ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 21.

An Act for enlarging the Term and Powers of an Act of King *George* the Second, and Two Acts of His present Majesty, for repairing the Road from *Hedon* to *Hull*, and other Roads therein mentioned, in the County of *York*. [20th *March* 1812.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road leading from a Gate commonly called* Sacred Gate, *on the South-east Side of the Town of* Hedon, *in the East Riding of the County of* York, *through the said Town to* Hull *North Bridge*: And whereas an Act was passed in the Seventh Year of the Reign of His present Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act, passed in the Eighteenth Year of King* George *the Second, for repairing the Road from* Sacred Gate, *on the South-east Side of the Town of* Hedon, *in the East Riding of the County of* York, *through the said Town to* Hull *North Bridge*; *and for amending the Road from the present Turnpike Bar in* Wyton Holmes, *through the Townships of* Wyton and Sproatley, *to the Guide Post in* Flinton Lane, *near* Humbleton Moor House *in the same Riding*: And whereas an Act was passed in the Thirty-third Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts, passed in the Eighteenth Year of the Reign of His late*

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late Majesty King George *the Second, and the Seventh Year of the Reign of His present Majesty, for repairing the Road leading from a Gate, commonly called* Sacred Gate, *on the South-east Side of the Town of* Hedon, *in the East Riding of the County of* York, *through the said Town to* Hull *North Bridge; and for amending the Road from the present Turnpike Bar, in* Wyton Holmes, *through the Townships of* Wyton *and* Sproatley, *to the Guide Post in* Flinton Lane, *near* Humbleton Moor House *in the same Riding*: And whereas the Trustees appointed in and by virtue of the said Acts, have borrowed on the Credit thereof several considerable Sums of Money, the greater Part of which Money still remains due and cannot be repaid, nor the said Roads effectually amended and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof amended and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Eighteenth Year of King *George* the Second, and the Seventh and Thirty-third Years of His present Majesty, and the Tolls and Duties thereby respectively granted, and all and every the Clauses, Powers, Authorities, Provisions, Articles, Rules, Penalties, Orders, and Directions therein contained, (except such as relate to Exemptions from Stamp Duties, and such as are hereby varied or altered), shall be and are hereby continued for and during the Term herein-after mentioned, in as full and ample Manner as if the same were repeated and re-enacted in the Body of this Act; and that the additional Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies due or that shall hereafter become due on the Credit of the said recited Acts and this Act, and of all Interest due and to grow due thereon.

Acts further continued.

Trustees under former Acts to act under this.

II. And be it further enacted, That the Trustees appointed or to be appointed in or by virtue of the said recited Acts shall be and are hereby declared to be Trustees for putting this Act and the said recited Acts in Execution.

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

III. And be it further enacted, That no Trustee shall be allowed to vote at the Election or Appointment of any Officer or Person to hold any Office or Place of Trust or Profit under the said Trustees, by whatsoever Name he shall be described or called, unless such Trustee shall have been present at some Meeting of the Trustees held within Three Years preceding the Death, Resignation or Removal of the last Officer; or in case the Office shall be of new Appointment, then preceding the Meeting at which such new Appointment shall be made or determined upon; and unless the Presence of such Trustee, at some such Meeting as aforesaid, shall be ascertained by his Name appearing in the Book or Books kept for the Purpose of entering all Proceedings of the Trustees as being present on the Day of Meeting.

