ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 8.

An Act for continuing the Term and altering and enlarging the Powers of several Acts of His late and present Majesty, for repairing the several Roads therein mentioned, so far as the said Acts relate to the Road from *Doncaster* through *Ferry-bridge*, to the South Side of *Tadcaster Cross* in the County of *York*. [12th *March* 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 Roads from* Doncaster *through* Ferrybridge *to the South Side of* Tadcaster Cross, *and also from* Ferrybridge *to* Weatherby, *and from thence to* Boroughbridge *in the County of* York: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act to enlarge and continue the Term and Powers granted by an Act passed in the Fourteenth Year of the Reign of His late Majesty King* George *the Second, intituled,* '*An Act for repairing the Roads from* Doncaster *through* Ferrybridge *to the South Side of* Tadcaster Cross, *and from* Ferrybridge *to* Weatherby, *and from thence to* Boroughbridge *in the County of* York, *as to so much of the said Act as relates to the said Roads from* Doncaster *through* Ferrybridge *to the South Side of* Tadcaster Cross:' And whereas an Act was passed in the Twenty-eighth Year of His said present Majesty, intituled, *An Act for enlarging the Term and Powers of certain Acts of Parliament, so far as the same relate to the Road from* Doncaster *through* Ferrybridge *to the South Side of* Tadcaster Cross *in the County of* York: And whereas an Act was passed in the Thirty-fifth Year of His said present Majesty, intituled, *An Act for repairing the Damage done by the late Floods to certain Bridges and to the* 14 G. 2. c. 28. 6 G. 3. c. 62. 28 G. 3 c. 106. 35 G. 3. c. 158.

Road near the Town of Doncaſter, *and for making the ſaid Bridges and Road ſafe and commodious for Travellers:* And whereas the Truſtees appointed by virtue or in purſuance of the ſaid recited Acts have, in purſuance of the Authorities given to them, proceeded in the Execution of the Truſts thereof, and have borrowed conſiderable Sums of Money on the Credit of the Tolls granted by the ſaid Acts, ſome of which Sums of Money remain undiſcharged and cannot be paid off, nor can the ſaid Road be preſerved in a proper State of Repair, unleſs the Term granted, and from Time to Time continued by the ſaid Acts, be further extended, the Tolls thereby granted augmented, and ſome of the Powers and Proviſions thereof varied, altered, and enlarged: 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 ſeveral Acts hereinbefore mentioned, and all the Powers, Proviſions, Matters, and Things therein contained, (except ſuch as are hereby varied, altered, or repealed, and alſo except ſo much thereof reſpectively as relate to Exemptions from Stamp Duties,) ſhall be and the ſame are hereby continued in full Force and Effect, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; and this Act, and the additional Term and Tolls hereby granted, ſhall be ſubject and liable to the Payment as well of all Monies now due and owing upon the Credit of the ſaid recited Acts, as alſo of ſuch further Sum or Sums of Money as ſhall or may be borrowed for the Purpoſes of this and the ſaid recited Acts, and of all Intereſt due and to grow due for the ſame reſpectively.

Truſtees under the Acts have proceeded in the Execution thereof, but the Expences have increaſed, &c.

Acts further continued.

New Truſtees.

II. And be it further enacted, That the Honourable *Edward William Harvey Hawke*, the Right Honourable *John Savile*, commonly called *Lord Viſcount Pollington*, *Benjamin Brookſbank*, *Stamp Brookſbank*, *William Battie Wrightſon*, *Arthur Bland Wrightſon*, *Robert Pemberton Milnes*, *Richard Rodes Milnes*, *William Marſhall*, *John Vincent*, *Edward Chorley* Doctor of Phyſick, *Samuel Clewes*, *John Ramſden*, *Robert Bryan Cooke*, *Charles Cholmeley*, *George Cholmeley*, *George Wroughton*, *Benjamin Turner*, *Edward Birmingham*, *William Cooke*, *Saint Andrew Warde* the younger, *Charles Waterton*, *Edward Trueman*, *Robert Oliver* and *James Lee* Eſquires, and *Richard Perryn* Clerk, ſhall be and are hereby added to and joined with the Survivors of the Truſtees appointed in or by virtue of the before recited Acts, and the ſaid Truſtees hereby appointed and their Succeſſors, together with the Truſtees choſen by or in purſuance of the before recited Acts, ſhall be and are hereby authorized and empowered to carry this and the ſaid recited Acts into Execution, in like Manner to all Intents and Purpoſes as if they had been nominated Truſtees in the ſaid recited Acts.

