grounds to be cut through or made uſe of for the Purpoſes of ſuch Deviation ſhall belong, ſhall conſent thereto.

Power to make Road through Lands omitted in the Book of Reference.

XXXIII. 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 Lands and Premiſes of any Perſon or Perſons who is, or are, or may be Owner or Owners of Lands 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 Weſt Riding of the County of *York*, or the ſaid County of *Lancaſter*, (as the Caſe may be), and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees may make and divert the Road.

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

are or ſhall be poſſeſſed of and intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof for the Purpoſes aforeſaid; and all Contracts, Sales and Conveyances which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter to the contrary in anywiſe notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act,

Where Perſons intereſted refuſe to treat the Damages and Recompence to be ſettled by a Jury, &c.

XXXV. And be it further enacted, That if any ſuch Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling-houſe or Dwelling-houſes, Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal Officer or Officers of any ſuch Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Hereditaments through which any Part of the ſaid Road is intended to be made, widened, diverted, turned or altered, ſhall for the Space of Fourteen Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be prevented from treating; then and in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage, Value or Recompence, to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the County or Place wherein ſuch Lands or Hereditaments do lie; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury and examine upon Oath all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined concerning the Premiſes (which Oath any Five or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damages and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands and Hereditaments according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition and Judgement, Order and Determination thereon, ſhall be final, binding and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim any Eſtate in Poſſeſſion, Reverſion or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all and every other Perſon and Perſons whomſoever;

and

and for ſummoning and returning ſuch Juries the ſaid Truſtees or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to empannel, ſummon and return an indifferent Jury of Twelve Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or his Deputy or Deputies is and are hereby required to empannel, ſummon and return ſuch Number of Perſons accordingly, and out of the Perſons ſo empannelled, ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any Five or more of them, ſhall and they are hereby empowered and required to ſwear or cauſe to be ſworn Twelve Men, who ſhall be a Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no One Fine be more than Fifteen Pounds on any One Perſon for One Offence.

How Expences of Jury and Witneſſes are to be borne.

XXXVI. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act 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 ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him, her or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of any Money which ſhall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning the ſaid Jury or Juries, as a Recompence or Satisfaction for

any

any ſuch Right, Intereſt or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the County or Place wherein the Cauſe of Diſpute ſhall ariſe, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees or any Five or more of them in Manner aforeſaid.

Money allowed for Lands how to be charged and tendered.

XXXVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties reſpectively entitled thereto, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, or the Parties not being to be met with, upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons reſpectively, and after Fourteen Days Notice thereof given to ſuch Parties or Perſons, or their Agents, or left at their reſpective uſual Places of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall direct, and ſhall be by them, or by ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes whatſoever become and be, and be deemed and taken to be a common Highway, and be from thenceforth Part of the ſaid Road for ever thereafter, and ſhall be repaired and kept in Repair in ſuch Manner and by the ſame Ways and Means as the Road hereby authorized to be made and repaired is hereby directed to be made and repaired; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and in caſe of the turning or altering the Courſe of any Part or Parts of the ſaid Roads after ſuch new Road ſhall be completed, the Lands conſtituting ſuch former Roads, or any Part thereof, unleſs leading over ſome Moor, Common, uncultivated Land or Waſte Ground, or to ſome Village, Town or Place to which ſuch new Road or Roads doth not or do not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any

Five or more of them, in the Manner herein-after mentioned, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and all Conveyances being executed by the ſaid Truſtees, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County wherein ſuch Roads ſhall happen to be, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Truſtees not to take down Houſes, &c. without conſent of Owners.

XXXVIII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the ſaid Truſtees ſhall not extend to the taking down of any Dwelling-houſe or other Building, or to the taking in or uſing, for any of the Purpoſes of this Act, of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, or Plantation or Nurſery of Trees, without the Conſent in Writing of the Owners or Proprietors thereof, and other Perſons intereſted therein, firſt had and obtained.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act.

XXXIX. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by Reaſon of the diverting of ſome Part or Parts of the ſaid Road, they may happen to be ſeiſed of ſome Piece or Pieces of Ground, and of ſome Piece or Parcel of old Roads, over and above what ſhall be neceſſary for effecting the Purpoſe of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of Ground, or Piece or Pieces of old Roads, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Perſons whoſe Lands adjoin to have the Preference.

XL. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Roads, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and that the ſaid Truſtees or any Five or more them, before they ſhall ſell or diſpoſe of the ſaid Piece or Pieces of overplus Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall be, by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees or any Five or more of them, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing the ſame, and he, ſhe or they and the ſaid Truſtees, or any Five or more of them, ſhall differ and not

agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, or any Five or more of them, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old Road or Ground as aforeſaid ſhall be applied to the Purpoſe of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Surveyors to get Gravel, &c.

