ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xiii.

An Act for making and maintaining a Road from *Elland Bridge*, in the Pariſh of *Halifax*, to join the *Dewſbury* and *Elland* Turnpike Road, at or near to a certain Obeliſk belonging to Sir *George Armytage* Baronet, in the Pariſh of *Dewſbury*, all in the Weſt Riding of the County of *York*. [23d *March* 1815.]

WHEREAS the making and maintaining of a Carriage and Turnpike Road, from the Toll Gate upon the *Halifax* and *Huddersfield* Turnpike Road, near *Elland Bridge*, in the Pariſh of *Halifax*, in the Weſt Riding of the County of *York*, through and over the ſeveral Townſhips of *Elland*, otherwiſe *Elland cum Greetland*, *Southowram*, and *Brighouſe*, otherwiſe *Hipperholm cum Brighouſe*, in the Pariſh of *Halifax* aforeſaid, and through and over the Townſhip of *Clifton*, otherwiſe *Hartſhead cum Clifton*, in the Pariſh of *Dewſbury*, in the ſaid Weſt Riding of the County of *York*, to enter the Turnpike Road leading from *Elland* to *Dewſbury*, at or near to a certain Obeliſk, in the ſaid laſt-mentioned Townſhip, belonging to Sir *George Armytage* Baronet, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a much ſhorter and better Communication than there is at preſent between the aforeſaid Places, and alſo between the ſeveral manufacturing Towns and Places near or adjacent to the Line of the ſaid Road, and would alſo be of great public Utility; but the ſame cannot be effected without the Aid and Authority of Parliament: 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 Sir *George Armytage* Baronet, *John Armytage*, *Henry Armytage*, *Edward Armytage*, *Philip Howard Ashworth*, *John Armytage*, of Woodhouse, *William Armytage*, *Elkanah Aspinall*, *John Aspinall*, *Luke Aspinall*, *Job Aspinall*, *William Bates*, *Charles Brooke* of Nunbrooke, *Charles Brooke* of Upper House, *Samuel Brooke*, *Nicholas Brown*, *Rawdon Briggs*, *Copley Brown*, *Charles Broadbent*, *Joseph Brooke*, *Henry William Coulthurst* Doctor in Divinity, *John Clay*, *James Cartledge*, *Jonathan Crowther*, *Thomas Cooper*, *John Cooper*, *William Coultas*, *James Crossley*, *John Crowther* of Elland, *Jeremiah Carter*, *William Carter*, *John Carter*, *John Carter* the Younger, *Henry Carter*, *Abraham Crowther* the Elder, *Samuel Crowther*, *John Crowther* of Southowram, *Thomas Drake*, *Thomas Drake* the Younger, *John Dyson* of Rastrick, *John Dyson* of Clayhouse, *Scipio Dyson*, *Joseph Dobson*, *William Earnshaw*, *Joseph Fryer*, *Thomas Fryer*, *John Fryer*, *Robert Firth*, *William Freeman*, *Samuel Freeman*, *James Freeman*, *Benjamin Freeman*, *Joshua Goldthorpe*, *John Goldthorpe*, *James Goodall*, *Samuel Hodgson*, *John Hodgson*, *Samuel Hodgson* the younger, *Joseph Hodgson*, *Charles Hudson*, *Joshua Hudson*, *Richard Hudson* Clerk, *John Holland*, *Thomas Hammerton*, *John Hirst*, *Joshua Ingham*, *Benjamin Ingham*, *John Ingham* of Elland, *Richard Jessop*, *James Knight*, *John Kitson*, *John Lancaster*, *John Lees*, *Fenton Lambert*, *William Ledgerd*, *Firth Macauley*, *John Milner*, *Abram Mellin*, *Godfrey Mann*, *Martin Manley*, *John Mitchell*, *Joseph Mellor*, *Joseph Naylor*, *William Norris*, *William John Norris*, *James Edward Norris*, *Frederick Norris*, *John Oates*, *John Ormerod*, *Benjamin Outram*, *Benjamin Outram* the Younger, *Solomon Pitchforth*, *Charles Pitchforth*, *Charles Pitchforth* the Younger, *John Pitchforth*, *John Pitchforth* the Younger, *William Priestley*, *Edward Priestley*, *John Priestley*, *Robert Paley* Doctor of Medicine, Sir *Joseph Radcliffe* Baronet, *Richard Rushforth*, *Benjamin Rushforth*, *Joseph Rushforth*, *Richard Walker Rushforth*, *Henry Rushforth*, *William Rawson*, *Christopher Rawson*, *Stansfeld Rawson*, *William Henry Rawson*, *John Rawson* the Younger, *Jeremiah Rawson*, *Thomas Samuel Rawson*, *Rowland Ramsden*, the Honourable and Reverend *John Lumley Saville*, *Samuel Schorfield*, *Samuel Schorfield* the Younger, *Samuel Stead*, *Joshua Smithson*, *John Sheard*, *Michael Stocks*, *Thomas Thornhill*, *William Toone* of Thornhill, *Joseph Thompson*, *James Thompson*, *William Barnes Thompson*, *John Walker* of Crowneft, *John Walker* of Waterclough, *William Waterhouse*, *James Wigleſworth*, *Henry Wigglesworth*, *William Wilkinson*, *Robert Wainhouse*, *James West* Clerk, *Joshua Waddington*, and *John Watson* Clerk, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, altering, amending, widening, improving and keeping in Repair the ſaid Road, and for carrying this Act into Execution.

Truſtees.

II. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act, in Addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed.

Power to appoint Additional Truſtees.

III. And

On Death or Refusa to act, other Trustees to be chosen.

