ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. liii.

An Act for enlarging the Term and Powers of Three Acts, for repairing the Road from *Dewsbury* to *Ealand*, in the West Riding of the County of *York*. [19th *May* 1819.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from* Dewsbury *to* Ealand, *in the West Riding of the County of* York: And whereas another Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Thirty-second Year of His late Majesty, for repairing and widening the Road from* Dewsbury *to* Ealand, *in the West Riding of the County of* York: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of Two Acts made in the Thirty-second Year of the Reign of King* George *the Second, and the Nineteenth Year of His present Majesty, for repairing and widening the Road from* Dewsbury *to* Ealand, *in the West Riding of the County of* York: And whereas considerable Sums of Money, borrowed on the Credit of the said recited Acts, and charged on the Tolls arising upon the said Road, still remain due and owing; and such Sums of Money cannot be repaid, nor can the said Road be properly amended and kept in repair, unless the Term of the said Acts be extended, and some of the Powers and Provisions thereof be altered, amended, and enlarged, and the Tolls increased: May it

32 Geo. 2.

19 Geo. 3.

38 G. 3. c. 39.

it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and all and every the Clauſes, Powers, Authorities, Truſts, Proviſions, Directions, Rules, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatſoever therein contained, and now in force (except ſuch Parts thereof as are repealed, varied, or altered), ſhall be, continue, and remain in full Force and Effect, and the ſame are hereby further continued, and together with the preſent Act ſhall be executed for and during the Term herein-after mentioned, in as full and ample a Manner to all Intents and Purpoſes as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Proviſions, Alterations, and Amendments in this Act contained; and that this Act and the additional Term, and the Tolls hereby granted, ſhall be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid recited Acts, or any of them, or hereafter to be borrowed on the Credit of the ſaid recited Acts and this Act, and of all Intereſt due or to grow due for the ſame.

Recited Acts further continued.

II. And be it further enacted, That all His Majeſty's Juſtices of the Peace acting in and for the Weſt Riding of the County of *York*, *Henry Armytage*, *Edward Armytage*, *Thomas Atkinſon* Clerk, *Benjamin Haigh Allen*, *Thomas Allen*, *Thomas Atkinſon*, *Joſeph Atkinſon*, *William Armitage*, *Nicholas Browne*, *Samuel Brook*, *Edward Brook*, *John Brooke*, *Samuel Brooke*, *Charles Brooke*, *William Battye*, *William Walker Battye*, *John Cockill*, *Joſeph Cockill*, *Charles Carr*, *Thomas Cook*, *Samuel Dawſon*, *Joſeph Dawſon*, *Thomas John Firth*, *Greenwood*, *Francis Greenwood*, *Daniel Greenwood*, *William Greenwood*, *John Hague*, *John Hague*, *Edward Hague*, *Edward Hinchcliffe*, *John Hinchcliffe*, *John Hodgſon*, *Samuel Hodgſon*, *Samuel Hurſt*, *Joſeph Hurſt*, *Richard Hurſt* the younger, *Joſhua Hirſt*, *Joſeph Haigh*, *Samuel Haigh*, *Thomas Hopkinſon*, *John Heald*, *John Halliley*, *John Halliley* the younger, *James Halliley*, *John Ikin*, *John Ikin* the younger, *Benjamin Ingham*, *Joſhua Ingham*, *James Ingham*, *Joſeph Lee*, *John Ledgard*, *Edward Ledgard*, *Francis Ledgard*, *Francis Maude*, *Daniel Micklethwaite*, *James Micklethwaite*, *Morrett Mathews*, *George Marriott*, *Thomas Oldroyd*, *John Pilling*, *Joſeph Pilling*, *William Pilling*, *Eraſmus Pilling*, *Sidney Pilling*, *Charles Pitchforth*, *Joſeph Ruſhforth*, *Thomas Rylah*, *Whitaker Rylah*, *William Greenwood Rylah*, *John Robinſon*, *Edward Sykes*, *John Smith* of *Hightown*, *Abraham Sanderſon*, *John Sheard*, *Richard Shipley*, *William Staincliffe*, *John Staincliffe*, *John Scholefield*, *William Turner*, *Charles Radcliffe Turner*, *Samuel Taylor*, *William Toone*, *Thomas Tuitt*, *Thomas Todd*, *William Wheatley*, *Thomas Walker*, *Thomas Waller*, *William Waſs*, *John Whitacre Woodhouſe*, *Joſeph Wheatley*, *John Wheatley*, *Charles Wheatley*, *Timothy Wheatley*, *Charles Wooler*, *Benjamin Walker*, *Samuel Walker*, *Benjamin Wilſon*, *Benjamin Wilſon* the younger, *John Horſfield Wadſworth*, and *Edward Wilby*, ſhall be and are hereby joined with and added to the Truſtees appointed in or by virtue of the ſaid recited Acts or any of them, to be Truſtees for carrying this Act and the ſaid recited Acts into Execution; and the ſaid Truſtees herein nominated, being reſpectively qualified as herein-after mentioned, and their Succeſſors reſpectively, to be elected, and being reſpectively qualified as herein-after mentioned, ſhall in all reſpects whatſoever have the like Powers and Authorities to act in the Execution of the

Appointment of new Truſtees.

ſaid recited Acts and of this Act, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts or any of them.

Repeal of former Qualification of Truſtees.