XLI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees or any Five or more of them, is and are hereby empowered to cut, dig, gather, take and carry away any Stones, and alſo any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the ſaid Road, and the Bridges, Culverts, Walls and Fences in or upon the ſame, in, upon, out of or from any Waſte Grounds, Commons, or uncultivated Lands, Common Rivers or Brooks, in any Pariſh, Townſhip, or Place, in which any Part of the ſaid Road lies, or in any neighbouring Pariſh, Townſhip, or Place, to be uſed in the making and repairing the ſaid Road, without paying any Thing for the ſame, and to cart and carry the ſame over the Lands and Grounds of any Perſon or Perſons, making Satisfaction as herein-after mentioned; ſuch Surveyor or Surveyors or other Perſon or Perſons filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if ſuch Quantities of Stones or Furze, Heath, Gravel, Sand, or other Materials proper and ſufficient for that Purpoſe cannot be had or found in or upon ſuch Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks contiguous to that Part of the ſaid Road therewith to be made and repaired, then and in ſuch Caſe the ſaid Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid may, by Order of the ſaid Truſtees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any ſuch Stone and Materials as aforeſaid, in, upon or out of, from and over the Lands or Grounds of any Perſon or Perſons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) paying or tendering Payment to the reſpective Owners or Occupiers of ſuch Lands or Grounds for ſuch Damages, for the cutting, digging, gathering, taking and carrying away the ſaid Stones, Furze, Heath, Gravel, Sand, and Materials, and for the Value thereof, and for carrying the ſame, or the Materials gotten in any Waſte Ground, Commons, or uncultivated Lands, Common Rivers or Brooks as aforeſaid, over their Lands or Grounds, as the ſaid Truſtees or any Five or more of them ſhall think reaſonable; and in caſe of any Difference between the ſaid Truſtees or any of them, or their Surveyor or Surveyors, or other Perſon or Perſons by them appointed or employed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning the ſaid Damages, or the Value of the ſaid Materials, any Two Juſtices of the

Juſtices to determine Differences.

the Peace for the County or Place wherein such Lands or Grounds shall lie, on Seven clear Days Notice thereof in Writing being given by such Owner or Owners, Occupier or Occupiers, to such Surveyor or Surveyors, or by such Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties.

Notice to be given to Occupiers of Lands before Materials are taken for repairing Roads.

XLII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away any Stone or other Materials for making or repairing the said Road, Bridges, Culverts, Walls and Fences, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Residence, to appear before any One or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier shall attend pursuant to such Notice, or shall not shew sufficient Cause to the contrary, to the Satisfaction of such Justices, shall if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take and carry away such Stone and Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, before such Justices as aforesaid, then and in such Case the said Trustees or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended: 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; and that nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees, or their Surveyor, Agents, Servants, or Workmen, to reduce, sink, or lower the Bed of any River, Brook, Stream, or Rivulet, in the collecting Stones, Gravel, or other Materials for the Repairs of the said Road as aforesaid, below the Foundations of the Fences or Embankments thereof protecting the same; nor to remove any or such Stones as naturally support, or have been placed for the Purpose of supporting or assisting to protect the said Fences or Embankments on any Account or Pretence whatsoever.

Penalty on taking away Materials got by Surveyors.

XLIII. And be it further enacted, That if any Person or Persons whomsoever shall take or carry away any Stone or other Materials, which shall have been dug, gotten, or gathered, for the Purpose of making, completing, altering, or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened 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 wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale); every Person so offending

ing shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyors may make Causeways, Bridges, &c.

XLIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them), to make Causeways in and upon the said Road, and also to make any Ditches or Drains in and upon the said Road, and in, upon, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Road, not being the Ground whereon any House or Out-building stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees; and also by Order of any Five or more of the said Trustees to build, erect, or repair, and keep in Repair any Bridge or Bridges, Arch or Arches upon any Part or Parts of the said Road, and across any Canal, Stream, River, Brook, Water, Ditch or Drain therein, contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning such Damages, the Justices of the Peace for the County or Place wherein such Grounds shall lie, at the General Quarter Sessions of the Peace next after such Difference shall arise, and on such Notice to be given as last mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing and performing any of the Works aforesaid, upon or through any Waste Ground, Common or uncultivated Land.

Mines reserved to the Owners of Lands.

