ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 34.

An Act for continuing and amending Three Acts, passed in the Fourteenth Year of His late Majesty, and Second and Twenty-ninth Years of His present Majesty, so far as they relate to repairing the Road from *Doncaster* in the County of *York*, to *Salter's Brook* in the County of *Chester*.

[6th *April* 1810.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for repairing the Road from* Doncaster, *through the Parish of* Peniston, *in the County of* York, *to* Salter's Brook *in the County of* Chester, *and also, the Road from* Rotherham *in the said County of* York, *to* Hartcliffe Hill *in the said Parish of* Peniston: And whereas another Act was passed in the Second Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and Powers of an Act made in the Fourteenth Year of the Reign of His late Majesty, intituled, An Act for repairing the Road from* Doncaster, *through the Parish of* Peniston, *in the County of* York, *to* Salter's Brook, *in the County of* Chester, *and also the Road from* Rotherham *in the said County of* York *to* Hartcliffe Hill *in the said Parish of* Peniston, *and for making the said Act more effectual, so far as the same relates to the said Road between* Doncaster *and* Salter's Brook: And whereas another Act was passed in the Twenty-ninth Year of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts, passed in the Fourteenth Year of His late Majesty, and the Second Year of the*

14 G. 2. c. 31.

2 G. 3. c. 71.

29 G. 3. c. 98.

the Reign of His preſent Majeſty King George *the Third, ſo far as the ſame relate to rapairing the Road from* Doncaſter, *through the Pariſh of* Peniſton, *in the County of* York, *to* Salter's Brook *in the County of* Cheſter: And whereas the ſaid Acts are near expiring, and a conſiderable Sum of Money hath been borrowed, and is now owing, upon the Credit of the Tolls thereby authorized to be taken upon the ſaid Road from *Doncaſter* to *Salter's Brook*, which cannot be paid off, nor the ſaid Road be effectually amended, improved, and kept in Repair, unleſs the ſaid Acts are continued and amended, ſo far as they relate to the ſame Road, and further Tolls are granted for thoſe Purpoſes: May it therefore pleaſe Your Majeſty, That it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts of the Fourteenth Year of His ſaid late Majeſty King *George* the Second, and of the Second and Twenty-ninth Years of His preſent Majeſty, ſo far as the ſame relate to the ſaid Road from *Doncaſter* to *Salter's Brook*, and all and every the Powers, Proviſions, Clauſes, Matters and Things therein reſpectively contained, and now in Force (except ſuch of them as relate to Exemptions from Stamp Duties, and as are hereby varied, altered or repealed), and alſo the Powers and Proviſions in this Act contained, ſhall be and continue in full Force and Effect for amending, widening, diverting, turning, improving, and keeping in Repair the ſaid Road from *Doncaſter*, through *Peniſton*, to *Salter's Brock* aforeſaid, for and during the further Term herein mentioned; which ſaid Term hereby granted, ſhall be and is hereby declared to be ſubject and liable to the Payment of all Monies due and owing on the Credit of the ſaid former Acts, or any of them reſpectively, ſo far as the ſame relate to the ſaid Road, and of ſuch Sum or Sums of Money, as ſhall be borrowed for the Purpoſes of this Act, and of all Intereſt due and to grow due thereon.

Former Acts continued.

Truſtees.

II. And be it further enacted, That Sir *George Armitage* Baronet, *Edward Armitage*, *Francis Duckenfield Aſtley*, *Thomas Wentworth Beaumont*, *William Brackenbury*, *John Staniforth Beckett*, *John Birks*, *John Bower*, *Charles Bownes*, *Bird* Clerk, Sir *Joſeph Copley* Baronet, *George Cooke* Clerk, *James Cockſhutt*, *John Clarke*, *Robert Couldwell Clarke*, *Richard Crookes*, *Henry Cooke* Clerk, *Jeremiah Dixon* Clerk, *Samuel Dunn*, *John Day*, *Robert Elmhirſt*, *William Elmhirſt* junior, *Aſkham Eyre*, *James Eyre*, *William Foſter*, *Thomas Garland*, *John Garland* junior, *John Greenwood*, *John Greenwood* junior, *Samuel Hadfield*, *James Hargrave*, *Francis Hawkſworth*, *Joſeph Hall*, *Edward Hall*, *Thomas Jackſon*, *Joſeph Johnſon*, *George Keir*, *John Hammond Lees*, *Henry Lees*, *John Lees*, *Thomas Lambert*, *Robert Pemberton Milnes*, *Rhodes Milnes*, *Gamaliel Milner* junior, *William Henry Marſden*, *John Mence* Clerk, *Benjamin Mence* Clerk, *John Moore*, *Thomas Naylor*, *Henry Nelſal*, *Obadiah Lodge* junior, Sir *Thomas Pilkington* Baronet, *Samuel Oxley* M. D. *Richard Pickering* M. D. *George Pearſon* M. D. *John Payne* junior, *William Payne* junior, *Richard Perkins* junior, *William Parker*, *John Pickering*, *Edmund Paley* Clerk, *John Harriott Roe*, *Robert Richardſon*, *John Rawley*, *John Reddiſh*, *Richard Rock*, *Henry Rimington*, the Honourable and Reverend *John Savile*, the Honourable *John Savile* of *Middlewood*, the Honourable *John Simpſon*, *John Spencer Stanhope*, *Edward Spencer*