III. And be it further enacted, That ſo much of the ſaid recited Act of the Nineteenth Year of the Reign of His preſent Majeſty as enacts, that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, or the Act thereby recited, unleſs at the Time of his acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or ſhall be Heir Apparent to ſome Perſon or Perſons poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, or ſhall be poſſeſſed of and entitled to a Perſonal Eſtate to the Amount or Value of Eight hundred Pounds, ſhall be and the ſame is hereby repealed.

Qualification of Truſtees.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act or the ſaid recited Acts, unleſs he ſhall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment of, or in the Receipt of Rents and Profits iſſuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeiſed of a Real Eſtate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be poſſeſſed of a Perſonal Eſtate of the Value of Three thouſand Pounds, nor (except in adminiſtering the Oath or Affirmation herein-after mentioned), until he ſhall have taken and ſubſcribed, before any Three or more of the ſaid Truſtees, an Oath or Affirmation in the following Form of Words, and which Oath or Affirmation the ſaid Truſtees, or any or either of them, at any of their Meetings to be holden in purſuance of this Act or the ſaid recited Acts, are or is hereby authorized to adminiſter:

'I 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 of [*or*, in the Receipt of Rents and Profits iſſuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or*, am Heir Apparent of who to the beſt of my Knowledge is ſeiſed of a Real Eſtate of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, *or*, am poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Three thouſand Pounds, *as the Caſe may be*.] So help me GOD.'

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

Truſtees intereſted, or holding Places of Profit, or keeping Victualling Houſes, etc. not to act.

V. Provided alſo, and be it further enacted, That no Perſon (appointed or to be appointed a Truſtee by virtue of this Act or the ſaid recited Acts), ſhall be capable of acting as a Truſtee in the Execution of this Act or the ſaid recited Acts, in any Caſe where he ſhall be perſonally intereſted (except as herein-after provided), nor whilſt he holds any Place or Employment of Profit, or ſhall be concerned or intereſted in any Contract or Contracts

Contracts under the ſaid Truſtees, or this Act; and that no Perſon ſhall be capable of being appointed a Truſtee, or of acting as ſuch, during the Time he ſhall keep a Victualling Houſe or other Houſe of Public Entertainment, or who ſhall ſell Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who ſhall be intereſted or concerned in any Contract under this Act, or who ſhall be Leſſee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Perſon not being qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution of this Act or the ſaid recited Acts, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed; and the 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 Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act or the ſaid recited Acts: Provided nevertheleſs, that all Acts and Proceedings touching the Execution of this Act or the ſaid recited Acts, which ſhall be done and performed by any ſuch Perſon previouſly to his being convicted of the Offence before mentioned, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act; but that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Intereſt thereout for the ſame, ſhall on that Account be deemed unqualified to act as a Truſtee in the Execution of this Act or the ſaid recited Acts.

Power to appoint additional Truſtees.

VI. And be it further enacted, That it ſhall be lawful for the Truſtees for carrying this Act and the ſaid recited Acts into Execution, 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 the ſaid recited Acts or this Act, to elect any Number of Perſons not exceeding Ten in the whole, to be Truſtees for carrying this Act and the ſaid recited Acts into Execution, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act and the ſaid recited Acts, as if they had been herein named.

Meetings of Truſtees.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Black Bull Inn* in *Mirfield*, on the Second *Monday* after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed in the Execution of this Act and the ſaid recited Acts, and ſhall then, and from Time to Time after, adjourn to meet at ſuch Times and at ſuch Place or Places upon or near the ſaid Road as they ſhall think proper, and that Two Truſtees preſent at any Meeting ſhall be ſufficient to adjourn the ſame; and if a competent Number of Truſtees ſhall not be preſent at any Meeting to act or adjourn, or in caſe the Truſtees preſent at any Meeting ſhall omit to adjourn the ſame, then and in every ſuch Caſe the Clerk to the Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held, or was held (as the Caſe may be), and to ſuch Time as he ſhall think fit, not being

Adjournment.

being more than Twenty-one Days from the laſt Meeting or intended Meeting, and ſhall give Notice thereof in One of the *Leeds* Newſpapers, at leaſt Six Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given as aforeſaid, then it ſhall and may be lawful for the Clerk to the ſaid Truſtees, or for any Five or more of ſuch Truſtees, although not aſſembled at a Meeting, to cauſe Notice to be inſerted in One or more of the *Leeds* Newſpapers, at leaſt Six Days before any Meeting is intended to be held, appointing the Truſtees to meet at ſuch Time and Place upon or near the ſaid Road, as the ſaid Clerk or the ſaid Truſtees reſpectively giving ſuch Notice ſhall think proper, not exceeding Twenty-one Days from the Time of adverting ſuch Meeting; and the ſaid Truſtees ſhall, at their ſeveral Meetings, pay their own Expences; and all Meetings of the Truſtees in the Execution of this Act and the ſaid recited Acts ſhall be held between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon; and all Acts, Orders, Proceedings, and Determinations of the Truſtees acting in the Execution of this Act and the ſaid recited Acts, ſhall be made at Meetings conſiſting of not leſs than Five Truſtees, to be held in purſuance of this Act, and not otherwiſe (except in caſes hereby particularly provided for); and that no Order or Determination ſhall be valid unleſs the major Part of the Truſtees preſent at ſuch Meeting ſhall concur therein; and all Acts, Orders, and Proceedings of any Five or more of the ſaid Truſtees, or the major Part of ſuch Five or more Truſtees, had or done as aforeſaid, in the Execution of this Act or the ſaid recited Acts, ſhall be as valid and effectual as if all the Truſtees had been preſent at any ſuch Meeting and had concurred therein; and no Order made by Five or more Truſtees ſhall be revoked or altered at any Meeting where leſs than Nine Truſtees ſhall be preſent, nor without the actual Concurrence of a greater Number of Truſtees than the Number by whom ſuch original Order was made, nor unleſs Fourteen Days Notice at the leaſt of ſuch intended Revocation or Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Book of Proceedings, and alſo inſerted in One of the *Leeds* Newſpapers, at leaſt Ten Days before ſuch Meeting, nor unleſs a Majority of the Truſtees who ſhall be preſent at the Meeting for ſuch Revocation or Alteration, or propoſed Revocation or Alteration, ſhall concur therein; any thing in the ſaid recited Acts or any of them contained to the contrary thereof in anywiſe notwithſtanding.