III. And be it further enacted, That when and so often as any of the Trustees hereby appointed or to be appointed by virtue of this Act, shall die, or become disqualified or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint some other Person in the room of every Trustee so dying, or becoming disqualified or refusing to act; and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing Notice in Writing on all the Turnpike Gates which by virtue of this Act shall be then erected or set up on the said Road, at least Ten Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed, shall, immediately upon such Election and Appointment, be a Trustee for the Purposes of this Act, and having taken the Oath hereby prescribed, shall be vested with the same Powers and Authorities for carrying this Act into Execution, as any Trustee or Trustees hereby nominated and appointed is or are vested with.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, at the Time of his acting, be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements or Hereditaments, of the clear Yearly Value of Two hundred Pounds; or be possessed of a Personal Estate to the Amount of Five thousand Pounds; nor until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath or Affirmation, in the following Form of Words; and which Oath the said Trustees, or any One of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized to administer; (that is to say),

'I do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am, in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes; *or* am possessed of or entitled to a Personal Estate of the Value of Five thousand Pounds; *or* am Heir Apparent of who to the best of my Knowledge is seised of a Real Estate of Lands, Tenements or Hereditaments, of the clear Yearly Value of Two hundred Pounds, [*as the Case may happen.*] So help me GOD.'

Penalty on Trustees acting, not being qualified.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case wherein he shall be personally interested, other than as a Creditor; nor while he holds any Place of Profit under this Act; or who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit,

Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance, ſhall be allowed; and the Perſon ſo ſued or proſecuted, ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence beforementioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall on that Account be deemed unqualified to act as a Truſtee in the Execution of this Act: Provided alſo, that ſuch of the ſaid Truſtees hereby nominated or to be appointed by virtue of this Act, as are or ſhall be in the Commiſſion of the Peace for the Weſt Riding of the County of *York*, ſhall not, by reaſon of being ſuch Truſtees, be deemed diſqualified from acting as Juſtices of the Peace in the Execution of this Act, except only in ſuch Caſes where they ſhall be individually intereſted.

Truſtees being Juſtices may act as ſuch.

Meetings of Truſtees.

V. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of *John Lancaſter*, in *Brighouſe*, in the Pariſh of *Halifax*, on the Second *Wedneſday* after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed in the Execution of this Act; and ſhall then and from Time to Time after, adjourn and meet again at ſuch Time, and at ſuch Place or Places in or near the ſaid Road, as they ſhall think proper; and that Two Truſtees preſent at any Meeting ſhall be ſufficient for the Purpoſe of adjourning; and that if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, or in caſe the Truſtees at any Time aſſembled ſhall omit to adjourn, then and in every ſuch Caſe the Clerk to the ſaid Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held, or was held (as the Caſe may be), and to ſuch Time as he ſhall think fit, not exceeding Thirty Days nor leſs than Ten Days from the Time of the laſt Default, and ſhall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act at leaſt Eight Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice or Appointment ſhall be made or given as aforeſaid, then it ſhall be lawful for any Three or more of the ſaid Truſtees to cauſe Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Truſtees to meet at ſuch Time and at ſuch Place in or near the ſaid Road, as they the ſaid Three Truſtees ſhall think proper, not exceeding Fifteen Days nor leſs than Eight Days from the Time of affixing ſuch Notice; and the Truſtees ſhall, at all their ſeveral Meetings, pay their own Expences; and all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at Meetings conſiſting of not leſs than Five Truſtees, to be held in purſuance thereof, and not otherwiſe, except in Caſes hereby particularly provided for; and that no Order or Determination ſhall be valid, unleſs the major Part of the Truſtees preſent at ſuch Meeting ſhall concur therein; and that no Order made by Five or more Truſtees, ſhall be revoked or altered at any Meeting where leſs than Nine

Truſtees

Truſtees ſhall be preſent, nor without the actual Concurrence of a greater Number of Truſtees than the Number by whom ſuch original Order was made; nor unleſs Fifteen Days Notice at the leaſt of ſuch intendēd Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Books of Proceedings, and alſo affixed on all the Turnpikes which by virtue of this Act ſhall be then erected, Eight Days at leaſt before ſuch Meeting; and in all Caſes where any Juſtice or Juſtices of the Peace is or are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and empowered to adminiſter ſuch Oath.

Meetings on Emergencies.

VI. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk, by an Order in Writing ſigned by Three or more Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting, by Notice in Writing affixed on all the Turnpikes then erected by virtue of this Act, ſuch Time not being leſs than Eight Days after ſuch Notice; and alſo by Advertiſement publiſhed Three Days before ſuch Meeting, in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of an Adjournment; and ſuch Meetings, or any of them, may be adjourned, and every Adjournment of any ſuch earlier Meeting ſhall be conſidered as an Adjournment of the original Meeting under this Act.

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

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

Appointment of Officers.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time, at any of their Meetings, by any Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary; and from Time to Time remove any ſuch Officer or Officers; and on the Death or Removal of any ſuch Officer or Officers may appoint others in their Stead; and Eight Days Notice of the Intention of ſuch Appointment ſhall be given in Writing affixed on all the Turnpikes then erected by virtue of this Act, of every Meeting where any ſuch Appointment ſhall be made, after the Firſt Meeting of the ſaid Truſtees; and the ſaid Truſtees, or any Five or more of them, ſhall and may, and are hereby authorized and empowered, by and out of the Monies ariſing by virtue of this Act, to pay ſuch Salaries, and make ſuch Allowances, to ſuch Officers and other Perſons employed, for their Services in or about the making, maintaining, amending, altering, improving,

and keeping in Repair, the ſaid Road or any Part thereof, or otherwiſe in carrying this Act into Execution, as they the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Truſtees may appoint temporary Collectors.

IX. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting of the Truſtees appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver; and in ſuch Caſe, and alſo in caſe any Collector or Receiver ſhall die, ſuch Truſtees as aforeſaid ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Truſtees; which Perſon ſo nominated and appointed, ſhall have the like Power and Authority, and be anſwerable and accountable, in the ſame Manner, in all reſpects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family or other Repreſentative, of any Collector or Receiver who ſhall die, or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building, with the Appurtenances, to be erected or ſet up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpoſe, by any Three or more of the ſaid Truſtees, then and in any of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid Riding, upon Application made by the ſaid Truſtees, or by any Perſon by them appointed on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame Riding, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Daytime, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her or their Goods, out of the ſame, and to put the ſaid Truſtees, or any Three of them, or their new appointed Officer, into the Poſſeſſion thereof.

Officers to account on Oath.