Spencer Stanhope, Sir *Edward Smith* Baronet, *Spencer* of *Bramleygrainge*, Sir *Sitwell Sitwell* Baronet, *Francis Sitwell*, *John Sanderſon* Clerk, *John Sheppard*, *Mark Skelton* junior, *Vincent Smith*, *Edward Taylor*, *Thomas Taylor*, *John Taylor*, *Richard Thorpe*, *John Thornely*, *Henry Vernon*, *James Stuart Wortley*, Sir *Francis Lindley Wood* Baronet, *Richard Fountayne Wilſon*, *Godfrey Wentworth Wentworth* junior, *Frederick Thomas Wentworth*, *Vernon Wentworth*, *George Woolhouſe*, *Joſeph Wood*, and *Joſeph Wilſon*, ſhall be and they are hereby appointed Truſtees for carrying the ſaid recited Acts and this Act into Execution, and they are hereby added to and joined with the Truſtees appointed by and in purſuance of the ſaid recited Acts, or any of them, and (being qualified according to the Directions of the ſaid Acts) they are hereby empowered to act in the Execution of the ſaid Acts and this Act as fully and effectually, to all Intents and Purpoſes, as the Truſtees appointed by or in purſuance of the ſaid recited Acts or any of them.

First Meeting of Truſtees.

III. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *White Bear* Inn in *Barnſley*, in the County of *York*, on the Third *Wedneſday* next after the Day on which this Act ſhall receive the Royal Aſſent, or ſo ſoon after as conveniently may be, and proceed to the Execution of this Act, and ſhall then adjourn, and from Time to Time afterwards meet at and again adjourn to ſuch Place near to the ſaid Road as they the ſaid Truſtees ſhall think proper; and if at any ſuch Meeting a ſufficient Number of Truſtees ſhall not attend to act or to adjourn to another Day (two Truſtees being hereby declared ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees at any Meeting aſſembled ſhall omit or neglect to adjourn, the Clerk or Clerks to the ſaid Truſtees, ſhall from Time to Time in either of ſuch Caſes, by Notice in Writing to be affixed upon the ſeveral Toll-gates at leaſt Ten Days before the Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was held, or was appointed to have been held, on ſuch Day as ſhall be ſpecified in ſuch Notice, not exceeding Six Weeks nor leſs than Three Weeks after the Day on which ſuch laſt Meeting was he'd, or was appointed to have been held; and in caſe the Clerk or Clerks to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three or more of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after the Space of Fourteen Days ſubſequent to ſuch Refuſal, Neglect or Prevention of ſuch Clerk or Clerks, by Notice in Writing under the Hands of ſuch Five Truſtees to be affixed as aforeſaid, to appoint the Truſtees to meet upon the Day Fortnight next after the Date of ſuch laſt mentioned Notice.

Two Truſtees may adjourn.

Clerk may adjourn.

If the Clerk does not adjourn Truſtees may, though not aſſembled at a Meeting.

Meetings on Emergencies.

IV. And be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed, than the Day appointed by ſuch Adjournment, in that caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the acting Truſtees, mentioning the Time Place and Purpoſe of ſuch Meeting, ſhall forthwith give at leaſt Ten Days Notice thereof in the Manner aforeſaid, and ſuch earlier Meeting ſhall and may be held accordingly; and the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they

they would have been in caſe ſuch Meeting had been held by Adjournment.

No Truſtee to vote in the Election of Officers who have not acted within 12 Months.