If no Adjournment, Notice to be given.

Truſtees to pay their own Expences.

Five Truſtees a Quorum; and Acts done by the major Part of them at Meetings to be valid.

No Order to be revoked, unleſs Nine Truſtees preſent, nor without the actual Concurrence of a greater Number of Truſtees than the Number by whom ſuch original Order was made. Ten Days Notice.

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

Meetings on Emergencies.

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

IX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any thing relating to the Execution of this Act or the ſaid recited Acts, in the Name of their Clerk, or in the Name of any one of the ſaid Truſtees on Behalf of the ſaid Truſtees; and no Action or Suit which ſhall be ſo brought, ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought, or by the Act of ſuch Perſon without the Conſent of the ſaid Truſtees; but the Clerk for the Time being of the ſaid Truſtees, or the Succeſſor of the Truſtee in whoſe Name any Action or Suit ſhall be ſo brought, ſhall always be deemed the Plaintiff or Defendant in any ſuch Actions; and every ſuch Clerk and Truſtee ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act or the ſaid recited Acts, all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any Action, Suit, Proſecution, Information, Appeal, or other Proceeding, he ſhall pay, bear, ſuſtain, expend, or be put unto, or become chargeable with or liable for, or be entitled to, by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

Appointment of Officers.

X. And be it further enacted, That the ſaid Truſtees or any Five or more of them, at any of their Meetings, by Writing under their Hands, ſhall and may from Time to Time, and at any Time hereafter appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and from Time to Time remove any ſuch Officer or Officers, and on the Death or Removal of any ſuch Officer or Officers may appoint others in their Stead; and Ten Days Notice of the Intention of ſuch Appointment ſhall be given in One of the *Leeds* Newſpapers, of every Meeting where any ſuch Appointment ſhall be made; and the ſaid Truſtees, or any Five or more of them, ſhall and may and are hereby authorized and empowered, by and out of the Monies to be collected, borrowed, or received by virtue of the ſaid recited Acts or this Act, to pay ſuch Salaries, and make ſuch Allowances to ſuch Officers and other Perſons employed, or who ſhall aſſiſt in the Execution of the ſaid recited Acts or this Act, for their Services in or towards the carrying the ſaid recited Acts and this Act into Execution, as they the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act or the ſaid recited Acts, who ſhall ſell any Ale, Beer, Wine, or Spirituous Liquors by Retail, any thing in the ſaid recited Acts or any of them contained to the contrary thereof in anywiſe notwithſtanding.

Perſons ſelling Ale, &c. by Retail not capable of holding Places of Profit.

Old Officers to continue until new ones elected.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer, other than the Treaſurer appointed under and by virtue of the ſaid recited Acts or any of them, ſhall hold and enjoy ſuch their ſeveral and reſpective Offices and Employments until removed therefrom by the Truſtees for executing the ſaid recited Acts and this Act; and each and every ſuch Clerk, Receiver, Collector, Surveyor, and other Officer ſhall have the like Power and Authority for the Purpoſes of the ſaid recited Acts and this Act, and for carrying the ſame into Execution, and ſhall be ſubject to the like Pains

and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he or they had been appointed by virtue of this Act.

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

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been, or who by virtue of the said recited Acts or any of them, or of this Act, may be appointed to act as their Clerk or the Partner of any such Clerk, the Treasurer for the Purposes of this Act and the said recited Acts, or any of them, or to continue or appoint the Person who has been or may be appointed their Treasurer by virtue of the said recited Acts, or any of them, or of this Act, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said recited Acts or this Act, or any of them; or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts or this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Repealing so much of former Act as requires Officers to verify their Accounts on Oath.

XIII. And be it further enacted, That so much of the said recited Act of the Thirty-second Year of the Reign of King *George* the Second, as enacts that all Officers and Persons accounting as therein mentioned, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them, verify their said Accounts; and also so much thereof as empowers the said Trustees, or any Two or more of them, to administer such Oath; and also so much thereof as enacts that if any such Officer or Person shall refuse to verify the Articles of any such Account upon his Oath, he shall be subject to the Punishment therein mentioned, shall be and the same is hereby repealed.

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

XIV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered,

Penalty for Refusal of Inspection.

apportioned

apportioned and applied, in manner provided by the said recited Act of the Thirty-second Year of the Reign of King *George* the Second.

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

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Road, or on the Sides thereof, and to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or upon or across the Entrance to any Road, Lane, or Way leading into the same, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Out-buildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Road, suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses, as they shall think necessary, and from Time to Time to take down and remove, or to alter or discontinue the same, or any of them, as they the said Trustees, or any Five or more of them, shall think proper and direct or appoint.