Five Truſtees empowered to act.

III. And be it further enacted, That if at any Meeting of the Truſtees appointed for carrying this and the ſaid recited Acts into Execution, any Five of them ſhall attend, it ſhall be lawful for them, and they are hereby authorized and empowered, and their Acts and Doings are hereby declared legal, binding, and concluſive, to take into Conſideration the Purpoſes for which ſuch Meeting is convened, and ſettle and adjuſt the ſame, and do and execute all ſuch Matters and Things as to them may appear moſt

proper and agreeable to the Meaning and Intent of this and the ſaid recited Acts; and further, that all ſuch Truſtees as are or hereafter ſhall be Juſtices of the Peace may act as Juſtices in the Execution of this and the ſaid recited Acts, in all Caſes where they are not perſonally intereſted, notwithſtanding their being Truſtees.

Truſtees being Juſtices may act as ſuch.

IV. And whereas the Tolls granted by the ſaid recited Acts are found inſufficient to carry the Purpoſes thereof and of this Act into Effect, and it is expedient that the ſame ſhould be repealed, and further and others granted inſtead thereof; be it therefore further enacted, That on the Firſt Day of the Month next after the paſſing of this Act, the Tolls granted and continued by the ſaid recited Acts ſhall be and the ſame are hereby repealed, and in lieu thereof the ſeveral Tolls following ſhall or may be demanded and taken upon the ſaid Road; (that is to ſay),

Old Tolls repealed, and new Ones granted.

Tolls.

For every Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Chair, Hearſe, Phaeton, Pleaſure Cart, Vis-a-Vis, Diligence, Caravan, Litter, or other ſuch Carriage, drawn by Six or more Horſes, Mules, or other Beaſts of Draught, the Sum of Seven Shillings; and drawn by Four Horſes, Mules, or other Beaſts of Draught, the Sum of Five Shillings and Ten-pence; and drawn by Two Horſes, Mules, or other Beaſts of Draught, the Sum of Three Shillings and Sixpence; and drawn by One Horſe, Mule, or other Beaſt of Draught, the Sum of Two Shillings and Four-pence:

For every Waggon, Wain, Cart, or other ſuch Carriage, drawn by Four or more Horſes, Mules, or other Beaſts of Draught, the Sum of Six Shillings and Three-pence; and drawn by Three Horſes, Mules, or other Beaſts of Draught, the Sum of Four Shillings and Nine-pence; and drawn by Two Horſes, Mules, or other Beaſts of Draught, the Sum of Three Shillings and Eleven-pence; and drawn by One Horſe, Mule, or other Beaſt of Draught, the Sum of Two Shilling and One Penny:

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

For every Drove of Oxen or Neat Cattle Two Shillings and Four-pence *per* Score, and ſo in Proportion for a greater or leſſer Number; and

For every Drove of Calves, Hogs, Sheep, or Lambs, One Shilling and Two-pence *per* Score, and ſo in Proportion for a greater or leſſer Number:

Tolls veſted in the Truſtees.

Which ſaid Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and the ſame ſhall and may be collected, recovered, applied, and diſpoſed of in ſuch Manner as by the ſaid recited Acts of the Fourteenth Year of the Reign of His late Majeſty King *George* the Second, and the Sixth and Twenty-eighth Years of the Reign of His preſent Majeſty King *George* the Third, are preſcribed with reſpect to the Tolls thereby granted.

Carriages faſtened to others to pay Toll.