X. And be it further enacted, That all ſuch Officers, and all other Perſons who ſhall be appointed under or by virtue of this Act, ſhall from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected or received by virtue of this Act, and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Accounts upon Oath (which Oath any One or more of the ſaid Truſtees, or any Juſtice of the Peace for the County or Riding where ſuch Officer or Perſon ſhall reſide, are and is hereby empowered to adminiſter); and ſuch Officers and Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of

of them, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, or any Five or more of them, all Books, Accounts, Papers and Writings, in their reſpective Cuſtody or Power, anyways relating to the Execution of this Act, or to the ſaid Road, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County, Riding or Place where the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall live and reſide, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons by them authorized on their Behalf, ſuch Juſtice may and he is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him; and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode, (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by virtue of ſuch Warrant, or having abſconded, or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money and the Charges of levying the ſame; or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtice in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts or of the Articles thereof, upon Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Road, then and in either of the Caſes aforeſaid, ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons to the Common Gaol of the County or Riding where he or they ſhall live and reſide, or to any Houſe of Correction within the ſame, there to remain without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable

Charges of ſuch Diſtreſs and Sale, as ſhall in that reſpect have been made; or until he or they ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them, ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make and receive); or until he or they ſhall deliver up ſuch Books, Accounts, Papers and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them; but no ſuch Officer or other Perſon who ſhall be committed for Default of Diſtreſs only, ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Three Calendar Months.

Treaſurer to give Security

XI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby authorized, directed, and required, to take ſufficient Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his or their Office or Offices; and may alſo, if they think fit, take ſuch Security from any Collector or Receiver of the Tolls or other Officer to be appointed by virtue of this Act.

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

XII. And be it further enacted, That all Actions, Suits, Proſecutions, Informations, Appeals, and other Proceedings whatſoever, to be had, taken, proſecuted or defended, by or againſt the ſaid Truſtees, ſhall be had, taken, proſecuted or defended, in the Name of their Clerk for the Time being; and that no Action, Suit, Proſecution, Information, Appeal or other Proceedings, to be had, taken, proſecuted or defended, by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk; but that the Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent, in any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings (as the Caſe ſhall be): Provided always, that every ſuch Clerk, in whoſe Name or Names any ſuch Action, Suit, Proſecution, Information, Appeal or other Proceeding, ſhall be had, taken, proſecuted, continued or defended, in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action, Suit, Proſecution, Information, Appeal, or other Proceedings, he ſhall pay, bear, ſuſtain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

Power to erect Turnpikes.

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

XIV. And

No Turnpikes to be erected in certain Places.

XIV. And whereas near to the Line of the Road hereby intended to be made there is at preſent an ancient or old Road, leading from a certain Place in the Townſhip of *Southowram* aforeſaid, called *Brookfoot*, to a certain Bridge near thereto called *Wain Bridge*; and there is alſo a certain other Road leading from *Brookfoot* aforeſaid, to a certain Mill near thereto, in the Townſhip of *Southowram* aforeſaid, called *North Cut Mill*, the Property of Mr. *Samuel Freeman*; be it therefore further enacted, That nothing herein contained ſhall empower, or be conſtrued to empower, the ſaid Truſtees to erect any Turnpike Gate or Toll Houſe within the Diſtance of Two hundred Yards from the Ends on either Side of the ſaid Bridge called *Wain Bridge*, or between the ſaid Place called *Brookfoot* and the ſaid Mill called *North Cut Mill*, the Property of the ſaid *Samuel Freeman*, in caſe they the ſaid Truſtees ſhall at any Time hereafter take the ſaid Roads, or either of them, or any Part thereof, into the Line of the ſaid intended Road.

Turnpikes veſted in the Truſtees.

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

Tolls.

XVI. And be it further enacted, That the Tolls following ſhall and may be demanded and taken before any Horſe, Beaſt, Cattle or Carriage ſhall be permitted to paſs through any ſuch Turnpikes or Toll Gates reſpectively; (that is to ſay),

For every Cart, Chaiſe, Chair, Whiſkey, Gig or other ſuch like Carriage, having Two Wheels, and being drawn by One Horſe, Mare or other Beaſt of Draught, the Sum of Nine-pence:

For every Waggon, Wain, Cart, Coach, Chariot, Landau, Berlin, Phaeton, Hearſe, Calaſh, or other ſuch like Carriage, whether with Two Wheels or with Four Wheels, and being drawn by Two Horſes, Mares or Beaſts of Draught, the Sum of One Shilling and Sixpence; and if drawn by Three Horſes, Mares or Beaſts of Draught, the Sum of Two Shillings and Sixpence; and if by Four, the Sum of Three Shillings:

And for every other Horſe, Mare or Beaſt of Draught, drawing any ſuch Waggon, Wain, Cart, Coach, Chariot, Landau, Berlin, Phaeton, Hearſe, Calaſh, or other ſuch like Carriage, and whether the ſame ſhall have Two Wheels or Four Wheels, the Sum of Nine-pence:

And alſo for every Drove of Oxen or other Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and ſo in Proportion for every greater or leſs Number:

And for every Drove of Calves, Sheep, Lambs or Swine, the Sum of Nine-pence *per* Score, and ſo in Proportion for every greater or leſs Number:

And for every Horſe, Mare, Gelding, Mule or Aſs, whether laden or unladen, and not drawing, the Sum of Three-pence; and on every *Sunday* during the Continuance of this Act, ſuch Day to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night, there ſhall and may be demanded and taken Double the aforeſaid reſpective Tolls, before any Horſe, Beaſt, Cattle or Carriage ſhall be permitted to paſs through any ſuch Turnpikes or Toll Gates reſpectively:

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt or other Cattle, Coach, Waggon, Cart or other Carriage whatſoever, be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate, to be erected by virtue of this Act, upon or acroſs the ſaid Road or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; and upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and which Notes or Tickets ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon, the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free for one Payment of Toll; and which ſaid reſpective Tolls or Duties ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied for the Purpoſes of this Act, as herein-after is directed: And if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, by himſelf, herſelf or themſelves, or taking ſuch Aſſiſtance as he, ſhe or they ſhall think neceſſary, to ſeize and diſtrain any ſuch Horſes, or other Cattle or Beaſts, or the Bridles, Saddles, Gears, Harneſs, Accoutrements, or a ſufficient Part thereof (except the Bridles or Reins apart from any Horſe or Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe or Horſes, Cattle or other Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, to the Owners thereof, after ſuch Tolls, and the reaſonable Charges of making ſuch Diſtreſs, and keeping and ſelling the ſame, ſhall be deducted and paid; to be aſcertained, in caſe of Diſpute concerning the ſame, by ſome Juſtice of the Peace for the ſaid Weſt Riding of the County of *York*, as herein-after mentioned.