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

XVI. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Chains, Rails, Fences, Toll Houses, and other Houses and Buildings, and the several Conveniences and Appurtenances thereto, now being upon or belonging to the said Road, or which shall be provided, erected, or made by virtue of this Act or the said recited Acts, and all Materials for building or repairing the same, and for making, improving, or repairing the said Road, and all other Materials, Tools, Articles, and Things which have been or which shall be purchased, collected, or provided for the Use of the said Road, shall be vested in the said Trustees, and they the said Trustees, or any Five or more of them, shall be and are hereby empowered to sell and dispose of the same Materials respectively, as they shall think proper, and to bring or cause to be brought, in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall, without Right, keep Possession of any such House or Appurtenances, or who shall break down or damage, steal, or take away any such Turnpikes, Toll Gates, Weighing Machines, Toll Houses, and other Houses and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof respectively, or any such Materials, Tools, Articles, or Things, or who shall disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all Actions and Proceedings whatsoever, whether civil or criminal, it shall be sufficient to state the same to be the Property of "The Trustees acting in Execution of an Act for enlarging the Term and Powers of Three Acts for repairing the Road from *Dewsbury* to *Ealand*, in the West Riding of the County of *York*," without naming or otherwise describing the said Trustees.

Collectors of Tolls and others not

XVII. And be it further enacted, That in all cases of Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls or Duties, or to

to the Execution of this Act or the ſaid recited Acts, and in all civil and criminal Proceedings whatſoever relating to the ſaid Road or any Part thereof, no Perſon being a Truſtee or Collector of the Tolls, Clerk, Treaſurer, Surveyor, or other Officer or Servant of, or other Perſon employed by the ſaid Truſtees or any of their Officers, nor any Inhabitant of any Townſhip, Pariſh, or Place through or into which the ſaid Road or any Part thereof doth or ſhall paſs, ſhall be incompetent to give Teſtimony or Evidence therein, by reaſon of his or her being ſuch Truſtee, Collector, Clerk, Treaſurer, Surveyor, Officer, or Servant, or Perſon employed as aforeſaid, or Inhabitant as aforeſaid. incompetent Witneſſes.

XVIII. And be it further enacted, That from and after the paſſing of this Act, the Tolls granted or authorized to be taken by the ſaid recited Acts or any of them, ſhall be and the ſame are hereby repealed, and that inſtead thereof, the following Tolls ſhall (ſubject to the Proviſions hereinafter contained) be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, at each Turnpike erected or to be erected on the ſaid Road by virtue of the ſaid recited Acts or any of them, or of this Act, and on every Day, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night, before any Horſe, Cattle, Beaſt, or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay), Former Tolls repealed, and others granted.

Tolls.

For every Horſe or Beaſt of Draught, drawing any Coach, Chariot, Berlin, Landau, Hearſe, Chaiſe or Calaſh, if drawn by Six Horſes or Beaſts of Draught, the Sum of Three-pence; and if drawn by Four Horſes or Beaſts of Draught, the Sum of Three-pence; and if drawn by Three Horſes or Beaſts of Draught, the Sum of Three-pence Halfpenny; and if drawn by Two Horſes or Beaſts of Draught, the Sum of Four-pence; and if drawn by One Horſe or Beaſt of Draught, the Sum of Four-pence for ſuch Horſe or Beaſt of Draught:

For every Horſe, Ox, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage with Wheels of the Breadth or Gauge of Nine Inches, and drawn by more than Eight Horſes, Oxen, or other Beaſts of Draught; or with Wheels of the Breadth or Gauge of Six Inches and under Nine Inches, and drawn by more than Six Horſes, Oxen, or other Beaſts of Draught; or with Wheels of leſs Breadth or Gauge than Six Inches, and drawn by more than Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Three-pence:

For every Horſe, Ox, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage with Wheels of the Breadth of Nine Inches, the Sum of One Penny:

For every Horſe, Ox, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage with Wheels of the Breadth of Six Inches, if drawn by Four or more Horſes, Oxen, or other Beaſts of Draught, the Sum of One Penny Halfpenny; and if drawn by leſs than Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Two-pence:

For every Horſe, Ox, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage with Wheels of leſs Breadth than Six Inches, if drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Two-pence Halfpenny; and if drawn by Three Horſes, Oxen,

or other Beasts of Draught, the Sum of Three-pence; and if drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Three-pence; and if drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence for such Horse, Ox, or other Beast of Draught:

For every Horse or other Beast of Burthen, whether laden or unladen, and not drawing, the Sum of One Penny:

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

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

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the said Trustees, upon the Trusts and for the Purposes of this Act and the said recited Acts; and the same and every of them and every Part thereof shall and may be collected, recovered, levied, varied, altered, compounded for, leased, assigned, paid, applied, and disposed of in such and the same Manner, and by such Ways and Means, as the Tolls granted by the said recited Acts or any of them are thereby directed or authorized to be collected, recovered, levied, varied, altered, compounded for, leased, assigned, paid, applied, and disposed of; but subject to the Regulations and Alterations in this Act contained.

Waggons, &c. allowed Privileges and Exemptions granted by Act 55 G. 3.

XIX. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof, or of the Horses drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed, as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to the Privileges and Exemptions granted by the said Act, in Manner therein mentioned.

Tickets to be printed.

XX. And be it further enacted, That upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; which Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

Repealing Exemptions of former Acts.

XXI. And be it further enacted, That so much of the said recited Acts as grants or allows any Exemption from Tolls to any Person, or for any Cart, Wain, Waggon, or other Carriage, or any Horse, Ass, Mule, or Beast, shall be and the same is hereby repealed.

General Exemptions from Toll.