V. And be it further enacted, That every Waggon, Wain, or other Carriage, having a Waggon or other Four-wheeled Carriage behind the ſame drawn along by being faſtened thereto, which ſhall paſs through any Gate or Toll Bar now or hereafter to be erected on the ſaid Road, the ſaid Waggon or other Four-wheeled Carriage ſhall be charged ſeparately and in addition to the ſaid Waggon, Wain, or other Carriage, and ſhall be conſidered equal to and pay ſuch and the ſame Sum of Money, by Way of Toll, as ſhall be payable at ſuch Gate or Toll Bar for a Waggon

or

or other Four-wheeled Carriage drawn by Four Horfes or other Beafts of Draught; and that every Waggon, Wain, or other Carriage, having a Cart generally called a Lighter, or other Two-wheeled Carriage faftened thereto, fhall in like Manner pay in addition to the Toll herein-before granted and made payable for every fuch Waggon, Wain, or other Carriage, fuch and the fame Sums of Money as the faid Cart or other Two-wheeled Carriage would have been chargeable with had the fame been drawn by Two Horfes or other Beafts of Draught; and alfo that all Carriages, Coaches, Waggons, Carts, Chaifes, and other wheeled Vehicles of every Defcription which fhall pafs through all or any of the Toll Gates or Bars erected or to be erected upon the faid Road on a *Sunday*, fhall on thofe Days pay an additional Toll of One-half the Sum which is herein-before granted and directed to be taken for fuch Carriages and other wheeled Carriages on the other Days of the Week.

Additional Toll on Carriages, &c. travelling on Sunday.

Cattle, leaving the Road before their Arrival at the Toll Bar, to pay a Toll.

VI. And whereas it frequently happens that Cattle travel on certain Parts of the faid Road and avoid paying the Tolls by leaving the fame for the Purpofe of procuring Provender and for other Purpofes, previoufly to their Arrival at the Gates or Toll Bars erected thereon, and returning thereto on the other Side thereof on that or the following Day, by which Means they materially injure the faid Road and efcape the contributing to the Repair of the fame; be it further enacted, That it fhall be lawful for the Bar-keeper or Collector of the Tolls hereby granted and made payable, or his or their Deputy or Deputies, to demand and receive of and from the Guides or Drivers of every Drove of Oxen or other Neat Cattle, Calves, Hogs, Sheep, or Lambs that fhall fo have avoided paffing through the Gates or Toll Bars erected or to be erected on the faid Road wherever the fame may be found, the Sum of Ten-pence for every Score, and fo in Proportion for any greater or lefs Quantity of fuch Oxen or other Neat Cattle, Calves, Hogs, Sheep, or Lambs.

All Perfons who fhall endeavour to evade the Tolls punifhable.

VII. And, in order to punifh all Perfons that may evade or endeavour to evade the Payment of any of the Tolls or Duties hereby impofed, be it further enacted, That in cafe any Perfon or Perfons fhall by any Means whatever evade or endeavour to evade the Payment of the faid Tolls or Duties, or fhall prevent or endeavour to prevent the Collector of the faid Tolls, his, her, or their Affiftant or Affiftants, from making the Diftrefs they are herein after empowered to make in default of Payment of any of the faid Tolls hereby impofed, fuch Perfon or Perfons fhall on his, her, or their Conviction by his, her, or their own Confeffion or Confeffions, or by the Oath of One or more credible Witnefs or Witneffes before One or more Juftice or Juftices of the Peace for the Weft Riding of the faid County of *York*, forfeit and pay for every Offence, over and above the Tolls they fhall have fo evaded or endeavoured to evade, and the Coffs and Charges attending the Conviction, fuch Sum of Money not exceeding Five Pounds, as fuch Juftice or Juftices fhall adjudge, the fame to be levied and recovered by Diftrefs and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal or Hands and Seals of fuch Juftice or Juftices as aforefaid; the Forfeitures, or a proportionate Part thereof, to be applied in compenfating the Informer according to the Difcretion of fuch Juftice or Juftices as aforefaid, and the Remainder (if any) to be paid to the Surveyor of the Road towards the Repair thereof.

VIII. And

Persons refusing to pay Penalties, or having no Goods to levy upon, to be committed to Prison.

VIII. And be it further enacted, That in case the said Penalties or Forfeitures, or any other Penalty or Forfeiture to be imposed by virtue of this or the said recited Acts, shall not forthwith be paid, or in case the Person or Persons respectively offending and convicted shall not have any Goods and Chattels within the Jurisdiction of the Justice or Justices of the Peace before whom such Conviction shall take Place, then it shall be lawful for any One or more of such Justices as aforesaid, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of the said County of *York* for any Time not exceeding the Space of One Calendar Month, there to remain without Bail or Mainprize, unless such Penalty or Forfeiture, and all reasonable Charges, shall be sooner paid and satisfied.