V. Provided always, and be it further enacted, That no Truſtee ſhall be capable of voting or acting in the future Election or Appointment of any Officer or Officers, which the ſaid Truſtees may think requiſite to be employed in or about any of the Concerns of the ſaid Road from Time to Time, unleſs ſuch Truſtee ſhall have acted as a Truſtee at leaſt Once within the Twelve Calender Months preceding any ſuch Election or Appointment, and ſufficient Evidence of ſuch Truſtee's having ſo acted ſhall be his Signature to the Order Book of the ſaid Truſtees.

Truſtees may erect Toll-gates at Wellhouſe Lane.

VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to ſet up a Turnpike or Toll-gate acroſs that Part of the ſaid Road which extends between the ſaid Town of *Barnſley* and *Salter's Brook* aforeſaid, at the Weſt Point of Junction of a certain Highway called *Wellhouſe Lane*, within the Township of *Hoyland Swaine*, and alſo a Side-gate acroſs the ſaid Lane, and to take and incloſe from the adjoining Lands a ſufficient Quantity whereon to erect a Toll-houſe at ſuch Toll-gates, with ſuitable Out-buildings, and for a convenient Garden thereto, ſuch Land not to exceed one Rood, making ſuch Compenſation or Satisfaction for the Land ſo to be taken, as is hereby directed in reſpect of the Lands taken for widening, altering or diverting the ſaid Road.

VII. And be it therefore further enacted, That the Tolls granted by the ſaid former Acts reſpectively, ſhall from and immediately after the Twenty-third Day of *September* next enſuing the paſſing of this Act, be and the ſame are hereby repealed; and that inſtead thereof the ſeveral and reſpective Tolls following ſhall and may from thenceforth be demanded and taken at each and every of the Toll-gates erected or to be erected upon or on the Sides of the ſaid Road between *Doncaſter* and *Salter's Brook*; that is to ſay,

New Tolls.

For every Horſe, Mare, or Gelding drawing any Coach, Berlin, Landau, Chariot, Hearſe, Chair, Gig, or other ſuch like Carriage, the Sum of Sixpence:

For every Horſe, Mare, or Gelding, or Beaſt of Draught (other than Neat Cattle), drawing any Waggon, Wain, Cart, or other ſuch like Carriage, the Fellies of the Wheels whereof being of leſs Breadth or Gauge than Six Inches from Side to Side at the Bottom or Sole thereof, the Sum of Four Pence Halfpenny:

For every Horſe, Mare, or Gelding, or Beaſt of Draught (other than Neat Cattle), drawing any Waggon, Wain, Cart, or other ſuch like Carriage, the Fellies of the Wheels whereof being of the Breadth or Gauge of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Three Pence:

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

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten Pence per Score, and ſo in Proportion for any greater or leſs Number:

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

Which

Which ſaid Tolls and Duties, in and by this Act granted and made payable as aforeſaid, ſhall be and are hereby veſted in the Truſtees for the Time being, for carrying the ſaid recited Acts and this Act into Execution, and ſhall be paid, levied, applied, diſpoſed of, and aſſigned for ſuch Uſes and Purpoſes, and in ſuch Manner as the Tolls and Duties granted by the ſaid recited Acts on the ſaid Road are thereby authorized and directed to be received, paid, levied, applied, diſpoſed of, and aſſigned, except as by this Act is otherwiſe directed.

Clauſe exempting Inhabitants of Stainbrough and Thurgoland from full Tolls repealed.

VIII. And whereas by the ſaid recited Act of the Twenty-ninth of His preſent Majeſty it is provided and enacted, that the Inhabitants of the Townſhips of *Stainbrough* and *Thurgoland* ſhould not be liable to the Payment of the advance Tolls thereby directed to be taken at the Turnpike or Toll-gate at *Keresforth Hill*; be it therefore further enacted, That the ſaid Clauſe ſhall from and after the ſaid Twenty-third Day of *September* be and the ſame is hereby repealed, and that from thenceforth the Inhabitants of the ſaid Townſhips of *Stainbrough* and *Thurgoland* ſhall pay the like full Tolls at the ſaid Toll-bar at *Keresforth Hill* as are hereby authorized and allowed to be demanded, collected, and taken at each and every of the Toll-gates upon the ſaid Road.

Truſtees may Leaſe the Tolls.