XXII. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages belonging to His Majesty or any of the Royal Family, or any Horses or Carriages attending His Majesty or any of the Royal Family; nor for any Horses, Cattle, or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails

Mails or Expreſſes, or in returning therefrom; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; nor for the Horſes belonging to or uſed by any Officers or Soldiers, or Militia, or Local Militia, on their March or on Duty, or belonging to or furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry reſpectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection, or Review, (provided that ſuch Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption); nor from any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Pariſh Church or other Place of Divine Worſhip, or on other his parochial or miniſterial Duty, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons reſiding in any Pariſh, Townſhip, or Place through which the ſaid Road or any Part thereof doth or ſhall lead, going to or returning from his, her, or their proper parochial Church or Chapel, or from any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip tolerated by Law, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, in the ſame Pariſh, Townſhip, or Place, or going to or returning from the Funeral of any Perſon who ſhall die and be buried in any ſuch ſame Pariſh, Townſhip, or Place; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *York*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay or Straw, or Corn in the Straw only, and not ſold or diſpoſed of, or going to be ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Out-houſes, Barns, or Yards, or on the Lands of the Owners thereof; nor for any Horſe, Beaſt, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Plough, Harrow, or other Implement of Huſbandry or Things uſed therein, belonging to any ſuch Inhabitants or Occupiers, or any Dung, Mould, Manure, or Compoſt (ſave and except Lime), for manuring or improving Lands or Gardens, or any Corn, Grain, or Griſt carrying to or from any Corn Mill for private Uſe and not for Sale; nor for any Horſe, Beaſt, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Paſture, or going to be or returning from being ſhoed or farried; or for any Horſe, Beaſt, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, uſed or employed for the Purpoſe only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or

conveying

conveying on the ſame Day, any Gravel, Furze, Heath, Sand, Stones, or other Materials for making and repairing the ſaid Road or any other Highway or Public Road within any Pariſh, Townſhip, or Place in which any Part of the ſaid Road lies, or for building or rebuilding, enlarging or repairing any preſent or future Public Bridge or Bridges on the ſaid Road; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in manner by the ſaid recited Act of the Thirty-ſecond Year of the Reign of King *George* the Second provided for the Recovery and Application of Penalties and Forfeitures; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

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

XXIII. Provided always, and be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes or other Cattle drawing the ſame, while ſo employed, be ſtopped or detained by reaſon of any Weight in or upon any ſuch Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, for drawing the ſame; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

No more than Three Tolls to be paid on the whole Line of Road, and One Payment to frank once paſſing and repaſſing.

XXIV. Provided always, and be it further enacted, That no more than Three Tolls in the whole ſhall be demanded or paid for or in reſpect of the ſame Horſes, Beaſts, Cattle, or Carriages for once paſſing on the ſame Day (to be computed as aforeſaid) through all the Turnpikes or Toll Gates erected or to be erected on the ſaid Road: Provided alſo, that any Horſes, Beaſts, Cattle, or Carriages for or in reſpect of which the Tolls by this Act granted ſhall have been paid at any Turnpike or Toll Gate on the ſaid Road, for paſſing through any ſuch Turnpike or Toll Gate, ſhall be allowed to return through the ſame Turnpike or Toll Gate (and alſo through any other Turnpike or Toll Gate which under the Proviſions of this Act ſuch Payment will clear) on the ſame Day without Payment of Toll; but if ſuch Horſes, Beaſts, Cattle, or Carriages ſhall paſs a Third Time through the ſame Turnpike or Toll Gate, ſuch Horſes, Beaſts, Cattle, or Carriages, ſhall be again liable to the Payment of Toll, and ſo *toties quoties* for every ſuch Third Time of paſſing through the ſame Turnpike or Toll Gate.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXV. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County, Riding, or Place where the Cauſe of Diſpute ſhall ariſe, who upon Application to him made for that

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

An Action of Ejectment may be ſupported by One Mortgagee.

XXVI. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls by the ſaid recited Acts or this Act authorized to be taken on the ſaid Road, or the Toll Gates, Bars, Chains, Toll Houſes, and Buildings, ſhall ſeek to obtain the Poſſeſſion of the ſaid Toll Gates, Bars, Chains, Toll Houſes, and Buildings, in order to pay himſelf, herſelf, or themſelves the Principal Money and Intereſt, or any Part thereof due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof ſhall not apply the Tolls which may conſequently be received by him, her, or them, to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Tolls, Toll Gates, Buildings, and Premiſes, *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

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

XXVII. And be it further enacted, That if any Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls payable at any of the Toll Gates now erected and continued, or to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Perſon or Perſons appointed or to be appointed to the Care of any Weighing Machine or Machines, which is or are or may or ſhall at any Time hereafter be erected on the ſaid Road, ſhall ſuffer or permit any Waggon, Wain, Cart, or other Carriage liable to be weighed at any ſuch Machine or Machines, to paſs through the Toll Gate or Toll Gates erected and continued, or to be erected on the ſaid Road, without being weighed, or ſhall ſuffer or permit any ſuch Waggon, Wain, Cart, or other Carriage to proceed on the ſaid Road, or any Part thereof, without having firſt paid the Toll payable for and chargeable on ſuch Waggon, Wain, Cart, or other Carriage, or on the Horſes or Beaſts drawing the ſame, and for all ſuch Overweight or Overweights as ſuch Waggon, Wain, Cart, or other Carriage reſpectively ſhall or may happen to have therein or thereon, each and every ſuch Perſon ſhall, for each and every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, apportioned, and applied in Manner provided by the ſaid recited Act of the Thirty-ſecond Year of the Reign of King *George* the Second for the Recovery and Application of Penalties and Forfeitures.