Power of Distress upon the Goods and Chattels of those Persons who refuse to pay Toll, &c.

IX. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls to be collected on the said Road shall, after Demand thereof, neglect or refuse to pay the same and every or any Part thereof, it shall be lawful for the Barkeeper or Collector, or his, her, or their Assistant or Assistants, to collect such Tolls by himself, herself, or themselves, or taking such Assistance as he, she, or they shall find necessary, follow after and stop and detain the Carriages, Horses, or other Cattle for which the Toll shall not have been paid, and seize and distrain the same Carriages, Horses, or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or a sufficient Part thereof; and unless such Tolls, and the reasonable Charges of such Seizure and Distress, and the detaining and keeping the same, be paid within Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any there be) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress, detaining, keeping, and Sale, shall be deducted.

Power to remove the present, and to erect additional Toll Bars.

X. And be it further enacted, That if at any Time during the Term hereby granted it shall be deemed proper by the said Trustees to remove all or any of the Turnpikes or Gates now erected and standing upon the said Road to any other Part or Parts thereof, or to erect any additional Gates or Toll Bars upon, across, or on the Side or Sides of the said Road, or across any Lane or Way leading out of the same, it shall be lawful for them the said Trustees, and they are hereby authorized and empowered to order and direct such Removal, or an additional Gate or Toll Bar or additional Gates or Toll Bars to be built and erected upon, across, or on the Side or Sides of the said Road, upon such Part or Parts thereof as they shall think most expedient; and also a Toll House or Toll Houses, with suitable Outbuildings and Conveniencies, at or near the said Gate or Gates, Toll Bar or Toll Bars, so as such additional Gates or Toll Bars be not erected or set up in or between the Village of *Towton*, and within One hundred Yards South of a Place called *Raw Lane*; Provided always, that nothing herein contained shall empower the said Trustees to alter the Restriction made in the said original Act passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Second, as to placing a Turnpike or Toll Bar nearer to the Town of *Doncaster* than *Scawsby Lane End*.

No Bar to be erected nearer to the Town of Doncaster than Scawsby Lane End.

Truſtees to proportion the Tolls as they think proper.

XI. And, in order to prevent any Diſputes ariſing as to the Proportions of the ſaid Tolls to be taken at each of the Bars erected or to be erected upon, acroſs, or on the Side or Sides of the ſaid Road, be it further enacted, That it ſhall be lawful for the ſaid Truſtees. and they are hereby empowered to order and direct the ſame to be collected, received, and taken in ſuch Manner, Parts, and Proportions, as they may think fit, and from Time to Time to leſſen or reduce and again to advance the ſame in ſuch Manner as they ſhall think proper, ſo as not to exceed the ſeveral Tolls by this Act granted.

Toll Houſes veſted in the Truſtees.

XII. And be it further enacted, That the Right and Property of all and every the Turnpikes and Toll Houſes which may be erected and built by virtue of the ſaid recited Acts or this Act ſhall be veſted in the ſaid Truſtees, and they are hereby authorized and empowered to diſpoſe thereof as they ſhall think proper, and to bring Actions or to prefer Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or ſpoil ſuch Turnpikes or Toll Houſes, or any of them, ſo erected or built as aforeſaid.

Exemptions from Toll.

XIII. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Mare, Gelding, or other Cattle, drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the ſaid Roads, or any of the Highways or publick Roads in the Townſhips or Places in which the Roads hereby intended to be repaired and improved or any Part thereof do lie, or any Dung, Mould, Soil, or Compoſt of any Kind (other than and except Lime) for the manuring of any Garden or other Land or Ground; nor ſhall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpoſe of or returning from ploughing, ſowing, tilling, or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, or Corn in the Straw not ſold or diſpoſed of, or carrying to be ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes or on the Lands of the Owners thereof, or returning empty after having carried the ſame; or for any Plough, Harrow, or other Implement of Huſbandry, or for any Horſe or other Beaſt or Cattle drawing or carrying the ſame in order for the repairing thereof or uſing the ſame in Huſbandry, or for any Horſe or other Beaſt or Cattle going to or returning from Water or Paſture, or going to be or returning from being ſhoed or farried; or 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 or guarding the ſame, or in returning back from conveying or guarding the ſame; or for the Horſes of Soldiers on their March or on Duty, or Carriages or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers or returning back from conveying the ſame, 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 publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; 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