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

IV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Plaints, Indictments, Prosecutions, Informations, Trials at Law, Appeals, and other Proceedings whatsoever to be had, brought, prosecuted or defended in pursuance of this Act, or the said recited Acts, the said Trustees may sue and be sued in the Name of their Treasurer or

Treaſurers, or Clerk or Clerks; and that no Action, Suit, Proceeding, Information, Appeal or other Proceeding to be had, taken, proſecuted or defended, by or againſt the ſaid Truſtees, or any of them, by virtue of this or the ſaid recited Acts, or either of them, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Treaſurers, or Clerk or Clerks, but that the Treaſurer or Treaſurers, or Clerk or Clerks for the Time being to the ſaid Truſtees, ſhall always be deemed the Plaintiff or Plaintiffs, Proſecutor or Proſecutors, Informant or Informants, Appellant or Appellants, Defendant or Defendants, Reſpondent or Reſpondents, in any ſuch Action, Suit, Proſecution, Information, Appeal or other Proceeding, as the Caſe ſhall be: Provided always, that all and every ſuch Treaſurers and Clerks, in whoſe Names or Name any ſuch Action, Suit, Proſecution, Information, Appeal or other Proceeding ſhall be brought, had, taken, proſecuted or defended, in purſuance of this Act or the ſaid recited Acts, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this or the ſaid recited Acts, 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 or they ſhall pay, bear, ſuſtain, expend or be put unto, or become chargeable with, or liable for, or be fairly entitled to, by Reaſon of his or their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants, Informant or Informants, Appellant or Appellants, Reſpondent or Reſpondents, as aforeſaid.

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

V. And be it further enacted, That if at any Time during the Term hereby granted, it ſhall be deemed proper by the ſaid Truſtees to remove all or any of the Turnpikes or Gates now erected and ſtanding upon any Part of the ſaid Roads, to any other Part or Parts thereof, or to erect any additional Gates or Toll Bars upon, acroſs or on the Side or Sides of the ſaid Roads, or acroſs any Lane or Way leading out of the ſame, it ſhall be lawful for them the ſaid Truſtees, and they are hereby authorized and empowered to order and direct ſuch Removal, or an additional Gate or Toll Bar, or additional Gates or Toll Bars to be built and erected upon, acroſs or on the Side or Sides of the ſaid Roads, upon ſuch Part or Parts thereof as they ſhall think expedient, and alſo a Toll Houſe or Toll Houſes, with ſuitable Outbuildings and Conveniences, at or near the ſaid Gate or Gates, Toll Bar or Toll Bars; provided the ſame be done at a Meeting of which Twenty-one Days Notice ſhall have been given on all the Turnpikes then ſtanding on the ſaid Roads, and ſuch Notice expreſſing the Purpoſe of ſuch Meeting: Provided, nevertheleſs, that no greater Number of Tolls ſhall be demanded or taken for paſſing along the Whole of the ſaid Roads, than are authorized to be demanded and taken at any Gates erected by virtue of the ſaid recited Acts, or any of them.

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

VI. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Bar-Keeper or Collector, or his, her, or their Aſſiſtant or Aſſiſtants authorized to collect ſuch Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall find neceſſary, to follow after and ſeize or diſtrain any Horſe, Beaſt, or other Cattle upon which any ſuch Toll is by the ſaid recited Acts or either of them impoſed, or by this Act authorized to be taken, together with their Bridles, Saddles,

Saddles, Gears, Harneſs or Accoutrements, (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from ſuch Horſe or other Beaſt), or any Carriage in reſpect of the Horſes or Beaſts drawing the ſame, on which Carriage ſuch Toll is by the ſaid recited Acts, or any of them impoſed, or by this Act authorized to be taken; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Horſe or Horſes, Beaſts, Carriages, or other Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs and Sale, ſhall be deducted.

Diſputes concerning Tolls, to be ſettled by a Juſtice of the Peace.

VII. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Amount of Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collectors or Perſons diſtraining to retain the ſame, or the Money ariſing from the Sale thereof (as the Caſe ſhall be) until the Amount of the Tolls due, and the Charges of ſeizing, diſtraining, keeping and ſelling, (as the Caſe ſhall be) ſhall be aſcertained by ſome Juſtice or Juſtices of the Peace having Juriſdiction in the Place where the Cauſe of Diſpute ſhall ariſe, and not individually intereſted, who, upon Application made to him or them for that Purpoſe, ſhall examine the Matter on Oath of the Parties, or other Witneſs or Witneſſes, and determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice or Juſtices; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collectors or other Perſons, before he or they ſhall be obliged to return the Diſtreſs or Overplus, after the Sale thereof, or of any Part thereof.