Penalty on Renters, Collectors, &c. compounding for Overweight.

XXVIII. And be it further enacted, That if any Leſſee or Leſſees, Taker or Takers, Renter or Renters of the Tolls payable at any Turnpike Gate or Gates erected and continued or to be erected on the ſaid Road, or any Collector or Collectors, or Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines as aforeſaid, ſhall make or enter into any Bargain, Contract, Compoſition, or other Agreement, verbal or written, by the Year or otherwiſe, wherein or whereby any ſpecific Sum or Sums of Money, in groſs or otherwiſe, is or are to be paid by any Perſon or Perſons for the Carriage of Overweight, for or in reſpect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at ſuch Weighing Machine or Machines, each and every ſuch Leſſee or Leſſees, Taker or Takers, Renter or Renters, Collector or Collectors, and Perſon or Perſons appointed to the Care of any ſuch Weighing Machine or Machines, ſo bargaining, contracting, compounding, or otherwiſe agreeing as aforeſaid, ſhall, for every ſuch Bargain, Contract, Compoſition, or Agreement, forfeit and pay (over and beſides the Coſts and Charges attending the Conviction) any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in Manner provided by the ſaid recited Act of the Thirty-ſecond Year of the Reign of King *George* the Second, for the Recovery and Application of Penalties and Forfeitures, and ſhall alſo forfeit his or their Contract or Leaſe for renting the ſaid Tolls, if the ſaid Truſtees, or any Five or more of them, ſhall think proper to order that the ſame ſhall be thereupon vacated and made void; and every ſuch Compoſition ſhall be and the ſame is hereby declared to be null and void.

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

XXIX. And be it further enacted, That in caſe all or any of the ſaid Tolls ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, or any Part or Inſtalment thereof, ſhall be in Arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Leaſe, Agreement, or Contract for demiſing or letting thereof; or in caſe any Collector or Receiver of the Tolls, who ſhall be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Repreſentative of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto reſpectively belonging, erected or ſet up by virtue of the ſaid recited Acts, or to be erected or ſet up by virtue of this Act, for the Space of Four Days next after Demand thereof made in Writing, ſigned by any Five or more of the ſaid Truſtees, or by their Clerk or Treaſurer, and left at ſuch Toll Houſe, or in any Toll Houſes, Weighing Machine, or Weighing Machines; or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void; then and in any or either of ſuch Caſes it ſhall be lawful for any Juſtice of the Peace for the ſaid Riding, upon Application made by the ſaid Truſtees, or any Five or more of them, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Five or more of them, by Warrant under his Hand and Seal, to order any Con-

ſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe or Toll Houſes, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereto belonging, in the Day-time, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or other the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid Truſtees, or any Two of them, or other Perſons or Perſon acting by or under their Authority, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, (if they ſhall think fit), to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void to all Intents and Purpoſes (ſave as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſee's Part) as if ſuch Demiſe or Agreement had never been made; and in that caſe, or in caſe the Leaſe, Contract, or Agreement ſhall otherwiſe become void, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

For preventing Toll Collectors from miſbehaving, &c.

XXX. And be it further enacted, That all and every Toll Collector or Collectors, being Leſſee or Leſſees of the ſaid Tolls, or appointed or to be appointed either under the ſaid recited Acts or this Act, or by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls or Duties payable at any Turnpike or Toll Gate on the ſaid Road, ſhall and he is hereby required, on each and every Day previous to his entering on Duty for the Collection of the ſaid Tolls, to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a printed Note or Ticket denoting the Payment of ſuch Tolls, and having named and ſpecified thereon the Gate or Gates freed by ſuch Payment; or ſhall unneceſſarily detain, or upon the legal Toll being paid or tendered ſhall wilfully obſtruct, hinder, or prevent any Paſſenger, Horſe, Beaſt, Carriage, or Cattle from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Paſſenger or Paſſengers, then and in every ſuch caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, and

ſuch

such Penalty shall be recovered, levied, apportioned, and applied in manner by the said recited Act of the Thirty-second Year of the Reign of King *George* the Second provided for the Recovery and Application of Forfeitures and Penalties: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied in the same Manner as such last-mentioned Penalty.

Penalty on obstructing Collectors.

Power to borrow Money, and to assign Tolls.

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

Form of Mortgage.

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

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Persons or Person to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be possessed of any Mortgage made by virtue of the said recited Acts or any of them, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing, before One credible Witness, an Instrument,

Inſtrument, whether indorſed upon ſuch Mortgage or Aſſignment, or not ſo indorſed, but ſeparate, in the following Words, or in Words to the like Effect; (that is to ſay),

Form of Transfer.

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

'Witneſs *C. D.*' '*A. B.*'

Which muſt be entered with the Clerk.

All which Transfers ſhall be produced and notified to the Clerk to the ſaid Truſtees, within Twenty-one Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, ſpecifying the Dates and Names, Additions and Places of Abode of the ſeveral Parties, and Amount of the Sum transferred, for which Entry the ſaid Clerk ſhall be paid the Sum of Five Shillings and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee or Aſſignees may in like manner aſſign and transfer again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons, except the Perſon or Perſons to whom the ſame ſhall be laſt transferred, to make void, releaſe, or diſcharge the original Mortgage or Aſſignment, or any Monies due thereon.

Deviation not to exceed 100 Yards from the preſent Road, without Conſent.