XLV. Provided also, and be it further enacted, That all Mines of Coal and other Minerals whatsoever, which shall be discovered or found in or under any Lands to be appropriated for the said Road by virtue of this Act, shall be and is and are hereby reserved to the Person or Persons, Bodies Politic, Corporate or Collegiate, who is, are, or shall be entitled to such Coal or other Minerals, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind, in the County or Place where such Mines or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Pupose aforesaid by virtue of this Act, so that in the working of such Mines no Damage shall be done to the said Road.

Surveyors may remove Annoyances.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them), to remove and prevent all Annoyances on any Part of the said Road, by 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, or make deeper any Water-

courſes or Ditches adjoining thereto, and to make the ſame as deep and large as he or they ſhall think neceſſary, and to cut down, lop or top any Trees, Shrubs or Buſhes growing or to grow on the ſaid Road, or in the Hedges or Banks adjacent thereto reſpectively, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a Houſe), ſuch Tree or Trees not being an Ornament or Shelter to a Houſe, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall, for the Space of Five Days next after Notice in Writing given for that Purpoſe by ſuch Surveyor or Surveyors, neglect to top, lop, cut down or remove ſuch Trees, Shrubs or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch other Annoyances in ſuch Manner as the ſaid Truſtees or any Five or more of them, or the ſaid Surveyor or Surveyors ſhall require, the Charges whereof (to be ſettled by the ſaid Truſtees, or any Five or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and to be recovered and applied in ſuch Manner as the Penalties and Forfeitures impoſed by this Act are herein directed to be recovered and applied; and if after Removal of any of the ſaid Annoyances any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Mileſtones to be ſet up, &c.

XLVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees or any Five or more of them ſhall ſeem meet; and if any Perſon ſhall wilfully pull up, damage, or deſtroy any of ſuch Stones or Poſts, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon; or if any Perſon or Perſons ſhall ride upon any Foot Way adjoining to the ſaid Road, or ſhall drive any Horſe or other Cattle, or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Foot Way; or if any Perſon ſhall haul or draw, or cauſe to be hauled or 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 carried upon Wheel Carriages, to drag upon any Part of the ſaid Road, to the Prejudice thereof reſpectively; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up and damage the ſame or any Part thereof, or the Fences, Hedges, Backings or Copſe on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, ſhall not keep his Carriage on the Left or Near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called *Bonfires*, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever on any Part or Parts of the ſaid Road; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, longer than may be neceſſary for loading or unloading

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the ſame, in, upon or on the Side of any Part of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall not place the ſame during the loading or unloading thereof, as near to the Side of the Road as conveniently may be, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Prejudice of any Perſon or Perſons travelling thereon, or ſhall do any other wilful Damage or Injury to the ſaid Road or any Part thereof, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for obſtructing Collectors or Surveyors.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted or hindered, any Collector of the Tolls employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Application of Compenſation if amounting to 200l.

XLIX. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments which ſhall be purchaſed for the Purpoſes of this Act, of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons, ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands 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 the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands 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 and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid 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 or Profits of the Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application where the Sum shall be less than 200l. and exceed 20l.

L. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the said 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 the said Trustees, or any Five or more of them, (such Nomination and Approbation to be signified under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where the Money is less than 20l.

LI. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, 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, or when the Party entitled cannot be found, the Purchase Money to be paid into the Bank, &c.

LII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of 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 any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall and may be lawful 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 said Accountant General of the said High Court of Chancery, to be

be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Control, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe as to the 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 Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

LIII. 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 ſaid Accountant General of the ſaid High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LIV. 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 Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from

Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons liable to repair Roads, &c. to continue so.

LV. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees and Committees of any Lands, Tenements, or Hereditaments, and all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts or Places through which the said Road shall pass, shall be liable to the Repair of the same Road, and to perform their respective Works thereon, in such and the like Manner in every respect as they are liable to the Repair of any other Highway within such Parish, Township, Hamlet, District or Place respectively.

Statute Labour.

LVI. And be it further enacted, That from and after the passing of this Act, all Persons who by Law are or shall be liable to do Statute Work, or who are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto; and it shall and may be lawful for any Two or more Justices of the Peace for the said Counties of *York* or *Lancaster*, (as the Case may be), and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective 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 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 Fourteen 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 or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, (not being Haytime or Harvest), and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors (by their Order) shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the

ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered and levied by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as other Penalties and Forfeitures impoſed by this Act may 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, to be recovered, levied, apportioned, and applied, as other Penalties and Forfeitures impoſed by this Act may be recovered, and are directed to be apportioned and applied.

Truſtees may compound for Statute Work.