Penalty on refuſing to pay Toll.

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

XVII. Provided always, and it is hereby further enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing Once the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriages, through any one of the ſaid Gates or Turnpikes; and that all and every Perſon and Perſons, having paid ſuch reſpective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*), ſhall be allowed to paſs and repaſs at all Times on the ſame Day, with the ſame Horſes, Cattle, Beaſts and Carriages, Toll-free, through the Turnpike or Toll-Gate at which Tolls ſhall have been ſo paid.

XVIII. And

Limiting the Number of Payments for passing the whole Line of Road.

XVIII. Provided always, and be it further enacted, That no more than One Toll in the whole shall be demanded or taken in any one Day, to be computed as aforesaid, for or in respect of the same Horses, Beasts, Cattle or Carriages, for passing through all the Gates or Turnpikes on the said Road; that is to say, that no more than One-half Toll shall be demanded or taken in any one Day, to be computed as aforesaid, for or in respect of the same Horses, Beasts, Cattle or Carriages, passing on the said Road between *Elland* Bridge and *Brighouse*, nor more than One-half Toll between *Brighouse* and the said Obelisk in the Parish of *Dewsbury*.

Disputes concerning Tolls to be settled by a Justice.

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

To prevent Evasion of Tolls.

XX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage pass through or over any Land, Ground or Place, lying by the Side of or near to any Part of the said Road, (except the Owner or Occupier of such Land, Ground or Place, or any of his, her or their Family or Servants); or if any Person or Persons owning or occupying any such Land, Ground or Place, the same not being a public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast or Carriage, through or over the same for the Purpose of evading Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forge or counterfeit, or shall give or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, in order to evade the Payment of the said Tolls; or if any Person or Persons shall do any other Act in order to avoid the Payment thereof, or any Part thereof; every such Person so offending in any of the Cases aforesaid, shall for each Offence forfeit any Sum not exceeding Five Pounds; one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act; and it shall be lawful for the said Trustees, or any Five or more of them, if they shall think it necessary, in order to prevent the Evasion of Toll, to erect any Gate or Stile across any Lane or Way leading into the said Road; but the Erection of any such Gate or Gates shall not extend to create an additional Payment of Toll; and if any Person shall pull up, pull down, displace or damage, any such Hedge, Wall, Bank, Ditch, Gate or Stile, such Person shall forfeit and pay, over and above the Damage occasioned, any Sum not exceeding Five Pounds.

XXI. And

Collectors may be Witneſſes.

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

General Exemptions from Toll.

XXII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons, for any Horſe, Cattle, Beaſt, or Carriage, which ſhall not go more than One Hundred Yards upon the ſaid Road; or for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel or other Materials for making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or with Seed for ſeeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Out-houſes or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows or Implements of Huſbandry, or any Mould, Dung, Compoſt or Manure, Chalk and Lime, employed in Huſbandry for manuring or improving Land, or for any Horſes or other Beaſts, going to or returning from Plough or Harrow, or to or from Paſture or Watering Place, or going to be or returning from being ſhoed or farried; or for any Horſe, Cattle or Carriage, going to or returning from any Corn Mill or Malt Kiln ſituate in any of the Townſhips or Pariſhes in which the ſaid Road lies, or with or for any Corn, Grain, Malt, Meal or Flour, to be ground, made, or ſmelted, or when ſo done, for the Owner's own Uſe and Conſumption, and not for Sale; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel or other Place of Religious Worſhip, on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty, or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, the Arms or Baggage of any ſuch Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or

other Cattle drawing the ſame, employed in conveying any Ordnance or Barrack or Commiſſariat or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; or for any Horſe, Mare or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture and Accoutrements, according to the Regulations of ſuch Corps, at the Time of claiming the Exemption; or for Horſes, Carts or Waggons travelling with Vagrants ſent by legal Paſſes, or returning empty after having been only ſo employed; or for any Horſe or Horſes, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *York*, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Paſſengers on Election Days for Knights of the Shire exempted.

XXIII. Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons, paſſing and repaſſing with any Horſe, Beaſt or other Cattle, whether laden or unladen (and not drawing) upon ſo much of the ſaid Road as lays between the ſaid Obeliſk and the Eaſt or South Eaſt Corner of a certain Cloſe of Land of the ſaid Sir *George Armytage*, in *Cliſton* otherwiſe *Hartſhead* with *Clifton* aforeſaid, called *The Wood Fullands*, or for paſſing and repaſſing with any Horſe, Beaſt, or other Cattle, whether laden or unladen (and not drawing) upon the ſaid Part of the ſaid Road, to and from a certain Mill near thereto, called *Kirklees Mill*; and that no Toll ſhall be demanded or taken of or from the preſent or any future Tenant or Occupier of the ſaid Mill, called *Kirklees Mill*, for any Horſe or Horſes, or other Beaſt or Cattle, whether laden or unladen, or for any Waggon, Wain, Cart or other Carriage, whether laden or unladen, paſſing or repaſſing upon the ſaid Part of the ſaid Road, to and from the ſaid Mill called *Kirklees Mill*, or of or from the ſaid Sir *George Armytage*, or his Heirs, Owners and Proprietors of his Manſion Houſe there, called *Kirklees Hall*, and his and their Servants, for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage, whether laden or unladen, paſſing or repaſſing upon the ſaid Part of the ſaid Road, to and from the ſaid Manſion-Houſe and Mill reſpectively, or of or from any Perſon or Perſons whomſoever for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or Carriage, whether laden or unladen, paſſing or repaſſing upon the ſaid Part of the ſaid Road, to and from the ſaid Manſion Houſe called *Kirklees Hall*; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any ſuch Exemptions, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Particular Exemptions from Toll.

Exempting Inhabitants of Hipperholm in certain Cases.