the Days of Exercise, provided such Persons be 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 Exemptions; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes or returning from so doing; nor shall any of the Tolls hereby granted be demanded or taken from any Inhabitant of any Parish through which any Part of the said Roads doth pass, who shall pass through any of the said Turnpikes to or from his, her, or their respective Parish Church, Chapel, or other Place of Religious Worship tolerated by Law on *Sundays*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon any other his Parochial or Ministerial Duty on a *Sunday*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast carrying any Passenger or drawing any Coach, Landau, Landaulet, Chariot, Gig, or other Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *York* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make Use of any Fraud whatsoever, whereby the Payment of the Tolls granted by this Act, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety shall be applied towards repairing or amending the said Roads, and the other Moiety thereof shall be paid to the Use of the Informer or Informers; and in all Cases the Proof of Exemption shall lie upon the Person or Persons claiming the same.

Owners or Drivers of Waggons in the Service of His Majesty not subject to Penalties for Overweight, &c.

XIV. 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, 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 such Waggon, Wain, Cart, or other Carriage, be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts, contained to the contrary notwithstanding.

Prevention of Annoyances.

XV. And be it further enacted, That if any Person shall without sufficient Cause leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Road without a Horse or other Beast of Draught being yoked thereto, or to draw the same, longer than may be necessary for the loading or unloading of the same, or shall knowingly

ingly or wilfully lay any Sort of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on the ſaid Road, or on the Sides thereof, to the Prejudice of the ſame; or if any Perſon or Perſons ſhall draw or cauſe to be drawn upon the ſaid Road any Tree or Piece of Timber or Stone, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Part of a Tree or Piece of Timber which ſhall be conveyed upon ſuch wheeled Carriage to drag or trail upon the ſaid Road to the Prejudice thereof; or if any Perſon or Perſons ſhall ſlaughter, ſinge, ſcald, or dreſs any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, in or upon the ſaid Road, or hew or ſaw any Piece of Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or ſhoe, bleed, or farry any Horſe or other Beaſt in or upon the ſaid Road, (except in Caſes of Accident,) every Perſon ſo offending ſhall on Conviction for every ſuch Offence forfeit and pay, over and above the Coſts and Charges attending the Conviction, a Sum of Money not exceeding Five Pounds, which Sum ſhall be applied in the Diſcretion of the Juſtice or Juſtices, before whom the Offender or Offenders ſhall be convicted, towards compenſating the Informer and repairing the ſaid Road in the Caſes where Damage is done thereto, and recovered in ſuch Manner as is herein-before directed with reſpect to the Penalties to be inflicted upon Perſons evading or endeavouring to evade the Payment of any of the Tolls hereby impoſed.

Penalty for riding on Footpaths.

XVI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall at any Time or Times hereafter travel on Horſeback or in Carriages, or lead or drive any Horſe, Carriage, or Cattle, upon any Foot Road or Way now made or hereafter to be made on the Side of the ſaid Road for the Accommodation of Foot Paſſengers, (except only on croſſing ſuch Foot Road or Way to the Lands and Grounds of any Perſon or Perſons adjoining thereto,) and ſhall be convicted thereof by his, her, or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more of the Juſtices of the Peace for the Weſt Riding of the ſaid County of *York*, every ſuch Perſon ſo offending ſhall forfeit and pay, over and above the Coſts and Charges attending his or her Conviction, ſuch Sum of Money as ſuch Juſtice or Juſtices of the Peace ſhall adjudge, not exceeding Forty Shillings, the ſame to be applied according to the Direction of the Juſtice or Juſtices in compenſating the Informer and in repairing ſuch Foot Road or Way, and to be recovered in ſuch Manner as is herein-before directed with reſpect to other Penalties to be impoſed by virtue of this Act.