IX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to leaſe the Tolls ariſing by virtue of this Act, at all or any One or more of the Toll-bars now erected or hereafter to be erected upon or on the Sides of the ſaid Road, unto any Perſon or Perſons for any Term not exceeding Three Years at one Time, for the beſt Rent that can or may be got for the ſame, payable at ſuch Times and under and ſubject to ſuch Stipulations as the ſaid Truſtees or any Five or more of them ſhall direct, ſuch Leaſe being made in Writing and ſigned by the ſaid Truſtees, or any Three or more of them, or by their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, and the Leſſee or Leſſees therein named; of which Letting Fourteen Days Notice at leaſt ſhall be given by Writing, to be affixed on the ſaid Toll-bars, and by Advertiſement to be inſerted in ſome News-paper publiſhed or generally circulated in the Weſt Riding of the County of *York*.

Truſtees may widen, turn or alter the Road.

X. And whereas the Line or Direction of certain Parts of the ſaid Road in the Townſhips of *Thurſton* and *Langſett*, and in the Townſhips of *Dodworth* and *Silkſton* reſpectively paſs over ſteep Hills, which might be avoided and the Diſtance ſhortened if the Courſe or Direction of Part of the ſaid Road was diverted or turned from a certain Common called *Milgreen*, in the Townſhip of *Thurſton*, through certain incloſed Grounds the Property of *Robert Pemberton Milnes*, Eſquire, and *John Firth*, and in the Occupation of the ſaid *Robert Pemberton Milnes*, *George Wagſtaff*, *William Goldthorp*, *Thomas Roberts*, and *Elizabeth Mitchell*, and *Benjamin Booth*, and over Part of a certain Common or Waſte called *Fulſhaw Common*, to join the preſent Road in the Townſhip of *Langſett* aforeſaid; and if the Courſe or Direction of other Part of the ſaid Road was diverted or turned from or near to a Place called *Silkſton Fall*, in the Townſhip of *Silkſton* aforeſaid, through certain incloſed Grounds the Property of *William Parker*, *Nathaniel Shirt*, *William Rhodes*, and *Thomas Rhodes*, *Joſeph Jephſon*, and *George Grayſon*, Deviſees in Truſt under

the Will of *Samuel Liſter*, deceaſed, and *Elizabeth Walker*, and *William Brook*, and in the Occupation of the ſaid *William Parker*, *Sarah Spenceley*, *David Fox*, and *Thomas Hatterſley*, to join the preſent Road near to a Place called *Field Head* in the ſaid Townſhip of *Dodworth*; be it therefore enacted, That in caſe the ſaid Truſtees ſhall at any Time or Times during the Continuance of this Act think proper to widen any Part or Parts of the ſaid Road, or to turn or alter ſuch Part or Parts of the ſaid Road, as herein above deſcribed, for rendering the ſame more commodious, or for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to widen the ſaid Road in all ſuch Parts as may require the ſame, and to divert, turn or alter within the Diſtance hereinafter mentioned, the Courſe or Direction of ſuch laſt-mentioned Part or Parts of the ſaid Road, and to make, carry or continue the ſame through or over any private or other Lands or Grounds, firſt making Satisfaction to the Owners and Perſons intereſted therein for the Damage they may thereby ſuſtain; and for that Purpoſe and for aſcertaining and fixing ſuch Damages, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract, and agree with the Owners and Perſons intereſted in any ſuch private Lands or Grounds for the Purchaſe thereof, or for the Loſs or Damages ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch widening, turning, or altering any Part or Parts of the ſaid Road; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infant, Femes Covert, *Ceſtuique* Truſts, and for all and every Perſon or Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of or intereſted in any ſuch Lands or Grounds, either for their own Uſe or Benefit, or for the Uſe of, or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them all or any of ſuch Lands and Grounds as Occaſion ſhall be or require; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall, without any Fine or Fines, common Recovery or common Recoveries, be valid and effectual in the Law, to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Grounds, upon Notice to him, her or them given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo to be taken in and added to the ſaid Road, or into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall, by the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in

Corporations and incapacitated Perſons empowered to ſell, &c.