XXIV. And be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons who now is or are, or hereafter shall or may be an Inhabitant or Inhabitants of or Resident within the Township of *Hipperholm* otherwise *Hipperholm cum Brighouse*, for any Horse or Horses, or other Beast or Cattle, or for any Waggon or Wain, Cart or other Carriage, whether laden or unladen, passing or repassing through any Turnpike which shall or may at any Time hereafter be erected by virtue of this Act, upon such Part of the present ancient or old Road leading from the Village or Hamlet of *Hipperholm* to the Village or Hamlet of *Brighouse*, as lays between a Place called the *Ganney* otherwise *Ganney Stile*, and the said Village of *Brighouse*; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any such Exemptions, not being entitled to the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Persons conveying Goods to the Calder and Hebble Navigation, in certain Cases.

XXV. And whereas the Line of the Road to be made under the Authority of this Act, may in some Parts be made upon the Line of or across some Roads or Lanes or Ways at present existing, and which are used by Persons conveying Goods to or from the *Calder* and *Hebble* Navigation, or the Warehouses, Wharfs, or Landing Places which now are, or which may be hereafter made thereon; and it would be an Injury to the Company of Proprietors of the said Navigation, if such Persons were to be prevented from using the said Roads, Lanes or Ways, or be subjected to the Payment of any Toll for using or passing upon the same; be it therefore hereby further enacted, That nothing herein contained shall empower or be construed to empower, the said Trustees to prevent any Person whatsoever from passing along any Road, Lane or Way now existing, although the Line of the Road to be made under the Authority of this Act, shall pass along or across any such Road, Lane or Way, or any Part thereof, with any Waggon, Wain, Cart or other Carriage, and with any Horses or other Beasts of Draught or Burthen, nor to take any Toll or Charge whatsoever for so passing along or across any Road, Lane, or Way, so now existing and used as aforesaid, provided such Waggon, Wain, Cart, or other Carriage and Horses, or other Beasts, at the Time of so passing along or across the same, be employed only in carrying or conveying, or be going empty or unloaded to fetch, carry, or convey, or be returning empty or unloaded from carrying or conveying to or from the said Navigation, or any such Warehouse, Wharf or Landing Place, any Corn, Stone, Coal, Lime, Timber, Iron, Gravel, Goods, Wares, Merchandizes, or other Article or Commodity whatsoever; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any such Exemptions, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores, &c. from Pe-

XXVI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat, or other public Stores of or belonging to His Majesty,

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

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

XXVIII. And be it further enacted, That during ſuch Time as the ſaid Tolls or any Part or Parts thereof, ſhall be leaſed, demiſed, or let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall, by Writing or Writings, under his, her, or their Hand or Hands, authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls, appointed by the ſaid Truſtees, is ſubject or liable to. Leſſees or Perſons appointed by them may collect Tolls.

XXIX. And be it further enacted, That in Caſe all or any of the Tolls ariſing by virtue of this Act, ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof, or in caſe ſuch Leaſe or Agreement ſhall in Enabling the Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

any other Manner become void, then and in either of such Cases, the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty and they are hereby authorized to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, (save as to the Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants or Agreements on the Lessees Part) as if such Demise or Agreement had never been made, and in that case, or in Case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again, to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract or Agreement had been made relative thereto.

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

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

Tolls not to be reduced but with consent of Five-sixths in Value of the Creditors.

Trustees may compound for Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons, for the passing of any Carriage, Horses, Beasts or other Cattle, travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding Twelve Calendar Months at any One Time; which Composition Money

Money ſhall be paid in advance Quarterly or otherwiſe, as the ſaid Truſtees, or any Five or more of them, ſha l appoint, and in Default of ſuch Payment, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be applied in ſuch Manner as the Tolls are hereby directed to be applied.

For borrowing Money.

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

Form of Aſſignment.

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

And that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the Tolls, after the Firſt Meeting of the ſaid Truſtees, unleſs Notice be for that Purpoſe affixed in Writing upon all the Turnpikes then erected by virtue of this Act, at leaſt Twenty Days before the borrowing thereof, and the Intention thereof be alſo advertiſed Twice at leaſt in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Road; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment

ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, is and are hereby empowered from Time to Time to aſſign over or transfer ſuch Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever, by ſigning an Inſtrument to be annexed to ſuch Security, or by an Indorſement on the ſame, in the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer.

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

All which Transfers ſhall be produced or notified to the Clerk or Clerks to the ſaid Truſtees, within Twenty Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, in the before-mentioned Book or Books ſpecifying the Dates and Names, Additions, and Places of Abode of the ſeveral Parties, and the Sum or Sums of Money therein tranſferred, for which the ſaid Clerk or Clerks ſhall be paid the Sum of Five Shillings and no more, by the Perſon or Perſons to whom ſuch reſpective Transfers ſhall be made; which ſaid Book or Books ſhall and may be inſpected at all ſeaſonable Times by any Perſon or Perſons whomſoever, and the Sum of One Shilling, and no more, ſhall be paid to ſuch Clerk or Clerks for every ſuch Inſpection; and after ſuch Entry made, but not till then, every ſuch Transfer ſhall entitle ſuch Aſſignee, his, her and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Transfer, to make void, releaſe or diſcharge the original Mortgage or Aſſignment, or any Monies due thereon.

No Priority of Mortgages.

XXXIII. Provided nevertheleſs, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of the ſaid Tolls, in reſpect of the Priority of advancing any ſuch Sum or Sums of Money; but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall be in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſaid Tolls in equal Degree one with another.

Application of the Tolls and Money borrowed.

XXXIV. And be it further enacted, That out of the firſt Money ariſing by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall in the firſt Place pay all the Coſts, Charges and Expences of obtaining and paſſing this Act, or in anywiſe relating thereto; and the Remainder

mainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll Houses, and in making, repairing, widening, diverting and amending the said Road, and paying the Principal and Interest of the Monies advanced or to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Subscribers to pay their Subscriptions.

XXXV. And be it further enacted, That the several and respective Persons who have subscribed for any Money, for and towards the making or amending, widening and repairing the said Roads, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of their Clerk, and to recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees and applied for the Purposes of this Act.