LVII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, within their reſpective Diſtricts, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work therein; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, by and with the Conſent and Approbation of a Majority of the Inhabitants of ſuch Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, firſt had at any Veſtry or other public Meeting of ſuch Inhabitants, to compound and agree by the Year or otherwiſe, with the ſaid Truſtees, or any Five or more of them, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Road, all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in the Repair of the ſaid Road; and all ſuch Surveyors ſhall be reimburſed the Money ſo by them paid in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies by them expended in buying Materials for repairing Highways.

LVIII. And

To compel the Truſtees to make Stone Fences.

LVIII. And be it further enacted, That in all Caſes where the ſaid Road ſhall be made, diverted, or turned through any incloſed Lands or Grounds being private Property, and where Stone Walls or Stone Fences are uſually made for the Common Incloſure or Fence of ſuch Lands or Grounds, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required, out of the Money to be raiſed, collected, and received by virtue of this Act, to erect or cauſe to be erected on each Side of the ſaid Road, where the ſame ſhall be made, diverted, or turned through any ſuch incloſed Lands or Grounds as aforeſaid, a Stone Wall or Stone Fence of the Breadth of Two Feet at the Bottom, and to be reduced in Breadth gradually to One Foot at the Top, and to be of the Height of Four Feet, at the leaſt, above the Bed of the ſaid Road.

Truſtees may contract for Repairs.

LIX. And be it further enacted, That the ſaid Trnſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, widening, or repairing the ſaid Road, or any Part thereof, and for erecting Mile and Direction Stones, or other Poſts thereon, or for doing any other Work to be 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 any Order of the ſaid Truſtees, or any Five or more of them, by their Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, or other Officer, with any Workmen, or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees, or by their Clerk or Clerks, Treaſurer or Treaſurers, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Perſon, Parties or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sums of Money as ſhall or may be requiſite for making or repairing the ſaid Road, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit againſt any ſuch Party or Perſon, Parties or Perſons, ſo as aforeſaid making Default in fulfilling his, her, or their Contract or Agreement, any Law or Uſage to the contrary in anywiſe notwithſtanding.

For ſecuring tranſient Offenders.

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

LXI. And

Penalties how to be levied and applied.

LXI. 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 hereby otherwiſe particularly directed), ſhall, upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County or Place wherein the Offence ſhall have been committed, or any One Juſtice of the Peace for the County or Place wherein the Offender ſhall reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes) and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or recovered, ſhall be, if not otherwiſe directed to be applied by this Act, from Time to Time paid, One Moiety to the Informer, and the other Moiety to any Five or more of the ſaid Truſtees, or to their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, and applied in the Repair of the ſaid Road; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice of the Peace as aforeſaid, 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 or Houſe of Correction, for the County or Place wherein the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Directing the Form of Conviction.

LXII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this 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; (*videlicet,*)

to wit. } ‘BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's ‘Juſtices of the Peace for the County of [*or, County of as the Caſe may be*] [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal the Day and Year firſt above written.’

Power to compel Payment of Subſcription.

LXIII. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed Money for and towards the making of 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 from Time to Time order and direct; and the ſame ſhall be paid to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, 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, or any Five or more of them, to ſue for and recover the ſame, with Intereſt for the ſame from the Time on which ſuch Order for Payment ſhall have been made, in the Name of the ſaid Truſtees, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, 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.

Limitation of Actions.

LXIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice thereof in Writing ſhall have been given to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, or after a ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere, (as the Caſe may be) and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead at his, her, or their Election ſpecially, or the General Iſſue, and give this Act, and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought before Twenty Days Notice ſhall have been given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought elſewhere than in ſuch County as aforeſaid, then the Jury ſhall find a Verdict for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or 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 may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Diſtreſs not to be unlawful for Want of Form.

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

Proceedings not to be quaſhed for Want of Form.

LXVI. And be it further enacted, That no Order, Judgment, or other Proceedings of the ſaid Truſtees, or of any Juſtice or Juſtices of the Peace, or any of them reſpectively, touching or concerning any of the Matters aforeſaid,

aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXVII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid County Palatine of *Lancaſter*, or County of *York*, (as the Caſe may be) within Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty Days Notice at the leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matters thereof, to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Counties of *York* or *Lancaſter*, (as the Caſe may be) with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper, and the Determination of ſuch Quarter Seſſion ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſion may alſo by their Order or Warrant levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, of or for the County or Place wherein ſuch Quarter Seſſion ſhall be held (as the Caſe may be), for any Time not exceeding Six Calendar Months, or until Payment of ſuch Coſts.

Public Act.

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

Commencement and Continuance of this Act.

LXIX. And be it further enacted, That this Act ſhall commence and take place on the Second *Tueſday* after the paſſing thereof, and ſhall be in full Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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