Collectors of Tolls not to be deemed incompetent Witneſſes.

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

Penalties on Collectors taking undue Tolls.

IX. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons, any Toll not by the ſaid recited Acts authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer, Renter, or Collector ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings; ſuch Forfeitures reſpectively to be recovered and applied in ſuch Manner as is herein-before directed with reſpect to the Penalties to be inflicted upon Perſons evading or endeavouring to evade the Payment of any of the Tolls hereby granted.

X. Provided

Exemptions from Tolls.

X. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken 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 Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Roads 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, Outhouſes 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 employed in Huſbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering-place, or going to be or returning from being ſhoed or farried; 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 by Authority 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 Roads lie; 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 Duty, or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or 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, which ſhall be 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 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 after having been ſo employed; or for any Horſes, Coaches, or other Carriages going to or returning from any Election of a

Passengers on Election Days for Knights of the Shire for the County of York, or Town of Kingston upon Hull, exempted.

Knight or Knights of the Shire to serve in Parliament for the said County of *York*, or of a Burgess or Burgesses for the Towns of *Kingston upon Hull*, or *Hedon*, 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.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XI. 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, 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 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 or the said recited Acts contained to the contrary notwithstanding.

Form of Security for Money borrowed.

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

'BY virtue of an Act of Parliament, passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*] We of the Trustees for executing the said Act, in Consideration of the Sum of to the Treasurer or Treasurers of the said Roads, in Hand paid by *A. B.* of do hereby grant, bargain, sell and demise unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Roads, and the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing upon the Credit thereof, or charged on the Term of the said Act; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest after the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied.'

And

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

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

Witness *E. F.* *A. B.*' Form of Transfer.

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

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used by virtue of the Powers of this or the said recited Acts, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, 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 *ex parte* the said Trustees, 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 of the Land Tax, or towards Application of Money above 200l.

towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, 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 and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, so to be purchased under the Authority of this or the said recited Acts, in case such Purchase or Settlement was made.

Where less than 200l. and above 20l.

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

Where under 20l.

XV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied

to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this or the ſaid recited Acts, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of Chancery on Petition.

XVI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements or Hereditaments, to be purchaſed by virtue of this or the ſaid recited Acts, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then, and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

XVII. 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 or the ſaid recited Acts, 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 con-

trary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XVIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this or the ſaid recited Acts, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall 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 the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this or the ſaid recited Acts, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Labour.

Juſtices to determine Differences touching Statute Work.

XIX. 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 Roads 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 Eaſt Riding of the County of *York*, 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 Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie; 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 Roads, as the ſaid Juſtices ſhall think reaſonable,

and

and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Roads 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 Liſt ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall 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 or the ſaid recited Acts 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 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 Roads, 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 Roads; all which Forefeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; 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 knowingly or wilfully give in falſe or imperfect Lifts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may reduce Hedges.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall direct or appoint, by the Direction and Order of the ſaid Truſtees, or any Five or more of them, under their Hands, from Time to Time to cut and reduce all Hedges on the Sides of the ſaid Roads to the Height of Four Feet from the Surface of the Centre of the ſaid Roads, in caſe the Owner or Owners of the Lands ſhall neglect to reduce ſuch Hedges in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, agreeably to the Power herein-before given, for the Space of Ten Days next after Notice in Writing given for that Purpoſe under the Hand or Hands of the Surveyor or Surveyors, or of the ſaid Truſtees or any Five or more of them, the Charges whereof (to be ſettled by the ſaid Truſtees or any Five or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owner or Occupier, and ſuch Owners or Occupiers ſo neglecting to reduce ſuch Hedges within the Time aforeſaid, after ſuch Notice given, ſhall for every ſuch Offence forfeit any Sum not exceeding the Sum of Five Pounds,

all which ſaid Charges, Penalty and Forfeiture, ſhall be recovered and applied in ſuch Manner as Penalties and Forfeitures are by the ſaid recited Acts directed to be recovered and applied.