On Refuſal to ſell, a Jury to ſettle the Recompence.

the Premiſes, or by reaſon of Abſence ſhall be hindered from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County in which the Lands are ſituate (which Oath any One or more of the ſaid Truſtees are hereby impowered and required to adminiſter), what Damages will be ſuſtained by and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors or Occupiers, or other Perſon or Perſons intereſted for or on account of the taking of ſuch Lands or Grounds into the ſaid Road, or of turning any Part or Parts of ſuch Road into and through the ſame Lands and Grounds, and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained and ſettled ſuch Damage and Recompence, the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge and determine the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers or Proprietors of, or other Perſons intereſted in the ſaid Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgement, Order or Determination ſo had and made, ſhall be final, binding and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming in Poſſeſſion, in Fee or in Tail general or ſpecial, Reverſion or Remainder, or otherwiſe, their Heirs and Succeſſors as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations, Aggregate or Sole, as well as all Perſons whomſoever; and all and every ſuch Owners and Occupiers, and all and every Perſon and Perſons any ways intereſted in ſuch Lands or Grounds, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt and Property of, in, to or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County in which the Lands lie, thereby commanding and requiring him to empannel, ſummon and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to empannel, ſummon and return ſuch Number accordingly, and out of the Perſons ſo empannelled, ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily

Their Verdict to be final.

speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving their Verdict, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures and Fines are hereinafter directed to be levied and applied, so that such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any One Offence.

Sheriff, &c. to be fined on neglect of Duty.

How Expences of Jury, &c. shall be paid.

XI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or of any Loss or Damage to be by him, her or them sustained, then what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning of the Jury, as a Recompence or Satisfaction, for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arising or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by such Ways and Means as are hereinafter provided for the Recovery of Penalties

Penalties and Forfeitures; provided, that where by Reaſon of Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees touching the Matters aforeſaid, the whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

Upon Payment of the Purchaſe Money, the Lands to be laid into the Road.

XII. And be it further enacted, That every Sum of Money, or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or other Money ariſing by virtue of this Act according to the Directions hereinafter contained, either into the Bank of *England*, or as the Caſe may be, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or upon depoſiting the ſame in the Bank of *England* in the Manner hereinafter directed, as the Caſe may be, for the Uſe of ſuch Parties or Perſons; and after Twenty Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Poſſeſſion of the Lands or Hereditaments, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, (ſo that ſuch Fences of the Part of the ſaid Road intended to be diverted between *Millgreen* and *Fulſhaw Common* aforeſaid ſhall be good Stone Walls Six Feet high at the leaſt,) and ſhall to all Intents and Purpoſes become and be deemed a common Highway, and ſhall from thenceforth be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after ſuch new Road ſhall be completed, the Land compriſed in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up or left unrepaired, unleſs the ſame may be wanted for any publick Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead; or ſhall be by the ſaid Truſtees or any Five or more of them ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands being executed by the ſaid Truſtees, or any Three or more of them, and enrolled with the Clerk of the Peace for the County where the Lands lie, ſhall be good and effectual to all Intents and Purpoſes.

Former Roads may be ſold or ſtopped up.

Lands to be ſold to be firſt offered to the Owners of the adjoining Lands.

XIII. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, before they ſhall ſell and diſpoſe of the ſaid Piece or Pieces of Ground, conſtituting the old or former Road, ſhall firſt offer to ſell the ſame to the Owner or Owners of the Lands adjoining, and in Caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame, an Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County aforeſaid, by ſome Perſon or Perſons not intereſted, ſtating that ſuch Offer was made by or on the behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made

and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made (as the Caſe may be); and in Caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner hereinbefore directed reſpecting the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference, ſhall be borne and paid in like Manner as hereinbefore mentioned with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees as aforeſaid, ſhall be applied for the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Purchaſe Money.

Application of Compenſation where exceeding £200.

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

hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

Application where the Compenſation does not amount to £.00. and exceeds £20.

XVI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall not exceed 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 or Hereditaments ſo purchaſed, taken or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in Caſe of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Application where the Money is leſs than £20.

XVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or in Caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed 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 Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid, to be paid in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments (*deſcribing them*), ſubject to the

In caſe of not making out Titles.

the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums into the Bank as aforeſaid.

Perſons in Poſſeſſion ſhall be deemed well entitled, unleſs the contrary be ſhewn.

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

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

XIX. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

XX. And

Road to be made according to the Plan.

XX. And whereas two Maps or Plans describing the Lines of the said intended Diversions of the said Road, and the Lands through which the same are to be carried, together with two Books or Schedules of Reference containing Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace, for the West Riding of the County of *York*; be it therefore enacted, That the said Maps or Plans, and Books or Schedules of Reference, shall remain in the Custody of the Clerk of the Peace for the said West Riding, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans, and Books of Reference; and that the said Trustees in making the said Road, shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Notwithstanding Misnomers in the Plan.

XXI. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Diversions and new Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land, over which the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Books of Reference, in case it shall appear to any two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Exemptions from Tolls.