XXXII. Provided always, and be it further enacted, That the ſaid Truſtees, in diverting, altering, or improving any Part of the ſaid Road under the Powers of the ſaid recited Acts and this Act, or any of them, ſhall not deviate more than One hundred Yards, of Three Feet each, from the preſent Line, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees reſtrained from pulling down Dwelling Houſes, &c.

XXXIII. Provided always, and be it further enacted, That nothing in the ſaid recited Acts, or any of them, or in this Act contained, ſhall extend, or be conſtrued to extend, to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Paddock, Park, planted Walk or Avenue to a Houſe, or any incloſed Ground planted as Ornament or Shelter to a Houſe, or planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained.

In caſe of Abſence of Parties, Expences of

XXXIV. Provided always, and be it further enacted, That if any Perſon or Perſons whoſe Lands ſhall be neceſſary to be taken for the Purpoſes of the ſaid recited Acts or this Act, ſhall, by reaſon of Abſence, be

Jury, &c. to be borne by the Truſtees.

be prevented from treating with the ſaid Truſtees, then the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, as mentioned in the ſaid firſt recited Act, ſhall be borne and defrayed by the ſaid Truſtees out of the Monies to ariſe by virtue of this Act.

Application of Compenſation if amounting to 200l.

XXXV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or of this Act for the Purpoſes of the ſaid Road, which ſhall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtees for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act and the ſaid recited Acts, to the Intent that ſuch Monies ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking Effect; and in the meantime and until ſuch Purchaſe ſhall be made, the ſaid Monies 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 meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

XXXVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act and the ſaid recited Acts (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing therefrom 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.

When leſs than 20l.

XXXVII. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act or the ſaid recited Acts, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Lunacy or Infancy, 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 a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of Chancery on Petition.

XXXVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act or the ſaid recited Acts, for the Purpoſes aforeſaid, 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 the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments

[deſcribing

[deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making claim thereto, 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 Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

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

XL. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or this Act, for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received

received by virtue of the ſaid recited Acts or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Repealing Powers of former Act reſpecting the getting of Materials.

XLI. And be it further enacted, That ſo much of the ſaid recited Act of the Thirty-ſecond Year of the Reign of King *George* the Second as empowers the Surveyor or Surveyors of the ſaid Road, and ſuch Perſon or Perſons as he or they ſhall appoint, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials out of and from any Waſte Grounds or Commons, Rivers or Brooks of or in any Pariſh, Town, or Place in which any Part of the ſaid Road lies, or in any neighbouring Pariſh, Town, or Place, without paying any Thing for ſuch Materials; and alſo ſo much of the ſaid Act as empowers the Surveyor or Surveyors or other Perſon or Perſons as aforeſaid, by Order of any Five or more of the Truſtees, to get, gather, take, and carry away ſuch Materials in and out of the Lands of any Perſon or Perſons, paying or tendering Payment of ſuch Rates for the Materials and for Damages, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable, ſhall be and the ſame is hereby repealed.

For getting Materials to repair the Road.

XLII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, get, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for making, amending, altering, improving, or repairing the ſaid Road, out of any Waſte or Common, or out of any common River or Brook in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, or in any adjoining Pariſh, Hamlet, Townſhip, or Place, without paying any Thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if a ſufficient Quantity of ſuch Materials cannot be had or found in or upon ſuch Waſte or Common, or in any ſuch common River or Brook, then and in ſuch Caſe the Surveyor or Surveyors or other Perſons as aforeſaid may, by Order of any Juſtice or Juſtices of the Peace for the County, Riding, or Place in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituate (as the Caſe may be), to be made upon the Application of the ſaid Truſtees, or any Five or more of them, ſearch for, dig, gather, get, and take away any ſuch Materials in and out of the Lands, Fields, or Grounds of any Perſon or Perſons in any Pariſh, Hamlet, Townſhip, or Place in which any Part of the ſaid Road ſhall lie or be ſituate, where the ſame may be had or found (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Value of ſuch Materials, and alſo for the Damage done to the Owners and Occupiers of any ſuch Lands, Fields, or Grounds, where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for amending, altering, improving, or repairing the ſaid Road ſhall be carried, as ſhall be agreed upon between them and ſuch Owner

or Occupier; or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for such County, Riding, or Place as aforesaid (as the Case may be), shall and may adjudge and determine to be reasonable: Provided also, that no such Gravel or other Materials as aforesaid, shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatsoever.

Notice to be given before Materials taken.

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

For preventing Nuisances.

XLIV. And be it further enacted, That if any Person or Persons shall drive any Horse or other Cattle, or any Cart or other Carriage, or hale, draw, carry, pass, or wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Road, or shall cause any Damage to be done to the Footway or Causeway adjoining to the said Road, or shall cause any Damage to be done to the Hedges, Fences, Breast-walls, Posts, Rails, or Paling set up along the Side of or upon such Footway, or shall in or upon any Part of the same Road, or by the Side or Sides thereof, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, House, Building, Butcher's Shop, or Shambles, into the said Road, or burn, dress, or sweep any Piece or Pieces of Cork, or hoop, fire, cleanse, wash, or scald any Cask or Casks on any Part or Parts of the said Road, or in any exposed Situations near thereto, or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or on any other Part of such Waggon, Cart, Dray, Sledge, or other