Penalty on taking away Materials got by the Surveyor.

XXI. And be it further enacted, That no Perſon or Perſons ſhall dig or break up the Soil or Ground of any Part of the ſaid Roads, or of the Sides thereof, or ſcrape, take or carry away any Materials, Gravel, Sand, Mud or Dirt which ſhall have been digged or gathered for the Repair or Uſe of the ſaid Roads, or which ſhall be or lie upon the ſaid Roads or upon the Sides thereof; or get or take away any Materials out of or from any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for the ſaid Roads, before the Surveyor of the ſaid Roads or his Workmen ſhall have diſcontinued working therein for the Space of One Year (except the Owner or Occupier of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owner or Occupier, who may get Materials for his or their own Uſe only, and not for the Uſe of any other Highway, or for Sale); and if any Perſon ſhall offend in any of the Caſes aforeſaid, every Perſon ſo offending, and being lawfully convicted thereof, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on riding on Footpaths.

XXII. And be it further enacted, That if any Perſon ſhall ride upon any Footpath formed on the Side of or adjoining to the ſaid Roads, or ſhall drive any Horſe, Beaſt or Swine, or any Carriage upon, or cauſe any Damage to be done to any ſuch Footpath, or if any Perſon ſhall cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Timber, Stone or other Thing, otherwiſe than upon Wheeled Carriages, or ſhall ſuffer any Timber, Stone or other Thing which ſhall be carried upon Wheeled Carriages, to drag upon the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up and damage the ſame, or the Fences on either Side thereof; or if any Perſon, driving any Carriage upon the ſaid Roads and meeting another Carriage, ſhall not keep his or her Carriage on his or her left or near Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care upon the ſaid Roads; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent or Firework whatſoever, on any Part of the ſaid Roads, or on the Banks or Lands adjacent, or lying open thereto; or if any Perſon ſhall, without ſufficient Cauſe, leave any Carriage upon or on the Side of the ſaid Roads, longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Perſons travelling thereon; every Perſon ſo offending ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid and applied in the Manner directed by the ſaid recited Acts, ſome or one of them.

For ſecuring tranſient Offenders.

XXIII. And whereas Offences may be committed againſt the ſaid recited Acts and this Act by Perſons unknown to the Truſtees, Collectors, Surveyors,

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

No Action to be brought without Notice.

XXIV. And be it further enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act or of the ſaid recited Acts, until Twenty-one Days Notice ſhall be thereof given to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, nor after ſufficient Satisfaction or Tender thereof made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid and brought in the County or Place where the Matter ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, ſhall at his or 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 have been ſo done, or if ſuch Action or Suit ſhall be brought before Twenty-one Days Notice thereof ſhall be given as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and if 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 and in every ſuch Caſe, the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for his, her, or their Coſts in any other Caſes by Law.

For paying the Expences of the Act.

XXV. And be it further enacted, That the Coſts, Charges, and Expences incident to, or attending the obtaining and paſſing of this Act, ſhall be paid and diſcharged by the ſaid Truſtees out of any Money already collected and received, or out of the firſt Monies that ſhall hereafter ariſe by virtue of the ſaid recited Acts and this Act, or any of them; and if any Perſon ſhall advance any Money towards, or in full Diſcharge of the Fees or other Expences of obtaining this Act, the ſame ſhall be repaid by the ſaid Truſtees out of the firſt Monies which ſhall come to their Treaſurer's Hands by virtue of this Act or the ſaid recited Acts, together with lawful Intereſt for the ſame.

Publick Act.

XXVI. 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.

Term of the Act.

XXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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