XXII. And be it further enacted, That all and every Exemption or Exemptions from the several Tolls and Duties granted and made payable by the said recited Acts, or any of them, shall, from and after the Twenty-third Day of *September* next, cease and be no longer allowed, and that in lieu thereof the several Exemptions from Tolls hereinafter mentioned shall be allowed; that is to say, That no Tolls shall be demanded or taken for any Horse or Carriage passing through any of the Turnpikes or Toll-gates erected or to be erected upon or on the Sides of the said Road, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel or other Materials to be used on or about the said Road, or for the repairing any Highways in or near the Parishes, Townships, Districts or Place, which are liable to perform Statute Duty upon any Part of the said Road, or returning empty when so employed, or carrying or conveying Hay or Corn in the Straw only, not to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns or Yards of the Owners thereof, or any Mould, Dung or Compost, made, produced or raised, and to be laid and spread on the Lands and Grounds in the Townships where the same shall have been so produced and made, or returning empty when so employed; or any Ploughs, Harrows or other Implements of Husbandry, to be used

in the Cultivation of Lands; nor ſhall any Toll be paid by any Rector, Vicar or Curate going to officiate, or returning from officiating at any Church, Chapel or other Place of religious Worſhip, or when viſiting his ſick Pariſhioners, or upon any other his Parochial or Miniſterial Duty; or by any other Perſon or Perſons reſiding in the ſaid Pariſhes, Townſhips, Diſtricts or Places, who ſhall paſs through the ſaid Turnpikes or Toll-gates to or from Church, Chapel or other Place of religious Worſhip, or who ſhall attend the Funeral of any Perſon or Perſons, who ſhall die and be buried in any of the ſaid Pariſhes, Townſhips, Diſtricts or Places; not for any Horſes, Mares, Geldings, Mules, Aſſes or Cattle, which are kept within ſuch Pariſhes, Townſhips, Diſtricts or Places, by or through which the ſaid Road ſhall paſs, going to or returning from Work in cultivating the Lands within the ſame or any of them; nor for any Horſes, Mares, Geldings, Mules, Aſſes, Cattle, Sheep, Lambs, Goats or Hogs, which are to be kept within the ſaid Pariſhes, Townſhips, Diſtricts or Places, going to or returning from Paſture on the Commons or other grazing Grounds or watering Places, or Blackſmiths Shops within the ſame or any of them; nor for any Horſe or other Beaſt of Draught or Carriage employed in carrying or conveying any Furze, Peats, Turf or Heather for Fuel, or returning empty having been ſo employed; nor for any Horſes 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 the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on the March or on Duty, or Carriages or Horſes or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers; or for any Horſe, Mare or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are 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 for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty or for the Uſe of His Majeſty's Forces, or for any Carriage, Horſe or other Beaſt, employed in the Conveyance of Vagrants travelling with legal Paſſes, or travelling with Vagrants ſent by legal Paſſes; nor for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *York*, on the Day or Days of ſuch Election, or on the Day before, or Day after ſuch Election ſhall begin and be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled thereto, or ſhall make Uſe of any Fraud whatſoever, whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every ſuch Perſon for every ſuch Offence, ſhall forfeit and pay a Sum not exceeding Five Pounds.

Carriages employed in His Majeſty's Service not to

XXIII. And be it further enacted, That no Perſon owing 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,

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

be ſubject to Regulations for Overweight.

XXIV. And be it further enacted, That ſo much of the ſaid recited Act as relates to the Performance of Statute Labour on the ſaid Road, ſhall be and the ſame is hereby repealed, and 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 Road compriſed in the ſaid recited Acts or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore, and it ſhall be lawful for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, Clerk of Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes 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 as aforeſaid, ſhall be by him, her or them paid to the ſaid Truſtees or to their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of 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 are or may be directed by any Law or Statute in force for the Repairs of the Publick Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to 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 any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to Payment of any Money in lieu of, or as a Compoſition for Statute Work as aforeſaid, to pay

Regulations as to performance of Statute-duty.

pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Publick Highways; and if any Person who shall come or be sent to work as a Labourer, or 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 dismiss 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 Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Expences of the Act.

XXV. And be it further enacted, That the Expences of obtaining and passing this Act, together with legal Interest for Money advanced by any Person or Persons for that Purpose, shall be paid out of the Money already raised by virtue of the said recited Act, or out of the first Money to be raised by virtue of the Act.

Publick Act.

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

Commencement and continuance of the Act.

XXVII. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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