Trustees may widen, turn, or alter the Road.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at any Time or Times during the Continuance of this Act, to make, repair, widen, divert, alter, or turn, the Course or Path of any Part or Parts of the said Road, within the Limits herein-after mentioned, upon or over any Commons or Waste Lands, without making any Satisfaction for the same; and also upon, over, or through any private Lands or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Road or Alterations, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty or Punishment, for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove or destroy, any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

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

XXXVII. And whereas a Map or Plan describing the Line of the said Road, and the Lands, Hereditaments and Premises, through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said Riding; be it therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the Clerk

Clerk of the Peace for the ſaid Riding, to the End that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof, at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees, in making the ſaid Road, ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, through whoſe Lands or Premiſes ſuch Deviation ſhall be made.

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

XXXVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid Road into, through, acroſs, or over the ſeveral Lands, Hereditaments or Premiſes, of any Perſon or Perſons who is or are or may be Owner or Owners of Land or Premiſes, over which the ſame is or are ſet out and deſcribed in the ſaid Map or Plan as aforeſaid; although the Name or Names of ſuch Perſon or Perſons may happen to be omitted or mis-ſtated in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid Riding, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XXXIX. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend, or be conſtrued to extend, to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue, to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof, and other Perſons intereſted therein, firſt had and obtained, other than and except ſuch as are marked or deſcribed in the ſaid Plan and Book of Reference; *videlicet*, a ſmall Outhouſe near *Kirklees Mill*, in the Poſſeſſion of Mr. *George Shaw*; ſundry Shops and a Yard at *Brighouſe*, in the Poſſeſſion of *John Goldthorpe*; a Cowhouſe and ſeveral ſmall Outbuildings at *Brighouſe*, belonging to Mr. *James Gregory*; a Shed or Cart Helm at *Brookfoot*, the Property and in the Poſſeſſion of *William Freeman*; and a Helm the Property and in the Poſſeſſion of *Charles Pichforth*.

Purchaſe of Lands.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract and agree, with the Owners of and Perſons intereſted in any ſuch private Lands or Grounds or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch making, widening, turning or altering the ſaid Road, or any Part or Parts thereof; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or any Tenant for Life, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians or other Truſtees whatſoever, for or on Behalf of any Infant, Feme Covert, Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of or intereſted in any ſuch Lands or Grounds or Hereditaments, either for their own Uſe or Benefit,

or for the Uſe of or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to the ſaid Truſtees, all or any of ſuch Lands and Grounds and Hereditaments, as occaſion ſhall be and require; and all Contracts, Sales and Conveyances, which ſhall be ſo made, ſhall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law, to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

If Parties cannot agree, a Jury to ſettle the Value.

XLI. And be it further enacted, That in caſe the ſaid Truſtees and any Owner or Owners, or other Perſon or Perſons intereſted as aforeſaid, cannot agree as to the Price or Prices, or the Value of the Lands or Hereditaments ſo intended to be purchaſed, then the ſaid Truſtees, or any Five or more of them, may and are hereby authorized and empowered, Twenty-one clear Days before any General or Quarter Seſſions of the Peace to be holden for the ſaid Riding, to give or cauſe to be given to ſuch Owner or Owners, and ſuch Perſons intereſted in ſuch Lands and Hereditaments, or to be left at the laſt Place of Abode of ſuch Owners or Perſons reſpectively, with ſome or one of their reſpective Families or Agents, a Notice in Writing, denoting and deſcribing the reſpective Quantities of Lands or Hereditaments ſo intended to be purchaſed, and laid into the ſaid Road, and the Places where the ſame ſhall lie, and purporting that the Value or Values of ſuch Lands and Hereditaments reſpectively ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſions; and it ſhall be lawful for the Juſtices in Seſſions, upon Proof on Oath (and which Oath they are hereby empowered to adminiſter) to them then and there made, of ſuch Notice or Notices having been ſo given, and they are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impannelled and returned by the Sheriff of the ſaid County, without Fee or Reward, and cauſe them to be ſworn well and truly on their Oaths, (which Oaths the ſaid Juſtices are hereby empowered to adminiſter) to aſſeſs the Value of the Lands or Hereditaments compriſed in the ſaid Notices, and the Damages and Recompence to be given to the reſpective Owner or Owners thereof or other Perſon or Perſons, according to their reſpective Intereſts therein; and to which ſaid Jurors or any of them the ſaid Truſtees, and all Parties intereſted in the ſaid Lands, ſhall have their lawful Challenges; and the ſaid Jury, being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath (and which Oath it ſhall be lawful for the Court to adminiſter) to them given, concerning the Nature, Quantity and Value of the ſaid Lands and Hereditaments, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſaid Lands or Hereditaments, to the reſpective Owner or Owners thereof, or other Perſon or Perſons according to their reſpective Intereſts; which Verdict of the ſaid Jury, and the Judgment of the ſaid Juſtices upon the ſame, ſhall finally bind, and be concluſive upon, the ſaid Truſtees, and all Perſons and Parties intereſted in ſuch Lands and Hereditaments.

Expences of Jury how to be defrayed.

XLII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by or on Behalf of the said Trustees, before the impannelling of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the impannelling of the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by the Justices at such Sessions, not interested in the Matter in Question, (who are hereby authorized and required to settle the same) shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

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

XLIII. And be it further enacted, That every Sum of Money or Recompence, to be agreed or awarded to be paid for any Lands or Hereditaments to be purchased, taken, or used for the Purposes of this Act, or made for any Loss or Damages as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, as the Case may be; and after Forty Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended, and kept in Re-

pair; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after ſuch new Road ſhall be formed and completed, then the Land (not being Common or Waſte Land) compriſed in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, (except the Road herein-after mentioned and declared to be veſted in Sir *George Armytage*, the Owner of the Soil thereof), and ſhall or may be ſtopped up and left unrepaired (unleſs the ſame may be wanted for any public 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 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 Conveyances to be made of ſuch Lands, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid Riding, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road ſhall be diverted by virtue of this Act from the old Line of Road, or a new Road ſhall be made (except over or through any Common or Waſte Land) or where the old Road ſhall be widened in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an Huſband-like Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road, where the ſame is neceſſary; and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences, for and during the Term of Three Years from the firſt making thereof.