other Carriage, or on any of the Horſes drawing the ſame, upon any Part of the ſaid Road; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, otherwiſe than wholly upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be carried upon wheeled Carriages, to drag on 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, Banks, or Copſe on either Side thereof; or if any Perſon ſhall turn or ſuffer any Horſe, Aſs, Beaſt, or Swine to be turned or to be or remain, or to wander or ſtray upon the ſaid Road, to graze or depaſture on the Sides 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 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 ſuch Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt to make any Fire or Fires commonly called Bonfires, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football or any other Game or Games to the Annoyance of any Paſſenger or Paſſengers, on any Part or Parts of the ſaid Road; or if any Perſon ſhall, after having blocked or ſtopped any Cart or other Carriage in going up a Hill or riſing Ground, cauſe or ſuffer to be or remain on the ſaid Road, or any Part thereof, the Stone or other Thing with which ſuch Cart or other Carriage ſhall have been blocked or ſtopped; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch like Carriage in, upon, or on the Side of any Part of the ſaid Road longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or in caſe the ſame ſhall not during ſuch Time be drawn up or placed 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, Aſhes, Filth, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Road, or on the Side or Sides thereof, or upon the Footpaths or Cauſeways adjoining to ſuch Road, to the Prejudice, Annoyance, or Interruption of Perſons travelling and paſſing thereon, every Perſon ſo offending ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and ſuch Penalty ſhall be recovered, levied, apportioned, and applied in manner by the ſaid recited Act of the Thirty-ſecond Year of the Reign of King *George* the Second provided for the Recovery and Application of Penalties.

Surveyors to impound Cattle found ſtraying on the Road.

XLV. And be it further enacted, That if any Horſe, Aſs, Sheep, Swine, or other Beaſt or Cattle of any Kind ſhall at any Time be found wandering, ſtraying, or lying about the ſaid Road or any Part thereof, or by the Sides thereof, it ſhall and may be lawful to and for the Surveyor of the ſaid Truſtees for the Time being, or any other Perſon or Perſons whomſoever, to ſeize and impound every ſuch Horſe, Aſs, Sheep, Swine, or other Beaſt or Cattle in the common Pound of the Pariſh, Townſhip, Tything, or Place where the ſame ſhall be, or in ſuch other Place as the ſaid Truſtees or any Five or more of them ſhall appoint, and the ſame there

there to detain until the Owner or Owners thereof ſhall for every and each Horſe, Aſs, Sheep, Swine, or other Beaſt or Cattle ſo impounded, pay the Sum of Ten Shillings to the Perſon impounding the ſame, together with the reaſonable Charges and Expences of impounding and keeping the ſame; and in caſe the ſaid Penalty, Charges, and Expences ſhall not be paid within Four Days after ſuch impounding, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to ſell or cauſe to be ſold every ſuch Horſe, Aſs, Sheep, Swine, or other Beaſt or Cattle; and the Money ariſing from ſuch Sale, after deducting the ſaid Penalty and Charges and Expences of impounding, keeping, and ſelling every ſuch Horſe, Aſs, Sheep, or Swine, or other Beaſt or Cattle, ſhall be paid to the Perſon whoſe Property the ſame ſo ſold ſhall appear to have been.

Gates to open inwards.

XLVI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever ſhall be made to open into or towards any Part of the ſaid Road, or be ſuffered to continue ſo to open, except the Hanging-poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Road; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening outward contrary to the Meaning of this Act, ſhall within Fourteen Days after Notice to him, her, or them given, either perſonally or in writing, from the Surveyor of the ſaid Road, cauſe ſuch Gate to be hung ſo that the ſame ſhall not open outward or ſwing towards the ſaid Road whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate, when open, ſhall project over any Part of the ſaid Road or any Footpath belonging thereto, and in default thereof the Surveyor of the ſaid Road is hereby authorized to cauſe the Gate to be hung according to the Intention of this Act; and the Perſon or Perſons guilty of ſuch Neglect or Default ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the County, Riding, or Place where the Gate ſhall be ſituate, and upon Conviction upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expence of making the Alteration and hanging ſuch Gate; and ſhall alſo forfeit and pay a further Sum not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and ſuch Penalty ſhall be recovered, levied, apportioned, and applied in manner by the ſaid recited Act of the Thirty-ſecond Year of the Reign of King *George* the Second provided for the Recovery and Application of Penalties.

Statute Labour.

Juſtices to determine Differences touching Statute Work.

XLVII. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the County, Riding, or Place in which the ſaid Road or any Part thereof lies, 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

the reſpective Pariſhes, Townſhips, or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip, or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations 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 and 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 Hay-time or Harveſt) and on ſuch Parts of the ſaid Road as the ſaid Truſtees or their Surveyor or Surveyors, by their Order, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices 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 Surveyor or Surveyors of every ſuch Pariſh, Townſhip, or Place for the Time being, to be by him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof by any ſuch Surveyor or Surveyors, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like manner as any Penalty is by the ſaid recited Acts or any of them authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by 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 diſcharge 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, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

XLVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors by their Order, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Townships, or Places in which the said Road lies, or with the Surveyor or Surveyors of such Parishes, Townships, or Places, for a certain Sum of Money, by the Year or otherwise, as the said Trustees or their Surveyor or Surveyors by their Order shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants or Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in advance, on or before the Thirty-first Day of *October* in each and every Year; or otherwise the Inhabitants, Occupiers, or Surveyors of such Parish, Township, or Place, shall not be permitted to compound for that Year.

For enforcing the Payment of Composition Money.

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

Surveyors, &c. may recover the same.

L. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered

as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Expences of Act how paid.

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

Public Act.

LII. 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.

LIII. And be it further enacted, That the Term granted by the said recited Acts shall on the passing of this Act cease and determine, and the said Acts (subject to the Alterations, Variations, and Additions hereinbefore contained) and this Act, shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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