Form of Security for Money borrowed.

XVII. And be it further enacted, That, upon any further Sum of Money being borrowed by the ſaid Truſtees at Intereſt for the Purpoſe of carrying into Effect this or any of the preceding Acts, the ſaid Tolls, or any Part thereof, ſhall and may be aſſigned or mortgaged by the ſaid Truſtees, or any Five or more of them, to the Perſon or Perſons who ſhall advance ſuch further Sum or Sums of Money, by a Writing under their Hands in the following Words, or in any other Words to the like Effect; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act, paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act*, &c. [*here ſet forth the Title of this Act*], we, Five of the Truſtees for executing the ſaid Act

'Act and the ſeveral Acts therein mentioned, in Conſideration of the Sum of to the Treaſurer of the ſaid Road in Hand paid by *A. B.* of do hereby grant, bargain, ſell, and demiſe unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the ſaid Road, and of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing upon the Credit thereof or charged upon the Term of the ſaid Act, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſame Snm of with Intereſt, after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied.'

Mortgages to be entered in Books.

And Copies of all ſuch Mortgages ſhall be entered into a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any Mortgage made by virtue of this Act, or of the ſaid former Acts, or who ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time, by Writing under his, her, or their Hand or Hands, transfer his, her, or their Right, Title, Intereſt, or Benefit in and to the ſaid Mortgage, and the Principal Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever by Indorſement or otherwiſe in the following Words or Words to the like Effect; (that is to ſay),

Form of Transfer.

'I Do transfer this Mortgage [*or*, a certain Mortgage, *deſcribing the Dates and Particulars*,] with all my Right and Title to the Principal thereby ſecured, and all the Intereſt now due and hereafter to grow due on the ſame, unto *C. D.* of his Executors, Adminiſtrators and Aſſigns. Dated this Day of in the Year of our Lord

'Witneſs, *E. F.* *A. B.*'

Which ſaid Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties and Sums of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid ſuch Sum as the ſaid Truſtees ſhall appoint, not exceeding the Sum of Five Shillings; and every ſuch Transfer ſo regiſtered as aforeſaid ſhall entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons, except the Perſon to whom the ſame ſhall have been laſt transferred, to make void, releaſe, or diſcharge the original Security, or any Money thereby due, or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made as aforeſaid, ſhall, in Proportion to the Sum or Sums thereby ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Turnpikes and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of Priority of advancing their Money or the Dates of their Securities.

Old Mortgages may be cancelled and

XVIII. And be it further enacted, That the ſaid Truſtees ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages, and

new ones granted.

and other Securities now ſtanding out, that were made by virtue of the ſaid recited Acts, or any of them, and give and execute another Mortgage or other Mortgages inſtead and in lieu thereof reſpectively, in Manner as herein-before directed.

Mortgagees not deemed unqualified.

XIX. And be it further enacted, That no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the ſaid Tolls, ſhall in conſequence thereof be deemed unqualified to act as a Truſtee in the Execution of this or the ſaid recited Acts.

Penalty on Renters of Tolls compounding for Overweight.

XX. And whereas great Injury may be done to the ſaid Road by the Farmers or Renters of the Tolls inducing Perſons, by receiving from them a ſmall and inadequate Compoſition for the Tolls of Carriages liable to be weighed in reſpect of the Tolls for Overweight, to travel on the ſaid Road when otherwiſe they would have made Uſe of different Roads; be it therefore further enacted, That if any Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate now erected or hereafter to be erected upon the ſaid Road, or his or their Deputy or Deputies, Agent or Agents, ſhall make any Compoſition by the Year or otherwiſe with the Inhabitants of any Town or Place, or with any other Perſon or Perſons, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the ſaid Road, for or in reſpect of the Overweight thereof, every ſuch Farmer or Renter, Deputy or Agent, ſhall on Conviction thereof by Confeſſion or upon the Oath of One Witneſs, before any One of His Majeſty's Juſtices of the Peace for the County of *York*, forfeit and pay, beſides the Coſts and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and ſhall alſo forfeit his or their Contract for renting the Tolls, if the Truſtees ſhall think proper to vacate the ſame, and every ſuch Compoſition ſhall be and the ſame is hereby declared to be null and void; and that One-half of every ſuch Penalty or Forfeiture as aforeſaid ſhall be paid to the Informer, and the other Half to the Surveyor of the ſaid Road, to be employed towards the Repair thereof, the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

Toll Collectors not incompetent Witneſſes.