Truſtees to fence off the new Road.

XLIV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Parcel of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on Account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the ſaid Riding, (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they and the ſaid Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the Riding, County, or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame Riding, County, or Place, next after ſuch Difference ſhall ariſe, and on Five Days clear Notice thereof to be given by

Firſt Offer to whom to be made.

Juſtices may determine Differences.

by the ſaid Truſtees, to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame; whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales, which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Road to Kirklees Hall to be diſcontinued as a public Road when the new Road is made.

XLV. And whereas there is now a certain ancient Horſe and Foot Way and public Driving Way, which leads from the ſaid Obeliſk to the ſaid Cloſe of Land called the *Wood Fullands*, and near to a certain Lodge belonging to the Manſion Houſe of the ſaid Sir *George Armytage*, called *Kirklees Hall*, and the ſame Horſe and Foot Way and public Driving Way will, when and ſo ſoon as the ſaid Road ſhall have been made and completed, be rendered uſeleſs and unneceſſary; be it therefore further enacted, That the ſaid ancient Horſe and Foot Way ſhall from and after the making and completing of the ſaid intended Road, be with the Conſent and Approbation in Writing, of Two Juſtices of the Peace of the ſaid Riding, ſhut up and diſcontinued as a public Road, and ſhall from thenceforth become the ſole Property of and be veſted in the ſaid Sir *George Armytage*, his Heirs and Aſſigns, the Owner of the Soil thereof, and of the Lands and Grounds adjoining thereto.

Application of Compenſation if amounting to 200l.

XLVI. 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 to be purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, 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, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon or Perſons 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 or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Truſtees, for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or in or towards the Diſcharge of any Debt or Debts, or other Incumbrances affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents or Purpoſes, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof, as ſhall be neceſſary; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements,

ments, or Hereditaments, which ſhall be conveyed, limited, 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 or capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt 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 to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

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

XLVII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or amount 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, Lunacy, or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends and Produce ariſing thereon, and therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Application where the Money is leſs than 20*l.*

XLVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next herein-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, or any Five or more of them, ſhall think fit; or in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſ-

tees, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

In caſe of not making out Titles, or when the Party entitled cannot be found, the Purchaſe Money to be paid into the Bank, &c.

XLIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed under or by virtue of the Powers of this Act, for the Purpoſes aforeſaid, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there 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 High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and he is hereby empowered in a ſummary Way of Proceeding, or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim 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 therein 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 of *England* as aforeſaid.

In caſe of diſputed Titles.

L. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall

ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LI. 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, taken, or uſed under the Authority of this Act, for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair the Road.

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

determine to be reaſonable; which Judgment or Order of ſuch Juſtice or Juſtices therein, ſhall be final and concluſive to all Parties: Provided alſo, that no ſuch Stone or other Materials as aforeſaid ſhall be gotten, dug for, or taken away, within the Diſtance of One hundred Yards of any Bridge, Mill, Mill Weir or Dam, on any Account or Pretence whatſoever.

Notice to be given before Materials taken.

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

Penalties on taking away Materials.

LIV. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials, which have been dug, gathered, or got, in any Lands, Fields, Grounds, Waſtes or Commons, Rivers or Brooks, for the Purpoſes of this Act, or ſhall get or take away any Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale) every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

For removing Annoyances.

LV. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, by Direction of and under the Hands of Five or more of the ſaid Truſtees, from Time to Time to remove all Nuiſances and Annoyances made on any Part of the ſaid Road, by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe; and to turn any Watercourſes, Sinks or Drains, running along, into, or out of the ſaid Road, to the Prejudice thereof; and to open, ſcour, cleanſe, widen and make deeper, any Watercourſes or Ditches adjoining or near thereto, and make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary; and to cut down, lop or top, at proper Seaſons of the Year, any Trees, Branches, Shrubs, or Buſhes growing on the ſaid Road or in the Hedges or Banks adjacent thereto (except Trees planted for Ornament or Shelter to the Houſe, Building, Garden or Court-yard, of the Owner

thereof) and to cut and reduce all ſuch Hedges to the Height of Eight Feet; in caſe the Perſons occaſioning ſuch Nuiſances and Annoyances ſhall neglect to remove the ſame within the Space of Ten Days, or the Owners or Occupiers of the Lands ſhall neglect to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or to lop or top and remove ſuch Boughs, Buſhes, or Lops, or reduce ſuch Hedges, in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Ten Days, or to cut down ſuch Trees within the Space of Two Calendar Months next after Notice in Writing given for thoſe reſpective Purpoſes, under the Hand of ſuch Surveyor or Surveyors, or ſo near thereto as the proper Seaſon will allow for ſuch reducing of Hedges, or cutting down or topping or lopping of Trees; the Charges whereof (to be ſettled by any Juſtice or Juſtices of the Peace for the ſaid Riding) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and ſhall be recovered in ſuch Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if, after the Removal of any of the ſaid Nuiſances and Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon ſhall, for every ſuch ſubſequent Offence, forfeit any Sum not exceeding Ten Pounds, over and above the Expences and Charges thereby occaſioned.

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

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

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

LVII. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure, or other Thing for the Purpoſe of Manure, ſhall be unloaded or laid down from any Carriage, upon any Open or Common Land lying within Twenty Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the ſaid Road, within Fifteen Feet of the Centre of ſuch Road; upon Pain that the Owner or Owners of every ſuch Carriage ſo employed, or the Driver or Drivers thereof, ſhall forfeit for each and every Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied towards the Purpoſes of this Act.

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

LVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint or employ (ſuch Surveyor or Surveyors having an Order in Writing for that Purpoſe, ſigned by the ſaid Truſtees, or any Five or more of them), to make or cauſe to be made Cauſeways, and alſo covered or open Drains and Ditches, in, and upon, or on the Side or Sides of the ſaid Road, and alſo through any Grounds or Fields lying contiguous thereto; and to ſcour ſuch Ditches and Drains ſo as effectually to carry off the Water from any Part of the ſaid Road; and alſo to make or cauſe to be made a Road through the Grounds or Fields adjoining, or lying near to any hollow Way, narrow or ruinous Part of the ſaid Road (ſuch Ground reſpectively not being the Ground whereon any Houſe or other Building ſtands, or a Garden, Orchard,

Orchard, Yard, Park, Paddock, or planted Walk or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) to be made uſe of as a public Highway whilſt the old Road is repairing or widening, and until ſuch Time as it ſhall be convenient for Paſſengers and Carriages to paſs along the ſame; making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as the Parties ſhall agree upon, or if they ſhall not agree, then as ſhall be adjudged reaſonable by any Two or more Juſtices of the Peace for the ſaid Riding; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid, upon or through any uncultivated Common or Waſte Ground; and alſo, by Order of any Five or more of the ſaid Truſtees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch or Drain therein, or contiguous thereto; and alſo to repair and keep in Repair any Bridge or Bridges, Arch or Arches, now erected and built, or to be hereafter erected and built, upon any Part or Parts of the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch or Drain therein, or contiguous thereto; Notice of ſuch Intention to build, erect, or repair any ſuch Bridge, being firſt given, by affixing the ſame on all the Turnpike Gates that ſhall then be erected by virtue of this Act, at leaſt Fifteen Days before ſuch Meeting, at which ſuch Order to build, erect, or repair any ſuch Bridge, ſhall be made.

Mileſtones and Direction Poſts.

LIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the ſame, with Inſcriptions thereon, denoting the Number of Miles and Diſtances of Places, and alſo ſuch and ſo many Direction Poſts as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up, any of the Mile Stones or Poſts erected upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Juſtice of the Peace for the ſaid Riding, by the Confeſſion of the Party or by the Oath of any credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay (over and above the Amount of Damages occaſioned) any Sum not exceeding Five Pounds, together with all reaſonable Coſts and Charges of ſuch Information, for every ſuch Offence; One Moiety of which Penalty ſhall be paid to the Informer, and the other Moiety applied for the Purpoſes of this Act; and in caſe ſuch Perſon or Perſons ſo offending and convicted, ſhall not be able or ſhall refuſe to pay the ſame, then it ſhall be lawful for any Juſtice of the Peace for the ſaid Riding, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Common Gaol for the ſaid Riding, or to any Houſe of Correction within the ſame, there to remain for any Time not exceeding One Calendar Month, unleſs ſuch Penalty, Coſts, and Charges ſhall be ſooner recovered and paid.

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

LX. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining of any Part or Parts of the ſaid Road, or any Bridge or Bridges thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, in

ſuch

ſuch Manner, and to the ſame Extent, as they would have been liable and chargeable in caſe this Act had not been paſſed.

Statute Labour.

LXI. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Riding, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who, within ſuch Pariſh or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways, and out of ſuch Liſts ſuch Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Haytime or Harveſt), and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or

liable

liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Repairs or Statute Work.

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

Truſtees may contract for repairing the Road.

LXIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall or may and they are hereby empowered from Time to Time to contract and agree with any Perſon or Perſons, for the amending, widening, improving, and keeping in Repair the ſaid Road, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to an Order made at any Meeting by ſuch Truſtees, or any Five or more of them, ſhall be binding on the ſaid Truſtees, and other Parties who ſhall ſign the ſame, his, her, or their Succeſſors, Executors, and Adminiſtrators reſpectively; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Party or Parties failing in the Execution of ſuch Contracts or Agreements.

For puniſhing Perſons obſtructing Surveyor in his Duty.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder, or cauſe to be interrupted or hindered, any Surveyor, or any other Perſon or Perſons by him or by the ſaid Truſtees, or any Five or more of them, employed in the cutting, digging, gathering, getting, or carrying

carrying away, of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving or repairing the ſaid Road, or topping, lopping, or cutting any Tree, Top, Lop or Overhangings, or in digging, cleanſing, or ſcouring any new or other Ditch, Drain or Watercourſe as aforeſaid, or in doing any other Act in the Execution of this Act by virtue of the Powers hereby given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Collectors for Miſbehaving.

LXV. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, ſhall, and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names, to be at leaſt Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in any ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor or other Officer, or any Paſſenger or Paſſengers; then and in every ſuch Caſe, every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid, ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Recovery of Penalties and Forfeitures;

LXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed, (the Manner of levying and recovering whereof is not herein otherwiſe directed) ſhall upon Proof of the Offences reſpectively before any Juſtice of the Peace for the ſaid Riding, either by the Confeſſion of the Party offending, or by the Oath of any credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby empowered and required to grant) and the Overplus (if any) after

ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Monies ariſing by ſuch Penalties, Forfeitures, and Fines, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of the ſaid Road; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol of the ſaid Riding, or to any Houſe of Correction within the ſame, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

and Application thereof.

For ſecuring tranſient Offenders.

LXVII. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or any of them ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to ſuch Truſtees, Collectors, Surveyors, or other Officers) who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtice or Juſtices of the Peace for the ſaid Riding, near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſhall be ſeized and apprehended; and ſuch Juſtice or Juſtices ſhall and is and are hereby required to proceed and act, with reſpect to ſuch Offender or Offenders, according to the Proviſions of this Act.

LXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of our Lord
'is convicted before of His Majeſty's Juſtices of the
'Peace for the Weſt Riding of the County of of *York*, of [*ſpecifying the*
'*Offence, Time and Place, when and where the ſame was committed, as*
'*the Caſe ſhall be.*] Given under my Hand and Seal the Day and Year
'firſt above mentioned.'

Proceedings not to be quaſhed for want of Form.

LXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or want of Form in the Summons, Conviction,

Warrant

Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining, be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any ſuch Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made for or on Behalf of the Party diſtraining before ſuch Action brought.

Perſons aggrieved may appeal to the Quarter Seſſions.

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

Limitation of Actions.

LXXI. And be it further enacted, That no Action or Suit ſhall be commenced for any Thing done in purſuance of this Act, until Twenty Days Notice thereof ſhall be given to the Clerk to the ſaid Truſtees, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County in which the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may, at his and their Election, plead Specially, or the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit

ſhall be brought before Twenty Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be non-ſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any other Caſe by Law.

Public Act.

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

Commencement and Continuance of this Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.