XXI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be deemed or held incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being ſo appointed to collect ſuch Tolls.

No Truſtee to vote in the Appointment of any Officer, unleſs he have acted within a certain Time before.

XXII. And be it further enacted, That no Truſtee ſhall be allowed to vote at the Election or Appointment of any Officer or Perſon to hold any Office or Place of Truſt or Profit under the ſaid Truſtees, by whatſoever Name he ſhall be deſcribed or called, unleſs ſuch Truſtee ſhall have been preſent at One or more Meetings of the Truſtees within Two Years preceding the Death, Reſignation, or Removal of the laſt Officer, or in caſe the Office ſhall be of new Appointment, then preceding the Meeting at which ſuch new Appointment ſhall have been determined upon; and the

Preſence

Preſence of ſuch Truſtee at ſuch Meeting or Meetings as aforeſaid ſhall be aſcertained by his Name appearing in the Book or Books kept for the Purpoſe of entering all Proceedings of the Truſtees, as being preſent on the Day or Days of ſuch Meeting.

Application of Compenſation Money amounting to 200*l.*

XXIII. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this or the ſaid Acts for the Purpoſes thereof, which ſhall belong to any Bodies Politick, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Idiot, Lunatick, 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 other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or 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, 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, 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, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Monies ſhall, by Order of the ſaid Court upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, ſo directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement was made.

Application of Compenſation Money

XXIV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments

Satisfaction Money if less than 200*l.*

ments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, 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 the said Acts and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before 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 of Compensation if less than 20*l.*

XXV. Provided also, 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, in such Manner as the said Trustees shall think fit; or in case of Idiotcy or Lunacy, then such Money shall be paid 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 Refusal to accept or of not making out Titles, &c. Money to be paid into the Bank.

XXVI. And be it further enacted, That in case the Person or Persons to whom any such Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, 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 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 Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, 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

invested in the Publick Funds, and to order Distribution thereof or Payment of the Dividend 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 Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Persons who may be in Possession shall be entitled thereunto.

XXVII. 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 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 of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends and 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 of Chancery may order Expences of Purchases to be paid by the Trustees.

XXVIII. 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 Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour.

XXIX. 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 from *Doncaster* through *Ferrybridge* to the South Side of *Tadcaster Cross*, or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace for the said West Riding, and they are hereby required and em-

powered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, or by their Order yearly to adjudge and determine what Part or Portion 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 ſame do lie, 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 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 are or may be directed by any Law or Statute in Force or Effect 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 as aforeſaid upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Haytime nor Harveſt), and in ſuch Parts of the ſaid Road, as the ſaid Juſtices 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 the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid Acts 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 or Effect for the Repair of the publick Highways; and if any Perſon who ſhall come 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 as aforeſaid as if he had neglected or refuſed to come, or ſuch Team or Draught

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 and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of this Act.

XXX. And be it further enacted, That out of the Money already raiſed upon the Credit of the ſaid recited Acts, or out of the firſt Monies to be raiſed by virtue of this Act, the ſaid Truſtees ſhall, in preference to all other Payments whatſoever, pay and diſcharge all the Coſts and Expences attending the obtaining and paſſing of this Act, and the Remainder of the Money ſo raiſed ſhall from Time to Time be applied in putting this and the former recited Acts in Execution, and in repaying the Principal Monies borrowed and to be borrowed by virtue of the ſame Acts, and the Intereſt due and to grow due thereupon reſpectively.

Publick Act.

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

Determination of the Term of the former Acts, and Continuance of the preſent.

XXXII. And be it further enacted, That the Term granted, and from Time to Time continued by the Acts herein-mentioned, ſhall, on the ſaid Firſt Day of the Month next after the paſſing of this Act, ceaſe and determine; and that the ſaid Acts (ſubject to the Variations and Additions herein contained) and this Act ſhall thenceforth commence 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1810.